

Adopting Ordinance

BRANSON WEST CODE

AO

ADOPTING ORDINANCE

Government Code

GENERAL PROVISIONS

Chapter 100

GENERAL PROVISIONS

ARTICLE I

Incorporation, City of The Fourth Class, City Name Change and City Limits

Section 100.010. Incorporation.

The Village of Lakeview was incorporated on May 6, 1974.

Section 100.020. City of The Fourth Class. [Ord. No. 2-87 §1, 11-10-1987]

The Village of Lakeview, being a Village duly incorporated under the laws of the State of Missouri, hereby elects to become a City of the Fourth Class.

Section 100.030. City Name Change. [Ord. No. 92-2 §§1 — 4, 2-25-1992]

- A. After considerable deliberation and after having held two (2) public hearings and after hearing and read the testimony of numerous persons, both for and against the issue of changing the name of the City of Lakeview to Branson West.
- B. The Lakeview City Council has determined that it is necessary and proper and does hereby order that the City of Lakeview, Missouri 65737 shall become Branson West, Missouri 65737 as prayed for in petitions received from the voters of such City.
- C. The name change to Branson West is to be effective on and after April 1, 1992.
- D. All ordinances enacted and in force to date for the City of Lakeview, Missouri 65737 will remain in full force and effect and accrue to the new name of Branson West, Missouri 65737.

Section 100.040. City Limits. [CC 1997 §1-10; Ord. No. 1123 §1(c), 5-7-1996]

The corporate limits bounding the City of Branson West, Missouri, shall be as shown on the Map which is on file in the City offices.

ARTICLE II
General Code Provisions

Section 100.050. Title of Code. [CC 1997 §1-1]

The ordinances embraced in the following Chapters shall constitute and be designated the "Revised Code of Ordinances of Branson West, Missouri" and may be so cited.

Section 100.060. Rules of Construction.¹ [CC 1997 §1-2; Ord. No. 1123 §1(a), 5-7-1996]

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Board of Aldermen:

ALDERMAN — Any person who is a member of the Board of Aldermen of the City of Branson West, Missouri.

BOARD OF ALDERMEN, BOARD — Whenever the term "*Board of Aldermen*" or the word "*Board*" is used, unless the context requires otherwise, said term or word shall be construed to refer to the Board of Aldermen of the City of Branson West, Missouri.

CERTIFIED MAIL OR CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED — Includes certified mail carried by the United States Postal Service or any parcel or letter carried by an overnight, express or ground delivery service that allows a sender or recipient to electronically track its location and provides a record of the signature of the recipient.

CITY — The City of Branson West, Missouri.

COMPUTATION OF TIME — The time within which an act is to be done shall be computed by excluding the first (1st) and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.

COUNTY — The words "*the County*" or "*this County*" shall mean the County of Stone in the State of Missouri.

DELEGATION OF AUTHORITY — Whenever a provision appears requiring the head of a department of the City to do some act or make certain inspections, it shall be construed to authorize subordinates to perform the required act or make the required inspection unless the terms of the provision designate otherwise.

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

JOINT AUTHORITY — Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons.

MAYOR — The Mayor of Branson West, Missouri.

MONTH — A calendar month unless otherwise specified.

NAME OF OFFICER — Whenever the name of an officer is given, it shall be construed as though the words "of the City of Branson West" were added.

NON-TECHNICAL AND TECHNICAL WORDS — Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in

1. State Law References — Similar definitions, §§1.020 et seq., RSMo.

law shall be understood according to their technical import.

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

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

OR, AND — "Or" may be read "and", and "and" may be read "or", if the sense requires it.

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

PERSON — The word "*person*" shall extend and be applied to associations, clubs, societies, firms, partnerships and other business entities recognized by the Secretary of State, and bodies politic and corporate as well as to individuals.

PERSONAL PROPERTY — Includes every species of property except real property as herein defined.

PRECEDING, FOLLOWING — The words "*immediately preceding*" and "*immediately following*" shall mean next before and next after, respectively.

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

PROPERTY — Includes real and personal property.

PUBLIC PLACE — Any public street, park, cemetery, school yard, public library, municipal building or open space adjacent thereto.

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

REAL PROPERTY — Includes lands, tenements, and hereditaments.

RESIDENCE — The place adopted by a person as his/her place of habitation, and to which, whenever he/she is absent, he/she has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be presumed to be his/her residence.

REVISED CODE OF ORDINANCES, CODE — The term "*Revised Code of Ordinances*" or "*Code*" shall mean the Revised Code of Ordinances of the City of Branson West, Missouri.

SEAL — The City or corporate seal.

SHALL — The word "*shall*", whenever used in this Code, shall be construed as being mandatory.

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

SIGNATURE OR SUBSCRIPTION — "*The signature*" or "*subscription*" of a person shall include a mark when a person cannot write.

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

STREET — Embraces streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the City.

TENANT, OCCUPANT — The word "*tenant*" or "*occupant*", applied to a building or land, shall include

any person who occupies the whole or part of such building or land, whether alone or with others.

TENSE — Words used in the past or present tense include the future as well as the past and present.

WEEK — Seven (7) days.

WRITTEN, IN WRITING — Includes any representation of words, letters, or figures, whether by printing or otherwise.

YEAR — A calendar year.

All general provisions, terms, phrases and expressions contained in this Revised Code of Ordinances shall be liberally construed in order that the true intent and meaning of the Board of Aldermen may be fully accomplished.

Section 100.070. Catchlines of Sections. [CC 1997 §1-3]

The catchlines of the several Sections of this Revised Code are intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of such Sections, nor as any part of the Section, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catchlines, are amended or re-enacted.

Section 100.080. Interpretation of Revised Code. [CC 1997 §1-4]

In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes restrictions upon the subject matter differing from a general provision imposed by the Code, the provision imposing the greater restriction shall be deemed to be controlling.

Section 100.090. Effect of Repeal of Ordinance. [CC 1997 §1-5]

- A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
- B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.
- C. Whenever any ordinance or part of an ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying the same shall go into effect, unless therein otherwise expressly provided.

Section 100.100. Severability of Revised Code. [CC 1997 §1-6]

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

sentence, paragraph or Section.

Section 100.110. Amendments To Revised Code. [CC 1997 §1-7]

- A. All ordinances passed subsequent to this Revised Code of Ordinances, which amend, repeal or in any way affect this Revised Code of Ordinances, may be renumbered in accordance with the numbering system of this Code and printed for inclusion therein, or in the case of repealed Chapters, Sections and Subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Revised Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new Revised Code of Ordinances by the Board of Aldermen.
- B. Amendments to any of the provisions to this Code should be made by amending such provisions by specific reference to the Section of this Code in substantially the following language: "That Section _____ of the Revised Code of Ordinances of Branson West, Missouri, is hereby amended to read as follows: _____ (Set out new provisions in full) _____".
- C. In the event a new Section not heretofore existing in the Code is to be added, the following language may be used: "That the Revised Code of Ordinances of the City of Branson West, Missouri, is hereby amended by adding a Section (or Article, Chapter or other designation, as the case may be) to the numbered _____ which reads as follows: _____ (set out new provisions in full)....".
- D. In lieu of the foregoing paragraph, when the Board of Aldermen desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the Code, which the Board of Aldermen desires to incorporate into the Code, a provision in substantially the following language may be made a part of the ordinance: "It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Revised Code of Ordinances of the City of Branson West, Missouri, and the Sections of this ordinance may be renumbered to accomplish such intention."
- E. All Section, Articles, Chapters or other provisions of this Code desired to be repealed should be specifically repealed by Section number, Article number, Chapter or other number, as the case may be.

Section 100.120. Altering The Code. [CC 1997 §1-8]

It shall be unlawful for any person in the City to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of Branson West, Missouri, to be misrepresented thereby.

Section 100.130. through Section 100.150. (Reserved)

ARTICLE III
General Penalty

Section 100.160. General Penalty.

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

Section 100.170. Every Day A Violation. [CC 1997 §1-12]

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.

Section 100.180. Responsibility. [CC 1997 §1-13]

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.

ELECTIONS

Chapter 105

ELECTIONS

ARTICLE I
In General

Section 105.010. Date of General Election. [CC 1997 §25-10]

- A. A general election for the elective office of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
1. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years an election shall be held by the qualified voters of each ward in the City for Mayor, and for one (1) Alderman for each ward, who shall hold their respective office for the term of two (2) years and until their successors shall be elected and qualified.
 2. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years an election shall be held by the qualified voters of each ward of this City for one (1) Alderman for each ward, who shall hold their respective offices for the term of two (2) years and until their successors shall be elected and qualified.

Section 105.020. Declaration of Candidacy — Date For Filing.

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

Section 105.030. Persons in Arrears For Municipal Taxes or Fees Shall Not Be Candidates For Municipal Office, When.

Notwithstanding any other provisions of law to the contrary, no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid City taxes or municipal user fees on the last day to file a declaration of candidacy for the office.

Section 105.040. Election Procedure. [CC 1997 §25-13]

All City elections shall be held pursuant to the provisions of the State Statutes.

ARTICLE II

Wards

Section 105.050. Wards. [CC 1997 25-14; Ord. No. 1236 §25-14, 1-11-2001]

- A. The City shall be divided into two (2) wards, the boundaries of the wards being as set out by the Official Map(s) and the following description:

The centerline of Highway 13 shall be the dividing line between Ward I and Ward II. All that part of Branson West located on the West side of Missouri State Highway 13 shall be identified as Ward II and everything in the City limits of Branson West located on the East side of Missouri State Highway 13 shall be identified as Ward I.

- B. All are on file with the City Clerk and/or County Recorder's office.

BOARD OF ALDERMEN AND MAYOR

Chapter 110

BOARD OF ALDERMEN AND MAYOR

ARTICLE I

Mayor and Board of Aldermen — Generally**Section 110.010. Aldermen — Qualifications.²**

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

Section 110.015. Date Sworn Into Office. [CC 1997 §2-32; Ord. No. 1123 §1(e), 5-7-1996]

At the first (1st) meeting after the certification of election results, the newly elected Aldermen shall be sworn into office.

Section 110.020. Mayor — Qualifications.

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

Section 110.030. Board To Select An Acting President — Term.

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

Section 110.040. Acting President To Perform Duties of Mayor — When.

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatever, the Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed; or, in case of temporary absence, until the Mayor's return.

Section 110.050. Mayor and Board — Duties.

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

Section 110.060. Mayor May Sit in Board.

The Mayor shall have a seat in and preside over the Board of Aldermen but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she shall exercise a general supervision over all the officers and affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

2. State Law Reference — When aldermen may be elected at large, §79.060, RSMo.

Section 110.065. Standing Committees — Generally. [CC 1997 §2-38]

- A. At the first (1st) regular meeting of the Board of Aldermen after election in each year, or as soon after election as possible, the Mayor may appoint the following standing committees, subject to the approval of the Board of Aldermen:
1. Committee on streets, alleys and sidewalks.
 2. Committee on health.
 3. Committee on water and sewer.

Section 110.070. Standing Committees — Streets, Alleys and Sidewalks. [CC 1997 §2-39]

It shall be the duty of the committee on streets, alleys and sidewalks to take into consideration all matters referred to them by the Board of Aldermen, touching the streets, alleys and sidewalks of the City; to examine the same, and to report to the Board of Aldermen monthly at least, and more often if deemed necessary, their actual condition, and whatever changes, repairs, alterations or improvements they may deem proper to recommend.

Section 110.075. Standing Committees — Reports. [CC 1997 §2-40]

It shall be the duty of each standing committee to report to the Board of Aldermen concerning any matter referring to them for consideration, at the next regular meeting after the same is referred, unless otherwise ordered.

Section 110.080. Ordinances — Procedure To Enact.

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Branson West, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto as herein provided.

Section 110.085. Bills Must Be Signed — Mayor's Veto.

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds (2/3) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next

regular meeting of the Board of Aldermen, the same shall become a law without his/her signature.

Section 110.090. Board To Keep Journal of Proceedings.

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business.

Section 110.100. Board Shall Publish Semi-Annual Statements.

The Board of Aldermen shall semi-annually each year, at times to be set by the Board of Aldermen, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the City.

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

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

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

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. The officer making such service shall be allowed to receive therefor such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses.

Section 110.130. Mayor To Sign Commissions.

The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City and shall approve all official bonds unless otherwise prescribed by ordinance.

Section 110.140. Mayor Shall Have The Power To Enforce Laws.

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50) to aid in enforcing the laws.

Section 110.150. Mayor — Communications To Board.

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

Section 110.160. Mayor May Remit Fine — Grant Pardon.

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

ARTICLE II
Board of Aldermen Meetings

Section 110.170. Date of Regular Meetings — Adjournment. [CC 1997 §2-34; Ord. No. 1050 §2-34, 12-3-1994; Ord. No. 1114 §1, 3-12-1996; Ord. No. 1221 §2-34, 11-24-1998]

- A. The Board of Aldermen shall meet in regular session in the Council Room of the City Hall on the second (2nd) Tuesday of each month at a time to be specified on the agenda for the meeting as posted.
- B. The place for each regular meeting may be changed to another location upon majority vote of the Board of Aldermen and with notice of location being given to the public.
- C. Any regular meeting may be adjourned whenever deemed necessary, and any resumption of an adjourned meeting shall be, for all intents and purposes, a continuation of a regular meeting.

Section 110.180. Special Meetings.

Special meetings may be called by the Mayor or by any two (2) members of the Board by written request filed with the City Clerk who shall thereupon prepare a notice of such special meeting in conformance with Chapter 120, Open Meetings and Records Policy, of this Code.

Section 110.190. Attendance At Meetings Required — Quorum. [CC 1997 §2-36]

It shall be the duty of each member of the Board of Aldermen to be present at each meeting of said Board, and a majority of all the members elected shall constitute a quorum to do business.

Section 110.200. Motions At Meetings. [CC 1997 §2-42]

- A. Every motion, except to adjourn, postpone or commit, shall be reduced to writing and read by the Clerk if the Chair or any member of the Board of Aldermen require it, and may be withdrawn before any decision, amendment or disposition thereof has been made or a vote has been taken thereon.
- B. A motion to adjourn and a motion to fix the date to which the Board shall adjourn shall always be in order and decided without debate.

Section 110.210. Procedural Rules Relating To Questions. [CC 1997 §2-43]

- A. When a question is put by the Chair, each member of the Board of Aldermen present shall vote, unless he/she is personally interested in the question being voted upon.
- B. At the direction of the Chair, or upon the request of any member of the Board of Aldermen, the "ayes" and "nays" shall be called.
- C. No question shall be stated unless moved by two (2) members of the Board of Aldermen, nor be open for debate, until stated by the Chair.
- D. When a question is under debate, no motion shall be received except to adjourn, to lay on the table the previous question, to postpone, to refer or to amend, which several motions shall have precedence in the order here arranged.
- E. The previous question shall be admitted on the motion of two (2) members of the Board of Aldermen and shall be put in these words "Shall the main question be now put?"

- F. When a question shall been taken, it shall be in order for any member of the Board of Aldermen voting in the affirmative to move for a reconsideration thereof at the same, or the next succeeding meeting, but no question shall be reconsidered a second (2nd) time.

Section 110.220. Final Vote On Bills. [CC 1997 §2-45; Ord. No. 1223 §2-45, 12-8-1998]

- A. The final vote on any bill shall be taken by "ayes" and "nays", and said bill, before it passes, shall receive the vote of a majority of all the members elected to the Board of Aldermen.
- B. The vote of any official entitled to vote who publicly declares prior to the vote that said official is abstaining from voting on a particular matter shall be counted as an abstention only, and shall not be counted as an "aye" or "nay" vote for the purposes of deciding whether a measure has passed or failed.

Section 110.230. Procedure For Members of Public To Address Board of Aldermen During Meetings. [CC 1997 §2-47; Ord. No. 1061 §2-47, 3-7-1995; Ord. No. 1142 §§1 — 2, 9-24-1996; Ord. No. 1240 §2-47, 10-9-2001]

- A. *"Members of the public"*, as used herein, means other persons other than Mayor, Aldermen, City Clerk, City Administrator, City Attorney, other City Officials or persons indicated by the Mayor or City Administrator to address the Board of Aldermen pertaining to an agenda item.
- B. Members or the public wishing to address the Board of Aldermen during public meetings shall submit a written request to the City Clerk no later than seven (7) days prior to the scheduled time for commencement of the public meeting and shall include in the written request the following:
1. Name of person to address the Board of Aldermen;
 2. Organization of entity represented if applicable; and
 3. The subject(s)/topics to be addressed or commented on.
- C. Members of the public having complied with the requirements of Subsection (B) may be permitted to address the Board of Aldermen for a period of time not to exceed five (5) minutes. The time for addressing the Board of Aldermen shall be after agenda items set forth in the notice of public meeting. No more than three (3) members of the public shall be allowed to speak on the same side of any issue.
- D. On issues deemed of sufficient public interest or complexity by the Board, the Board may request the individual or organization requesting public presentation to provide it with a written brief or summary of the topic prior to the meeting at which the topic will be presented, in order to allow the Board to familiarize itself with the issues involved and better prepare for discussion. On topics deemed by the Board to be of particular importance or more general public concern, the Board may make arrangements for a special meeting, town hall meeting, or similar forum and arrange for the comments to be included therein.
- E. A member of the Board of Aldermen may or may not respond to comments or questions of the public. Aldermen and members of the public should communicate to the Mayor or Presiding Officer, and not to other members of the Council or to members of the audience.
- F. After the public presentation terminates, the Chair will then turn the attention to the Board agenda at which time the Aldermen as a deliberative body will begin the very important business of making decisions on City matters as prescribed in this Code; then no noise or interruptions from the audience will be permitted unless public comments are specifically requested by the Mayor or Presiding Officer.

- G. During a Council meeting, an Alderman who desires to communicate with a member of the audience may do so during a recess.
- H. Members of the public may make comment to or address the Board of Aldermen at the request of the Mayor or Presiding Officer at any time during a public meeting.

BRANSON WEST CODE

Chapter 115

OFFICERS AND EMPLOYEES

ARTICLE I
In General

Section 115.010. "Officer" Defined. [CC 1997 §2-1]

The term "*officer*", whenever used in this Revised Code or other ordinance of this City, shall include every person holding any station under the City Government or its departments with an annual salary or for a definite term of office, whether he/she is elected or appointed to such office or station.

Section 115.020. Officers To Perform Duties. [CC 1997 §2-7; Ord. No. 1140, 9-12-1996]

It shall be unlawful for any officer of the City to neglect or willfully refuse to discharge any of the duties, or directives of the Board of Aldermen, imposed upon such officer.

Section 115.030. Removal of Elective Officers.³ [CC 1997 §2-8]

- A. Any elective officer of the City may, for cause shown, be removed from the office by the Mayor, with the consent of a majority of all the members elected to the Board of Aldermen, or by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. Among other cause, any of the following shall be deemed good and sufficient grounds for any such removal:
1. Any willful violation of any official obligation.
 2. Culpable negligence or dereliction of duty.
 3. Incompetence.
 4. Willful misconduct in office.
 5. Abuse of authority in official capacity.
 6. Any act inconsistent with official duty.
- B. Before any elective officer shall be removed from office, charges shall be made in writing and preferred against him/her either by the Mayor or some member of the Board of Aldermen. Immediately after such charges shall have been preferred, the Board of Aldermen shall fix a time and place for investigating such charges, and the Police Chief shall serve the person so charged with a written copy of said charges and with a written notice of the time and place fixed by the Board for investigating the same. Such notices shall be served upon the accused in the usual manner of serving summons as provided by the State Statute. On the day set for the hearing of the cause, the Board of Aldermen shall meet and proceed, according to such rules as it may adopt, to hear the evidence against and in favor of the accused, and the Board may adjourn from time to time as may be necessary, until all the evidence shall have been taken. The rules of evidence as applied in Circuit Courts of the State of Missouri shall not apply unless expressly adopted by the Board of Aldermen. The Board of Aldermen shall vote by "ayes" and "nays" upon the charges separately, and the question voted upon shall be "Is the accused guilty?" If the accused is found guilty as provided in Subsection (A) of this Section, he/she shall be removed from office; provided however, that he/she shall not be so removed except by order made and entered of record in which shall be stated the grounds for such removal.

3. State Law Reference — Removal of elective officers, §79.240, RSMo.

- C. If the Board finds by a two-thirds (2/3) vote that probable cause exists of the wrongful conduct charged, and that the interests of the City could be harmed if the officer charged were to remain in office pending resolution of the investigation, the Board may suspend the officer until the issue of removal is resolved.
- D. Subpoenas for witnesses in such cases may be issued by the Mayor, or person acting as such, and shall be served and returned by the Police Chief in the same manner as if such subpoenas were issued out of any court of justice. The Board of Aldermen shall have the authority to compel witnesses to testify and produce papers and records relating to the charges against the accused. Depositions may be taken and read in the same manner as in courts of record. At the conclusion of the evidence, argument may be heard according to the rules of practice in criminal courts.
- E. When the Mayor is the accused, the Board of Aldermen shall elect one (1) of its members to preside during the hearing of such accusation.

Section 115.040. Removal of Appointive Officers.⁴ [CC 1997 §2-9; Ord. No. 1206 §2-9, 3-24-1998]

Any appointive officer of the City may be suspended or removed from office by the City Administrator; provided however, that before any appointed officer is suspended or removed from office, an order therefor shall be made and entered of record in which shall be specifically stated the grounds for such suspension or removal.

Section 115.050. Manner of Resigning Generally. [CC 1997 §2-10]

Any person desiring to resign his/her office or employment under the City shall do so in writing. All resignations shall be addressed to the Mayor and the Board of Aldermen, and may be placed in the hands of the Mayor or the City Clerk, and shall be submitted to the Board of Aldermen at its first (1st) meeting after the same is received. The Board of Aldermen shall immediately take action, and no office or position shall be deemed vacant, until such resignation has been duly accepted by the Board of Aldermen.

Section 115.060. Retaining City Money Prohibited. [CC 1997 §2-11]

No City Officer or employee of the City shall be allowed to retain in his/her hands any of the public money collected or paid to him/her under the pretense of payment for his/her past services, but they shall pay over all such money monthly into the City Treasury, and give an itemized account of the same at the first (1st) meeting of the Board of Aldermen in each and every month.

Section 115.070. Conflicts of Interest. [CC 1997 §2-13; Ord. No. 1242 §2-13, 1-8-2002]

No City Official shall be directly or indirectly interested in any contract or agreement with the City, formal or informal, without first fully disclosing his/her interest and being subject to the same bidding requirements as apply to all other like situated individuals. This disclosure is in addition to any additional requirements which may restrict voting on an issue, where applicable.

Section 115.080. Annual Reports By Officers To Board of Aldermen.⁵ [CC 1997 §2-14]

City Officers shall report annually to the Board of Aldermen, which report shall embrace a full statement of the receipts and expenditures of their respective offices, and such other matters as may be required by

4. State Law Reference — Removal of appointive officers, §79.240, RSMo.

5. State Law Reference — Similar provisions, §79.340, RSMo.

the Board of Aldermen.

Section 115.090. Accounts With City — Penalty For Failure By Officers To Pay Balance As Due. [CC 1997 §2-15]

Any failure on the part of any City Officer to pay into the Treasury of the City any balance reported by the Mayor to be due from him/her to the City upon the adjustment of his/her account shall cause a forfeiture of his/her office, and such balance shall bear interest at eight percent (8%) from the time it should have been accounted for until it shall have been paid into the Treasury.

Section 115.100. Prosecute Delinquent Officers. [CC 1997 §2-16]

The Mayor shall immediately order suit to be commenced in the proper court against the delinquent officer or his/her bondsmen for such balance as shall be due under Section 115.090.

Section 115.110. Salaries Generally.⁶ [CC 1997 §2-17]

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

Section 115.120. Financial Interest Statement.⁷ [Ord. No. 1248 §2-19, 1-14-2003; Ord. No. 58-2008 §1, 8-12-2008; Ord. No. 96-2010 §1, 8-16-2010; Ord. No. 9-2012 §1, 8-14-2012; Ord. No. 3-2014, 8-24-2014; Ord. No. 8-2016, 8-9-2016; Ord. No. 5-2018, 7-24-2018; Ord. No. 6-2020, 8-5-2020]

- A. The City's elected officials and the City Administrator shall disclose in writing the following described transactions by May first (1st), if any such transactions were engaged in during the previous calendar year:
1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City; and
 2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
 3. The City Administrator shall also disclose in writing by May first (1st) for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship which he/she owned; the name, address

6. State Law Reference — Salaries fixed by ordinance, §79.270, RSMo.

7. State Law Reference — Public officers and employees — miscellaneous provisions, §105.483, RSMo.

and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests; and

- c. The name and address of each corporation for which such person served in the capacity of director, officer or receiver.
- B. Duplicate disclosure reports made pursuant to this Section, on forms provided by the Missouri Ethics Commission, shall be filed with the Ethics Commission and the City Clerk by May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st). The City Clerk shall maintain such disclosure reports available for public inspection and copying during normal business hours.

Section 115.130. Vacancies in Certain Offices — How Filled.

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next regular municipal election.

ARTICLE II
City Administrator

Section 115.140. Office of City Administrator Established. [CC 1997 §2-71; Ord. No. 1126 §171, 5-21-1996]

There is hereby created and established the office of City Administrator for the City of Branson West, Missouri.

Section 115.150. Appointment and Tenure. [CC 1997 §2-72; Ord. No. 1126 §172, 5-21-1996; Ord. No. 1191 §1, 1-15-1998]

A qualified person shall be appointed City Administrator for the City of Branson West by a majority of the Board of Aldermen. Unless otherwise agreed between the City and the prospective City Administrator, the person so appointed shall serve as a full-time employee under an initial three (3) year contract. The contract may be renewable thereafter for two (2) year periods with the approval of a majority of the Board of Aldermen. Additional job descriptions and duties may be added by agreement with the City Administrator to fit the needs of the City.

Section 115.160. Qualifications. [CC 1997 §2-73; Ord. No. 1126 §173, 5-21-1996; Ord. No. 1191 §2, 1-15-1998]

The person appointed to the office of City Administrator shall have completed one hundred (100) hours or more at an accredited university or college, or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields.

Section 115.170. Bond. [CC 1997 §2-74; Ord. No. 1126 §174, 5-21-1996]

The City Administrator, before entering upon the duties of his/her office, shall file with the City a bond in the amount of fifty thousand dollars (\$50,000.00); such bond shall be approved by the Board of Aldermen and such bond shall insure the City of Branson West for the faithful and honest performance of the duties of City Administrator for the City of Branson West and for rendering a full and proper account to the City of Branson West for funds and property which shall come into the possession or control of the City Administrator. The cost of such bond shall be paid for by the City of Branson West.

Section 115.180. Compensation. [CC 1997 §2-75; Ord. No. 1126 §175, 5-21-1996]

The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen and such compensation shall be payable semi-monthly.

Section 115.190. Removal of City Administrator. [CC 1997 §2-76; Ord. No. 1126 §176, 5-21-1996; Ord. No. 1191 §3, 1-15-1998]

The Mayor, when instructed by a majority of the members elected to the Board of Aldermen, may remove the City Administrator from office for cause. If requested, the Board of Aldermen shall grant the City Administrator a public hearing within thirty (30) days following notice of such removal. These provisions shall be in addition to any proscribed by the employment agreement.

Section 115.200. Duties. [CC 1997 §2-77; Ord. No. 1126 §177, 5-21-1996; Ord. No. 1191 §4, 1-15-1998; Ord. No. 1207, 3-24-1998]

- A. The City Administrator shall be the administrative officer of the City Government. Except as otherwise specified by ordinance or by the law of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of all departments of the City of Branson West.
- B. *Purchasing.* The City Administrator shall be the purchasing agent for the City of Branson West and all purchases shall be made under his/her direction and supervision, and all such purchases shall be made in accordance with purchasing rules and procedures approved by the Revised Code of Ordinances. Subject to said purchasing rules and procedures, the City Administrator shall have the authority to make any purchase in the amount of five thousand five hundred dollars (\$5,500.00) or less without prior approval of the Board, and his/her decisions shall be final subject only to a veto of the Board of Aldermen. With regard to any purchase in an amount greater than five thousand five hundred dollars (\$5,500.00), the City Administrator shall submit the proposed purchase to the Board of Aldermen with his/her recommendation, and he/she shall make such purchases with Board approval.
- C. *Budget.* The City Administrator with assistance from the Board of Aldermen and City Treasurer shall assemble estimates of the financial needs and resources of the City for such ensuing year and shall provide this information to the City Treasurer in a timely manner.
- D. *Financial Reports.* The City Administrator shall assemble data for the preparation upon request of monthly reports to the Board of Aldermen relative to the financial condition of the City and shall provide this information to the City Treasurer in a timely manner.
- E. *Annual Report.* The City Administrator shall assemble data for the preparation and presentation of an annual report of the City's affairs to the Board of Aldermen and shall provide this information to the City Treasurer in a timely manner.
- F. *Personnel System.* The City Administrator shall act as the personnel officer of the City and shall recommend an appropriate position classification system and pay plan to the Board of Aldermen. The City Administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system after approval by the Board of Aldermen. The City Administrator shall make recommendations of appointment and removal of department heads and all subordinate employees of the City of Branson West. These recommendations shall be subject to the approval of the majority of the Board of Aldermen.
- G. *Policy Formulation.* The City Administrator shall recommend to the Mayor and Board of Aldermen adoption of such measures as he/she may deem necessary or expedient for the health, safety, or welfare of the City or for the improvement of administrative services for the City.
- H. *Boards And Committees.* The City Administrator shall work with all City boards and committees to help coordinate the work of each.
- I. *Attend City Meetings.* The City Administrator or his/her designate shall attend all meetings of the Board of Aldermen and, when he/she deems advisable, the meetings of committees.
- J. *Bid Specifications.* The City Administrator shall supervise the preparation of all bid specifications for services and equipment and receive sealed bids for presentation to the Board of Aldermen.
- K. *State And Federal Aid Programs.* The City Administrator shall coordinate Federal and State programs which may have application to the City of Branson West.
- L. *Conference Attendance.* The City Administrator shall attend State and regional conferences and

programs applicable to his/her office and the business of the City of Branson West, wherever such attendance is directed and approved by the Board of Aldermen.

- M. *Public Information Releases.* Official press releases shall only come from the office of the City Administrator.
- N. *Record Keeping.* The City Administrator shall see that the custodian of records keeps full and accurate records of all actions taken by him/her in the course of his/her duties, and he/she shall safely and properly keep all records and papers belonging to the City of Branson West and entrusted to his/her care; all such records shall be and remain the property of the City of Branson West and be open to inspection by the Mayor and Board of Aldermen at all times.
- O. *Miscellaneous.* In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions prescribed by the Board of Aldermen which do not conflict with his/her ability to perform the above duties or the provisions of his/her employment contract.

Section 115.210. Powers. [CC 1997 §2-78; Ord. No. 1126 §178, 5-21-1996; Ord. No. 1206, 3-24-1998]

- A. *City Property.* The City Administrator shall have responsibility for all real and personal property of the City of Branson West. He/she shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with the approval of the Board of Aldermen. Real property may be sold only with the approval of the Board of Aldermen by resolution or ordinance.
- B. *Administrative Policies.* The City Administrator shall have the power to recommend to the Board of Aldermen such rules and regulations as he/she shall deem necessary or expedient for the conduct of administrative agencies subject to his/her authority.
- C. *Coordinate Departments.* The City Administrator shall have the power to coordinate the work of all the departments of the City, and, at times of an emergency, shall have authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government.
- D. *Investigate And Report.* The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under his/her jurisdiction, and shall report on any condition or fact concerning the City Government requested by the Mayor or Board of Aldermen.
- E. *Appear Before The Board Of Aldermen.* The City Administrator shall have the power to appear before and address the Board of Aldermen at any regular meeting.
- F. At no time shall the duties or powers of the City Administrator supersede the action by the Board of Aldermen.
- G. All officers and employees of the City, except elected officials, shall be appointed and discharged by the City Administrator, subject to the standards, qualifications, rules, and guidelines as are set out in the City Code and Personnel Manual.

Section 115.220. Authority. [CC 1997 §2-79; Ord. No. 1126 §179, 5-21-1996]

Except for the purpose of inquiry, the Board of Aldermen and its members shall deal with the administrative services solely through the City Administrator, and neither the Board of Aldermen nor any of its members thereof (except in case of emergency or the absence of the City Administrator) shall give

orders to any subordinates of the City Administrator, either publicly or privately.

ARTICLE III
City Clerk

Section 115.230. Term of Office.⁸ [CC 1997 §2-85]

The term of office of the City Clerk shall be for one (1) year.

Section 115.240. Deputy City Clerk. [CC 1997 §2-86]

In the absence of the City Clerk, the Board of Aldermen shall appoint a Deputy City Clerk who shall possess the same qualifications, and have and exercise all the duties and powers and receive the same compensation as the City Clerk.

Section 115.250. City Clerk — Duties.

Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

8. State Law Reference — Term of office, §79.320, RSMo.

ARTICLE IV
City Treasurer

Section 115.260. Bond Required.⁹ [CC 1997 §2-122]

Before entering upon the duties of his/her office, the City Treasurer shall give a bond to the City, to be approved by the Board of Aldermen, in the sum of fifty thousand dollars (\$50,000.00) with two (2) or more good and sufficient sureties conditioned that he/she will duly account for and pay over all monies that may come into his/her hands by virtue of his/her office as City Treasurer and faithfully perform the duties of said office.

Section 115.270. Duties Generally.¹⁰ [CC 1997 §2-124]

The City Treasurer shall perform such duties as may be required by State law or City ordinance, or as may be directed by the Board of Aldermen.

9. State Law Reference — Authority of city to require bond, §79.300, RSMo.

10. State Law Reference — Authority of city to prescribe duties, §79.300, RSMo.

ARTICLE V
City Attorney

Section 115.280. Duties Generally.¹¹ [CC 1997 §2-143]

The City Attorney shall perform all duties required of him/her by the laws of the State and the ordinances of the City.

Section 115.290. Advice On Legal Questions — Written Opinions. [CC 1997 §2-144]

It shall be the duty of the City Attorney to advise the Board of Aldermen, or any officer of the City, on such legal questions as may arise in relation to the business of the City upon request, and he/she shall furnish written opinions on legal questions whenever the same may be required of him/her by the said Board.

Section 115.300. Prosecution, Defense of Suits and Actions. [CC 1997 §2-145; Ord. No. 7-2018, 9-13-2018]

It shall be the duty of the City Attorney to prosecute or defend all suits, in which the City may be a party, in any court of record, all suits before the Mayor or Municipal Judge, and to defend all actions brought against any officer, agent or servant of the City which may arise on account of his/her official acts. However, the Mayor and Board of Aldermen may hire a City Prosecutor other than the City Attorney to prosecute alleged violations of ordinances before the Municipal Judge or in the municipal division of Circuit Court, as permitted by Section 115.301; if a City Prosecutor has been hired by the Mayor and Board of Aldermen, the City Attorney shall have no responsibility for prosecution of alleged violations of ordinances, as specified in Section 115.310; making of affidavits relating to prosecution of alleged violation of ordinances under Section 115.320; or making any reports to the Board of Aldermen under Section 115.310, or to any other governmental body relating to prosecution.

Section 115.301. City Prosecutor. [Ord. No. 7-2018, 9-13-2018]

The office of City Prosecutor is hereby created. If the Mayor and Board of Aldermen have by resolution hired a City Prosecutor, the City Attorney shall not have any duties related to the prosecution of alleged violations of ordinances specified in Sections 115.310, 115.320 and 115.330, all of which shall be performed by the City Prosecutor.

Section 115.310. Complaints Against Violators. [CC 1997 §2-146]

It shall be the duty of the City Attorney to prepare all charges against any party charged with a violation of this Code or any City ordinance, and he/she shall prosecute the same on behalf of the City.

Section 115.320. Affidavits. [CC 1997 §2-147]

The City Attorney shall make affidavits, on behalf of the City, in all cases when the same may be necessary in procuring changes of venue or taking appeals.

Section 115.330. Reports. [CC 1997 §2-148]

The City Attorney shall report to the Board of Aldermen, in writing, the condition of all suits pending in any court at the Board's first (1st) regular meeting after the adjournment of said court. At the last regular

11. State Law Reference — Authority of city to prescribe duties, §79.290, RSMo.

meeting of said Board before the City Attorney goes out of office, he/she shall make a report to it, giving a statement of all cases pending in any court, the condition thereof, together with a brief statement of all judgments obtained and not satisfied for or against the City. Said reports shall be placed on file in the office of the City Clerk.

Section 115.340. Employment of Counsel To Assist City Attorney.¹² [CC 1997 §2-149]

The Mayor and Board of Aldermen may, at any time, employ additional counsel, at reasonable compensation, to aid the City Attorney in performing any legal service demanded by the City.

12. State Law Reference — Authority of city to employ counsel to assist city attorney, §79.230, RSMo.

Chapter 117**CONFLICTS OF INTEREST****Section 117.010. Declaration Of Policy. [Ord. No. 12-2024, 8-13-2024]**

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 political subdivision.

Section 117.020. Conflicts Of Interest. [Ord. No. 12-2024, 8-13-2024]

- A. All elected and appointed officials as well as employees of a political subdivision must comply with conflict of interest Statutes under Chapter 105, RSMo., as well as any other State law governing official conduct.
- B. Any member of the governing body of a political subdivision who has a substantial personal or private interest in any measure, bill, order or ordinance proposed or pending before such governing body must disclose that interest to the secretary or clerk of such body and such disclosure shall be recorded in the appropriate journal of the governing body. "Substantial personal or private interest" is defined as ownership by the individual, his/her spouse, or his/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 117.030. Disclosure Reports. [Ord. No. 12-2024, 8-13-2024]

- A. Each elected official, candidate for elective office, the Chief Administrative Officer, the Chief Purchasing Officer, and the full-time general counsel shall disclose the following information by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo., if any such transactions occurred during the previous calendar year:
 - 1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.
 - 2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for

Section 117.030

CONFLICTS OF INTEREST

providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

3. The Chief Administrative Officer, Chief Purchasing Officer, and candidates for either of these positions also shall disclose by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo., the following information for the previous calendar year:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that he/she owned; the name, address, and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class or outstanding stock, limited partnership units or other equity interests;
 - c. The name and address of each corporation for which such person served in the capacity of a director, officer, or receiver.

Section 117.040. Filing Of Reports. [Ord. No. 12-2024, 8-13-2024]

- 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 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the Board may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.
 2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment covering the calendar year ending the previous December 31.
 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 nomination or election or nomination by caucus. 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 117.030 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 120**PERSONNEL POLICY MANUAL****Section 120.010. Personnel Policy Manual For Employees. [CC 1997 §2-163]**

- A. *Employee's Record.* The department head shall be responsible for maintaining a current and accurate file on each employee under his/her direction. Department heads shall maintain time sheets for all personnel and will submit same to the City Clerk. Personnel files shall be kept for no less than five (5) years from the date of separation.
1. *Information to be included.* The following information is required by Part 516, FLSA to be maintained within each employee's personnel file:
- a. Name of employee in full;
 - b. Home address including zip code;
 - c. Date of birth, if under nineteen (19);
 - d. Sex;
 - e. Occupation (job classification);
 - f. Time of day and day of week on which the employee's workweek begins;
 - g. Daily and weekly hours of work;
 - h. Regular hourly rate of pay in any workweek (used as a base rate to calculate overtime pay or compensatory time);
 - i. Total daily or weekly straight time earnings;
 - j. Total overtime compensation for any workweek;
 - k. Total additions to or deductions from wages paid;
 - l. Total wages paid each pay period;
 - m. Date of payment and the pay period covered by the payment;
 - n. Employee's anniversary date (day, month, year);
 - o. Employee's attendance record;
 - p. Records of accumulated vacation leave and sick leave;
 - q. Records of benefits accruing to the employee;
 - r. Documents regarding the employee's status — reprimands, commendations, legal actions, resignations, and such other documentation that is relevant;
 - s. Relevant medical information that may effect the health and welfare of other employees.
2. The City shall designate a repository for all personnel files and records as deemed necessary. Personnel files will be maintained as confidential and information will be revealed to only those

persons who submit a written request and who have a reasonable and documented "need to know".

3. Salary ranges, position classification, and basic employment information shall in all cases be made available to the public on request at reasonable times.

B. *Probationary Period.*

1. Each employee receiving an appointment or promotion to a position in City service must serve a probationary period of six (6) months before the appointment or promotion shall be considered permanent. During the employee's six (6) month probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by the supervisor, department head and other appropriate City Officials. If the probationary employee fails to meet required standards of performance, such employee is to be dismissed, or if he/she is a promoted regular employee, the employee may be restored to the position from which he/she was promoted or to a comparable position. During the probationary period, the employee is not eligible for employee fringe benefits, such as sick leave and vacation, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the probationary period will be paid to probationary employees.
2. If at any time during the probationary period the department head determines that the services of the employee have been unsatisfactory, the employee may be separated from the position without the right to appeal or a hearing. The department head shall notify the employee in writing at least seven (7) calendar days before the effective date of separation of the reasons for the separation.
3. At the end of the probationary period, if there is reason to believe that the employee may develop the ability to perform satisfactorily by an extension of the probation period, the department head may grant an extension, not to exceed sixty (60) days.
4. At the end of the employee's six (6) month probationary period, the department head shall complete a probationary report and notify the Mayor that either:
 - a. The employee has successfully completed the probationary period and is capable of performing the duties or position satisfactorily, and henceforth to be considered a regular employee with all rights and privileges due such employee; or
 - b. The employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from City employment, or if promoted from another position returned to the previous or a similar classification.

C. *Hiring Of Relatives.* Two (2) members of an immediate family shall not be employed under the same supervisor; neither shall two (2) members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of the immediate family. This policy applies to promotions, demotions, transfers, reinstatements, and new appointments. "*Immediate family*" is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle and aunt. If two (2) employees in the same department subsequently marry, one (1) of them must resign within a reasonable length of time.

D. *Seasonal And Temporary Employees.* Unless otherwise specifically included herein, no seasonal or

temporary employee shall be entitled to sick leave, vacation, insurance benefits, or similar employee benefits.

- E. *Performance Of Employee.* All City employees will be informed at the time of employment of their duties and responsibilities and will be expected to perform them as efficiently and effectively as possible. Also, City employees must conduct themselves in a proper manner at all times, because many citizens will evaluate their municipal government on their observation of the City employee. When an employee's performance becomes unsatisfactory, the supervisor has the responsibility and obligation to explain the deficiencies to the employee. The immediate supervisor will explain the deficiency in a constructive, helpful manner in order to prevent bruised feelings and damaged egos. Except where appointed boards and department supervisors are utilized, the Mayor and Board of Aldermen have the ultimate responsibility regarding the dismissal of employees. Each employee has the right to appeal the decision.
- F. *Residence.* Employees of the City of Branson West shall not be required to live within the City limits, but they are encouraged to do so. This suggestion is intended to foster a greater interest in and concern for the welfare of the community on the part of the City employees. At the time of appointment, promotion, demotion, etc., if all other factors are equal, City residents shall be given favorable preference.
- G. *Dress Code.* All City employees shall comply with a City dress code. The department head may establish a reasonable dress code for employees under his/her direction at his/her discretion with the approval of the Board of Aldermen.
- H. *Outside Employment.* No full-time employee in the City service shall accept outside employment, whether part-time, temporary or permanent, without prior written approval from the department head. Each change in outside employment shall require separate approval. Approval shall not be granted when such outside employment conflicts or interferes, or is likely to conflict or interfere, with the employee's municipal service. Employees may not engage in any private business or activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with official duties.
- I. *Conflict Of Interest.* No employee shall engage in any activity or enterprise which conflicts with his/her duties as a City employee or with the duties, functions, and responsibilities of the department in which he/she is employed. The following activities shall be considered a conflict of interest with City employment:
 - 1. Any employment, activity or enterprise which involves the use, for private gain, of the City's time, facilities, equipment or supplies.
 - 2. Involves the receipt or acceptance of any money or other consideration from anyone other than the City for performance of an act which would be expected to be rendered in the regular course of City employment or as part of the duties of a City employee.
 - 3. Involves so much of the employee's time that it impairs his/her attendance or efficiency in the performance of his/her duties as a City employee.
- J. *Health And Safety.* City employees have a right to work in a safe environment and the City must help in preventing injuries to employees and others.

If an employee is on medication or under a doctor's care for any reason that could effect the

employee's operation of machinery, equipment, or other job duties, the employee must inform his/her supervisor of his/her condition. It is also the employee's responsibility to immediately report any injury, no matter how minor, to his/her supervisor. The supervisor must report the injury to the City Clerk as soon as possible after the injury. Failure to report a health or injury condition may subject the employee to disciplinary action.

- K. *Physical Examinations Required.* All employees are required to have a standard pre-employment physical examination prior to employment with the City. The costs of the physical examination are to be paid by the City Treasurer at a medical doctor of the City's choice, after approval of the Board of Aldermen. The employee is to return the sealed medical report to the department head for review before the employee will be hired. Any employee injured on the job is required to seek medical attention immediately. All employees are required to notify their department head of any injuries which are job related. Such notification is required to take place as soon as possible after the injury has incurred.

Section 120.020. Compensation Policy. [CC 1997 §2-164; Ord. No. 44-2007 §1, 11-13-2007; Ord. No. 70-2009 §1, 4-14-2009; Ord. No. 91-2010 §1, 4-22-2010]

- A. *Salary Review.* In an effort to pay all employees on a fair and equitable basis, August first (1st) of each year has been designated by the Mayor and Board of Aldermen as the date for annual salary review. The salary of regular employees will not be less than set by the current Fair Labor Standards Act.
- B. *Pay Period And Pay Day.* Employees shall be paid every other Wednesday, with the time for the pay period ending on the preceding Saturday at Midnight.
- C. *Starting Salary.* A new employee normally will enter employment at the minimum rate of pay for the position in which he/she is employed. In the case of difficulty in finding qualified personnel or in the hiring of an exceptionally qualified person, the starting salary may be at a higher rate. Any exception to this policy first must be approved by the Board of Aldermen.
- D. *Salary Increases.* Salary increases shall not be routine or automatic, providing that an employee assigned full-time status following completion of a probationary period may be granted a one (1) step salary increase. The City Clerk shall be required to keep adequate records of all persons employed, their pay scale, time worked, accrued vacation and sick leave, all absences for vacation and sick leave accrued, accrued overtime and all absences for other reasons.
- E. *Rates Of Pay.* Hourly rates of pay for personnel paid on a monthly salary shall be completed by multiplying the monthly rate of pay by twelve (12) and dividing by two thousand eighty (2,080) (fifty-two (52) weeks times forty (40) hours). Net pay shall be computed by subtracting applicable deductions.
- F. *Salary Advances.* It is the policy of the City that no advance in future wages, including accrued annual leave, shall be made (except in cases of resignation or dismissal).
- G. *Salary Adjustments To Evaluations.* It is the general policy of the City that employees receive salary adjustments on the basis of an objective evaluation of their performance and that allocation of "general" or "cost of living" increases to all employees without consideration of their performance is not in the best interest of the City and its employees. However, to remain continuously competitive, the salary structure shall recognize changes in the cost-of-living and other variables through adjustments in the salary grade table or reclassification of positions (up or down). It shall be the responsibility of the Board of Aldermen or the appropriate board to determine annual adjustment to

the salary grade table on the basis of his/her analysis of the following general trends:

1. Municipality salary trends;
2. National salary trends;
3. Local salary trends.

After adjusting the salary and completing employee appraisal review, the Board of Aldermen or appropriate board shall develop a budget recommendation and establish the overall percentage amount of salary increase.

H. *Hours Of Work.* The normal workweek shall be forty (40) hours consisting of eight (8) hour workdays, except that of the Police Department which shall consist of a forty (40) hour workweek. No employee shall be permitted to work in excess of forty (40) hours per week except when an emergency exists or overtime work is necessary to carry out normal and essential services of the City and is assigned by an employee's immediate supervisor.

I. *Sick Leave.* All full-time City employees shall earn sick leave with full pay at the rate of one (1) workday for each calendar month of service. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the six (6) month probationary period except with permission of the Mayor or Board of Aldermen. Sick leave may never be taken in advance of earning the time. Sick leave may be accumulated up to sixty (60) days. An employee may be eligible for sick leave for the following reasons:

1. Personal illness or physical incapacity.
2. Quarantine of an employee by physician.
3. Illness in the immediate family requiring the employee to remain at home.

An employee who is unable to report for work because of the above reasons shall report the reason for his/her absence to the supervisor within four (4) hours from the time he/she is expected to report for work. Sick leave with pay shall not be allowed unless such report has been made. Sick leave with pay in excess of three (3) working days shall be allowed only after presenting a written statement by a physician certifying that the employee's condition prevented the employee from appearing for work.

An employee terminating from the City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee. Abuse of the sick leave privilege can result in dismissal.

4. *Pregnancy.* As required by the 1978 amendments to Title VII of the Civil Rights Act of 1964, pregnancy and pregnancy-related conditions shall be treated the same as any other illness or short-term disability.

J. *Emergency Leave.* Emergency leave shall be at the discretion of the department supervisor.

K. *Funeral Leave.* Funeral leave may be granted to an employee at the discretion of the department supervisor.

L. *Leave Related To Workers' Compensation.* Leave under this Subsection applies to any employee who

sustains an injury in the course of performing his/her assigned duties or who incurs an occupational disease compensable under the Missouri Workers' Compensation as prescribed by the Missouri State Statutes and not by the City of Branson West. After receiving initial treatment, the injured employee and the City Clerk shall complete an "on-the-job" injury report and forward it to the company carrying the insurance on the City. An employee who is injured in the performance of his/her job will be granted leave with pay on the day the accident occurs in order to obtain medical treatment. Any bills for medical and hospital expenses received by the employee shall be forwarded to the City Clerk for processing and proper distribution. All matters regarding coverage or claims should be referred to the City Clerk. Provisions as to injury time off, sick leave, with or without pay shall be subject to variance in accordance with compliance with Workmen's Compensation laws of this State.

M. *Extended Leave.* In cases of prolonged illness or injury which extend beyond accumulated sick leave, an employee may obtain a leave without pay, not to exceed six (6) months, when approved by the Board of Aldermen or appropriate board.

N. *Holiday Observances.* [Ord. No. 2-2019, 4-16-2019]

1. All regular full-time employees of the City shall receive normal compensation for the legal holidays listed below and any other day or part of a day during which the public offices of the City shall be closed by special proclamation of the Mayor with approval of the Board of Aldermen. The Board of Aldermen shall retain the right to determine which traditional and non-traditional days of each year that will be considered paid holiday leave. Normally the holiday schedule will be those holidays observed as follows:

New Year's Day, January 1

Martin Luther King Day, third (3rd) Monday in January

Presidents' Day, third (3rd) Monday in February

Good Friday, Friday before Easter

Memorial Day, last Monday in May

Independence Day, July 4

Labor Day, first (1st) Monday of September

Columbus Day, second (2nd) Monday of October

Veterans' Day, November 11

Thanksgiving Day, last Thursday in November

Friday after Thanksgiving

Christmas Eve, December 24

Christmas Day, December 25

New Year's Eve, December 31

2. It shall be the policy of the City to insure that all regular employees enjoy the same number of holidays each year. The standard shall be the number of holidays in a particular year which will be celebrated by regular employees working forty (40) hour week, Monday through Friday. For

this group when a holiday falls on Sunday, the following Monday shall be observed as the holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.

3. For regular employees whose workweek is other than Monday through Friday, the department head may require employees to work on holidays that are normally granted to other employees of the City or may allow the employees to take the time off and be compensated at regular pay. If the holiday falls on an employee's scheduled day off, the employee shall be compensated for the holiday at regular pay. Whenever an employee is required to work on a holiday that is normally granted to other employees of the City, the employee shall receive equal time off during the following thirty (30) days; however, if the employee does not take the equal time off during the thirty (30) days following the holiday, the employee shall forfeit the time off and shall instead be paid time and a half (1½) for the time worked on the holiday. The selection of time off shall be jointly made by the employee and the department head but must be made to best serve the needs of the City.
4. Any employee absent without authorized leave on the day preceding and/or the day following a holiday shall not receive regular compensation for the holiday.

O. *Vacation.*

1. Vacation is a substantial benefit to regular full-time employees of the City, and is important to their health and welfare and well-being. Every employee in the City service holding a permanent status position and having occupied such position for a period of twelve (12) consecutive calendar months shall be allowed annual vacation leave with pay.
2. Vacation leave shall be granted on the basis of the number of regularly scheduled hours in the standard work or duty week to which the employee is assigned at the time of vacation. After the first (1st) year of employment, the employee earns one (1) week of vacation (forty (40) hours). After the second (2nd) year of employment, employees earn two (2) weeks (eighty (80) hours) of vacation. After the ninth (9th) year of employment, the employee earns three (3) weeks (one hundred twenty (120) hours) of vacation. After the fifteenth (15th) year of employment, the employee earns four (4) weeks (one hundred sixty (160) hours) of vacation.
3. Vacation leave will be authorized only after it has been earned and it must be taken within one (1) year of its accumulation or carried over as unused vacation as noted below. In the event a holiday falls within an employee's scheduled vacation, he/she shall be cleared with the department supervisor before it is scheduled. Employees will be compensated for all unused vacation accumulated that year, in case of resignation or dismissal from City employment.
4. Part-time employees will not receive vacation time.
5. If an employee is ill or injured and needs and desires to use accrued vacation leave along with sick leave, he or she may do so with the understanding that accrued vacation leave cannot be used in excess of what is remaining and due. **[Ord. No. 13-2020, 11-10-2020]**
6. Employees will be allowed to carry over up to eighty (80) hours of unused vacation if the vacation is not used before their anniversary date. The vacation time that is carried over must be taken during the following year or the time will be lost. **[Ord. No. 13-2020, 11-10-2020]**

P. *Maternity Or Family Leave.* Maternity leave is to be used when an employee is unable to perform the duties of his/her position due to pregnancy or recovery of the employee or spouse. Upon approval of

the department head, the employee will be granted a leave with pay by use of the employee's accumulated sick leave and vacation. If additional time is required, the employee may request a leave without pay. Within thirty (30) days after the employee knows that she is pregnant, she shall forward to her department head a memorandum stating the name of her physician and the anticipated day of delivery. Thirty (30) days after termination of pregnancy, the employee will return to work, unless additional leave is granted by the Board of Aldermen or otherwise be terminated.

Q. *Leave Of Absence.*

1. In addition to leaves authorized above, a department head may authorize an employee to be absent without pay for personal reasons for a period or periods not to exceed ten (10) working days in any calendar year. Extended leaves of absences without pay may be granted to an employee under special circumstances. This leave shall be for not more than thirty (30) days. Approval in advance must be obtained from the Board of Aldermen.
2. Employees shall be allowed two (2) personal days each year with pay. These must be authorized by the department head in advance. They are not to be accumulated and can be used only during the calendar year in which they are earned.

R. *Jury Duty And Court Appearance.* Employees absent for jury duty will be paid their regular salary. Employees will be paid their regular salary for court attendance required by subpoena for City business; except Police Officers may be required to attend Municipal Court in the line of duty.

S. *Group Insurance Participation.* All employees (except part-time and seasonal employees who work less than thirty-two (32) hours per week) are eligible for participation in the City's group insurance program.

T. *Workers' Compensation.* All employees of the City are extended Workers' Compensation insurance coverage including part-time, seasonal, and temporary employees. This provides for payment of medical expenses and compensation to the employee who receives an injury in the course of his/her employment. All claims must meet the requirements of the Workers' Compensation laws of this State.

U. *Layoffs.*

1. Layoffs will be based on relative efficiency and any employee affected through no fault of his/her own shall be eligible for re-employment when the reason for the layoff no longer exists.
2. *Order of layoff.* The following factors shall be considered:
 - a. Efficiency of employee as demonstrated on job.
 - b. Needs of the City.
 - c. Nature of the work or project to be curtailed.
 - d. Length of service to the City.
 - e. Whether or not employee can be transferred to another department, or another class.
 - f. Whether employee is full-time, part-time, seasonal or temporary.

If there is not substantial difference in the factors to be considered, the length of service with the City shall be the determining factor when determining which of two (2) employees should be laid off.

3. *Notice of layoff.* A notice of layoff to the employee will be given as far in advance as practical and in no case less than three (3) days prior to the effective date, and shall state the possibility of re-employment and/or the expected date of re-employment, and any other information deemed necessary by the Board of Aldermen.
4. *Re-employment.* All other factors being equal, an employee will be re-employed in the reverse order of the layoff.

V. *Overtime.*

1. The standard workweek for employees other than department heads shall be five (5) days and forty (40) hours. Department heads should work those hours necessary to assure the satisfactory performance of their departments, but not less than forty (40) hours per week. The department head shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established workday and workweek. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities. For department heads or other salaried employees, any work over forty (40) hours per week is considered part of their job responsibility and does not justify overtime pay.
2. When regular, classified employees are required to work extra or prolonged shifts, the department head shall authorize overtime pay which shall be one and one-half (1½) times the regular rate of pay. An employee who has left the normal place of work for home and is called back for overtime work shall be paid overtime in accordance with the Section above, and shall receive a minimum payment equal to at least two (2) hours pay.

Section 120.030. Rules and Regulations. [CC 1997 §2-165; Ord. No. 1206 §2-165(d), 3-24-1998]

- A. *Return Of City Property.* An employee leaving the City service, whether through resignation, retirement, layoff, or dismissal, is responsible for returning any City property which he/she may have in his/her possession. Upon termination, such property must be returned to the head of the department from which the employee is terminating before receiving his/her final check. Any expenses incurred by the City due to loss or damaged property or failure to return City property shall be deducted from the employee's final check.
- B. *What The Employee Can Expect Of The Employer.*
 1. The opportunity for promotion will be extended to all employees before a new employee is hired for any position. No employee will be hired for any position within the City without first considering the qualifications of any employee interested in the vacancy and from whom the position does indeed represent a change in position and classification.
 2. Promotions, transfers, and demotions and other decisions affecting employees will in no case be made on the basis of race, color, religion, sex, national origin or age.
 3. The employee can expect the opportunity to review personnel records with the department head during normal working hours. No personnel record can be removed from the personnel files.
- C. *What The Employer Shall Expect From Each Employee.*

1. To respect, and protect the rights, properties and interest of the City.
 2. To respect and protect the rights and properties of all fellow employees.
 3. To initiate suggestions or recommendations through proper channels for improvement in any of the working environment of City activities.
 4. To accept and fulfill the responsibilities and obligations of the job as planned and assigned by each employee's immediate supervisor.
 5. To give adequate notice whenever possible of anticipated employee initiated termination of employment.
- D. (Reserved)
- E. *Conduct, Work Habits, Attitude.* It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work with City service. Whenever work habits, attitude, production or personal conduct of any employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee. Whenever possible, oral and/or written warning with sufficient time for improvement shall precede formal discipline.
- F. *Discipline Policy.* It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No permanent employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established to the personnel rules and regulations.
1. *Employee's and supervisor's responsibilities.*
 - a. It is the duty of every employee to attempt to correct any faults in performance when called to their attention and to make every effort to avoid conflict with the City's rules and regulations.
 - b. It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being:
 - (1) Warning,
 - (2) Suspension,
 - (3) Demotion, and
 - (4) Removal.
 2. *Grounds for action.* The following are declared to be grounds for demotion, suspension, or removal of any permanent employee:
 - a. Conviction of a felony or other crime involving moral turpitude.
 - b. Acts of incompetence.
 - c. Absence without leave.

- d. Acts of insubordination.
 - e. Intentional failure or refusal to carry out instructions.
 - f. Misappropriation, destruction, theft, or conversion of City property.
 - g. Refusal or neglect to pay just debts. Maintenance of effort to pay debts must be shown to clear employee of neglect charges.
 - h. Employee subsequently becomes physically or mentally unfit for the performance of his/her duties.
 - i. Acts of misconduct while on duty.
 - j. Willful disregard of orders.
 - k. Habitual tardiness and/or absenteeism.
 - l. Falsification of any information required by the City.
 - m. Failure to properly report accidents or personal injuries.
 - n. Neglect or carelessness resulting in damage to City property or equipment.
 - o. Repeated convictions during employment on misdemeanor and/or traffic charges.
 - p. Introduction, possession, or use on City property or in City equipment of intoxicating liquors, or proceeding to or from work under the influence of liquor.
- 3. *Employee notice.* A written notice shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at time such action is taken and in any event not later than three (3) working days from date shall serve as prima facie evidence of delivery.
 - 4. *Probationary employee.* Any probationary employee may be suspended, reduced in pay or class, or removed at any time by the department head or Mayor. Probationary, temporary, seasonal part-time employees shall not have the right of appeal from such action.
 - 5. *Permanent employees.* All permanent employees holding positions in the City service may be suspended for a period of not to exceed thirty (30) working days, reduced in pay or class, or removed for just and reasonable cause by the department head with prior signed approval by the Mayor. Permanent employees shall be dismissed only after having been given written notice.
 - 6. *Evidence.* Normally, the deterioration of an employee's conduct is a progressive problem and every effort should be made to reverse this trend as soon as it is apparent. Based on this philosophy, sufficient evidence should be available in the employee's personnel file to justify the action taken.
 - 7. *Right of appeal.* All permanent employees are granted the right of appeal. Within ten (10) days after effective date of disciplinary action, the employee may file a written appeal to the department head or, if inapplicable, the Mayor.
 - 8. *Investigation.* The department head (or Mayor, if none) shall hear appeals submitted by any permanent employee in City service relative to any suspensions, demotions, or dismissal and shall submit a written statement of facts, findings, and recommendations to the Mayor, whose

action shall be final and conclusive.

9. *Hearing closed.* The hearing shall be closed to the public at the discretion of the Mayor.
10. *Informal nature.* The hearing shall be conducted in an informal manner and the Mayor shall make every effort to avoid the appearance of conducting a trial in a court of law.
11. *Scheduling of appeal.* No later than ten (10) working days after receipt of the written appeal, the Mayor shall fix a time and place for convening of a hearing. Within forty-eight (48) hours after the completion of the hearing the Mayor shall report its findings and recommendations to the Board of Aldermen.
12. *Right to representation.* The appellant shall have the right to appear and be heard in person or by counsel.
13. *Appellant fails to appear.* Appellant's failure to attend or notify the Mayor of inability to attend will constitute just cause for dismissal of the appeal.

Section 120.040. Grievance Policy. [CC 1997 §2-166]

- A. *Purpose.* The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of the employee grievances. It is the desire of the City to adjust the causes of grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arrive.
- B. *Policy.* An employee may present a grievance, or have an employee committee, selected by the employee, present the grievance to the employee's supervisor, department head or Mayor.
- C. *Grievances To Be Written.* All grievances shall be submitted in writing.
- D. *Time Limit.* If satisfaction is not achieved by the above procedure within ten (10) working days, the grievance may then be presented to the Personnel Board or to the Mayor.
- E. *Personnel Board.* The Personnel Board or the Mayor shall convene a meeting within ten (10) days to consider the grievance. The employee, the supervisor, the department head and any other interested party shall have the right to be heard. The Personnel Board or the Mayor shall then take appropriate action which may include a recommendation to change the personnel rules and regulations, a finding that the grievance is unjustified, or any other appropriate recommendation.
- F. *Protection.* No employee shall be disciplined or discriminated against in any way because of proper use of the grievance procedure.

Section 120.050. Political Activity. [CC 1997 §2-167]

- A. *Political Activity.*
 1. It is the duty and right of every employee to register and vote on all political issues. Employees are permitted to join political organizations, civic associations or civic betterment groups.
 2. Employees, except temporary and seasonal employees, are not permitted to engage in any political activity involving the election of candidates for any office. Any employee, except temporary and seasonal employees, desiring to become a candidate for elective office shall first take a leave of absence without pay, or resign.

3. Employees, except temporary and seasonal employees, are not permitted to solicit, sell or handle political contributions. Employees are not permitted to wear or display political badges, buttons or signs on their person or on City property during on-duty hours. Employees will not openly campaign or oppose candidates that would leave the impression of doing so in the name of the City.
- B. *Membership On Boards And Commissions.* Employees, except temporary and seasonal employees, are not permitted to be a member of councils, boards or commissions that are advisory or administrative to the City except where such membership is specifically authorized by City ordinance. No elected official of this City shall be in direct charge of any department of the City, except the Mayor.

Section 120.060. General Policies. [CC 1997 §2-168]

- A. *Uniforms.* Uniform allowance will be made to Police Department personnel. The rate of allowance shall be set by the Board of Aldermen. Cleaning and/or laundry costs and regular maintenance of the uniforms is the responsibility of the patrolmen.
- B. *Use Of City-Owned Vehicles.* Employees designated by the Board of Aldermen shall be allowed to use City-owned vehicles as transportation to and from their home to their place of work in addition to use during normal hours of duty. All vehicles shall be kept clean and driven in a manner so as to conform with existing traffic regulations and not bring discredit to the City.

Section 120.070. Position, Their Titles and Descriptions. [CC 1997 §2-169]

- A. *Equal Employment Opportunity.*
 1. The City will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, physical handicap or age. The City will take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, physical handicap or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruiter, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
 2. The City will post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Government setting forth the provisions of the non-discrimination clause. The City will state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, physical handicap or age.
- B. *Job Descriptions.* Each shall have a specification that includes a concise descriptive title, a description of the duties and responsibilities of positions and a statement of the qualifications for filling such positions. Such specifications shall be approved by the department head and shall be kept on file in the office of the City Clerk and shall be open to inspection by any interested party during regular office hours. Any such job description shall not be deemed to prevent the City from requiring an employee to perform additional acts or duties based upon the needs of the City, but in any such case the employee shall be specifically informed by the Mayor of what additional acts or duties are being required, and whether the increased acts or duties shall be temporary or permanent. An employee may receive a raise in rate of pay if approved by the Board of Aldermen based upon a

permanent increase in their job duties and responsibilities notwithstanding that the employee has already received one (1) pay raise in the calendar year.

Section 120.080. Personnel Policies for Law Enforcement Employees. [Ord. No. 14-2022, 11-10-2022]

- A. Lexipol Policy Service. For the time the City subscribes to the Lexipol policy service, the policies contained in the Lexipol policy service shall supersede those contained in the City's Personnel Policy Manual in any instances of conflict with respect to the Law Enforcement Officers employed by the City and assigned to its Police Department. City personnel who work under the direction of the Police Chief who are not Law Enforcement Officers are not governed by the policies in the Lexipol policy service. With respect to matters that are addressed in the City's Personnel Policy Manual but not in the Lexipol policy service, the City's Personnel Policy Manual will apply to all City employees, including Law Enforcement Officers.
- B. Exceptions And Modifications. While the policies published by Lexipol are presumed to be those applicable to the City's Law Enforcement Officers, the Board of Aldermen retains the right to choose to amend or reject policies published by Lexipol. Any such amendments or exceptions shall be memorialized, in writing, in resolutions adopted by the Board of Aldermen.

BRANSON WEST CODE

Chapter 125

MUNICIPAL COURT

ARTICLE I
In General

Section 125.010. Court Established. [CC 1997 §6-010]

There is hereby established in this City a Municipal Court, to be known as the Branson West Municipal Court, a Division of the 39th Judicial Circuit Court of the State of Missouri. This court is to be termed herein "The Municipal Court".

Section 125.020. Jurisdiction. [CC 1997 §6-020]

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City.

Section 125.030. Selection of Judge. [CC 1997 §6-030]

The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 39th Judicial Circuit Court, and shall be appointed by the Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, for a term as specified under the provisions of this Chapter.

Section 125.040. Term of Office. [CC 1997 §6-040; Ord. No. 1171 §§1 — 2, 4-11-1997]

The Municipal Judge shall hold his/her office for a period of two (2) years and shall take office bi-annually from the first (1st) regular meeting of the Board of Aldermen after election in that year. If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete that term of office, even if the same be less than two (2) years.

Section 125.050. Vacation of Office. [CC 1997 §6-050]

- A. The Municipal Judge shall vacate his/her office under the following circumstances:
1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges as provided in Missouri Supreme Court Rule 12, or
 2. Upon attaining his/her seventy-fifth (75th) birthday, or
 3. If he/she should lose his/her license to practice law within the State of Missouri.

Section 125.060. Qualifications For Office. [CC 1997 §6-060]

- A. The Municipal Judge shall possess the following qualification before he/she shall take office:
1. He/she shall be a licensed attorney, qualified to practice law within the State of Missouri.
 2. He/she need not reside within the City.
 3. He/she must be a resident of the State of Missouri.
 4. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
 5. He/she may serve as Municipal Judge for another municipality.
 6. He/she may not hold any other office within the City Government.

7. The Municipal Judge shall be considered holding a part-time position, and as such may accept, within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2, other employment.

Section 125.070. Superintending Authority. [CC 1997 §6-070]

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of said Court shall obey his/her directives.

Section 125.080. Report To Board of Aldermen. [CC 1997 §6-080]

The Municipal Judge shall cause to be prepared within the first ten (10) days of every month a report indicating a list of all cases heard and tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of cost, the names of the defendants committed and in the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the Municipal Court Clerk or the Municipal Judge. This report will be filed with the City Clerk who shall thereafter forward the same to the Board of Aldermen of the City for examination at its first (1st) session thereafter. The Municipal Court shall, within the ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding months, if they have not previously been paid.

Section 125.090. Docket and Court Records. [CC 1997 §6-090]

The Municipal Judge shall be a conservator of the peace. He/she shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein and he/she shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of Stone County. The Municipal Judge shall deliver the docket and records of the Municipal Court, and all books and papers pertaining to his/her office, to his/her successor in office or to the Presiding Judge of the Circuit.

Section 125.100. Municipal Judge — Powers and Duties Generally. [CC 1997 §6-100]

A. The Municipal Judge shall be and is hereby authorized to:

1. Establish a Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her, and may fine and imprison for contempt committed before him/her while holding Court, in the same manner and to the same extent as a Circuit Judge.
3. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court, and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not

violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts, or State Statutes.

5. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinances of this City.

Section 125.110. Violations Bureau. [CC 1997 §6-110]

Should the Municipal Judge determine that there shall be a Violations Bureau, the City shall provide all expenses incident to the operation of the same. The City Collector is hereby designated as the Violations Clerk for said Bureau, if established.

Section 125.120. Issuance and Execution of Warrants. [CC 1997 §6-120]

All warrants issued by a Municipal Judge shall be directed to the Chief of Police, or any other Police Officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Marshal, Chief of Police, Police Officer, or Sheriff any place within the limits of the County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in other Counties as provided for in warrants in criminal cases.

Section 125.130. Arrests Without Warrants. [CC 1997 §6-130]

The Chief of Police or other Police Officer of the City may, without a warrant, make arrest of any person who commits an offense in his/her presence, but such officer shall, before the trial, file a written compliant with the Judge hearing violations of municipal ordinances.

Section 125.140. Jury Trials.

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury as in prosecutions for misdemeanors before an Associate Circuit Court Judge. Whenever a defendant accused of a violation of a municipal ordinance has a right to and demands such trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment.

Section 125.150. Duty of The City's Prosecuting Attorney. [CC 1997 §6-150]

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the result in any case.

Section 125.160. Summoning of Witnesses. [CC 1997 §6-160]

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge, it shall not be necessary to summon any witnesses who may be present at the continuance; but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him/her on the day set for trial to testify in the case, and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons.

Section 125.170. Municipal Judge Without Jurisdiction, When.

- A. If, in the progress of any trial before the Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit Court Judge of the County.
- B. For purposes of this Section, any offense involving the operation of a motor vehicle in an intoxicated condition as defined in Section 577.001, RSMo., shall not be cognizable in Municipal Court, if the defendant has been convicted, found guilty, or pled guilty to two (2) or more previous intoxication-related traffic offenses as defined in Section 577.023, RSMo., or has had two (2) or more previous alcohol-related enforcement contacts as defined in Section 302.525, RSMo.

Section 125.180. Jailing of Defendants. [CC 1997 §6-180]

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such Sheriff for the keeping of such prisoner in his/her custody. The same shall be taxed as costs.

Section 125.190. Parole and Probation.

- A. Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such Judge. When a person is placed on probation, he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.
- B. In addition to such other authority as exists to order conditions of probation, the Court may order conditions which the Court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:
 - 1. Restitution to the victim or any dependent of the victim in an amount to be determined by the Judge; and
 - 2. The performance of a designated amount of free work for a public or charitable purpose or purposes as determined by the Judge.
- C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization or agency or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.
- D. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

Section 125.200. Prisoners May Be Worked. [CC 1997 §6-200]

Any person convicted before the Municipal Judge and sentenced for a violation of any of the provisions of this Code or of any of the ordinances of the City, whether the punishment assessed be by fine or imprisonment, or both, may be put to work and required to perform labor upon any of the streets, public works or buildings of the City until the judgment of the Court has been complied with.

Section 125.210. Right of Appeal. [CC 1997 §6-210]

The defendant shall have a right to a trial de novo, even from a plea of guilty, before a Circuit Judge or an Associate Circuit Judge. Such application for a trial de novo shall be filed within ten (10) days after the judgment and shall be in the form as provided by Supreme Court Rules.

Section 125.220. Appeal From Jury Verdicts. [CC 1997 §6-220]

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellant Court.

Section 125.230. Breach of Recognizance. [CC 1997 §6-230]

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such action shall be paid over to the Municipal Treasury to the General Revenue Fund of the municipality.

Section 125.240. Disqualification of Municipal Judge From Hearing Particular Case. [CC 1997 §6-240]

A Municipal Judge shall be disqualified to hear any case in which he/she is in anywise interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) affidavit or disqualification in the same case.

Section 125.250. Temporary Municipal Judge — Vacancy — Compensation.

- A. If the Municipal Judge or Provisional Judge be absent, sick or disqualified from acting pursuant to the general administrative authority of the Presiding Judge of the Circuit Court over the Municipal Divisions within the circuit contained in Section 478.240, RSMo., a special Municipal Judge may be designated in accordance with the provisions of Section 479.230, RSMo., until such absence or disqualification shall cease.
- B. Should a vacancy occur in the office of Municipal Judge, then the Mayor, with consent and approval of the majority of the members of the Board of Aldermen, may appoint some competent, eligible person to serve as Municipal Judge to complete the current term of office.
- C. The Board of Aldermen shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section.

Section 125.260. Clerk of Municipal Court. [CC 1997 §6-260]

A. There shall be a Clerk of the Municipal Court. The duties of said Clerk shall be as follows:

1. To collect such fines for violations of such offenses as may be described, and the court costs hereof.
2. To take oaths and affirmations.
3. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him/her.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Violations Bureau cases or as directed by the Municipal Judge; generally act as Violation Clerk of the Violations Bureau.
6. Perform all other duties as provided for by ordinance, by rules of practice and procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.
7. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City of the municipality which shall constitute prima facie evidence of such ordinance before the Court. Further, to maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County.

Section 125.270. Court Costs. [CC 1997 §6-270; Ord. No. 1146 §2(a,b), 11-12-1996]

A. In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases the following:

1. Costs of court in the amount of twelve dollars (\$12.00).
2. In all cases except those for non-moving traffic violations or where the case has been dismissed by the Court, costs for the training of Police Officers in the amount of two dollars (\$2.00) which shall be transmitted monthly to the General Revenue Fund.
3. In all cases except those for non-moving traffic violations or where the case has been dismissed by the Court, costs in the amount of one dollar (\$1.00) to be collected and transmitted monthly to the Treasurer of the State of Missouri, Peace Officers Standards and Training Commission Fund, to be used statewide for the training of Law Enforcement Officers.
4. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subparagraph (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subparagraph shall be paid at least monthly as follows:
 - a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.
 - b. Five percent (5%) shall be paid to the City Treasury.

5. Other cost, such as for the issuance of a warrant, a commitment, or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
6. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail.
7. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.
8. Court Automation Fee. In addition to other fees assessed as Court costs in this Section, a surcharge of seven dollars (\$7.00) for each case filed in Branson West Municipal Court for violations of municipal ordinances shall be assessed and collected under the terms of Section 477.605, RSMo. In addition, the Board of Aldermen requires that the Traffic Violations Bureau collect a seven dollar (\$7.00) surcharge on each plea of guilty processed by the Traffic Violations Bureau for traffic violations that occurred within the City of Branson West. **[Ord. No. 1-2021, 1-19-2021]**

Section 125.280. Court Costs — Assess Against Prosecuting Witness. [CC 1997 §6-280]

The costs of any action may be assessed against the prosecuting witness and judgment be rendered against him/her that he/she pay the same and stand committed until paid in any case where it appears to the satisfaction of the Municipal Judge that the prosecution was commenced without probable cause and from malicious motives.

Section 125.290. Installment Payment of Fine. [CC 1997 §6-290]

When a fine is assessed for violating an ordinance, it should be within the discretion of the Judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he/she may deem appropriate.

Section 125.300. Reimbursement of Cost For Alcohol and Drug-Related Offenses. [CC 1997 §6-300; Ord. No. 1020 §§6-300 — 6-301, 5-11-1993]

- A. Upon a plea of guilty, finding of guilt or conviction for violation of the provisions of Sections 342.020 or 342.030, the Court may, in addition to imposition of any penalties provided by law and whether or not sentence is imposed, order the person to reimburse law enforcement authorities for the costs associated with such arrest.
- B. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical tests to determine the alcohol or drug content of the person's blood, and the cost of processing, charging, booking and holding such person in custody.
- C. Law enforcement authorities may establish a schedule of such costs for submission to the Court; however, the Court may order the costs reduced if it determines that the schedule of costs is excessive given the circumstances of the case or for good cause shown.
- D. These fees shall be calculated as additional costs by the Municipal Court and shall be collected by the Court in the same manner as other costs and fees are collected and remitted to the City Treasurer.
- E. The City Treasurer shall retain these fees in a separate fund known as the "DWI/Drug Enforcement Fund". Monies within the DWI/Drug Enforcement Fund shall be appropriated by the Board of

Aldermen to law enforcement authorities from such fund in amounts equal to those costs so incurred and shall be specifically used to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.

Section 125.310. Failure To Appear in Municipal Court.

- A. A person commits the offense of failure to appear in Municipal Court if:
1. He/she has been issued a summons for a violation of any ordinance of the City of Branson West and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 3. He/she has been placed on Court supervised probation and fails to appear before the Judge of the Municipal Court at the time specified by said Judge as a condition of the probation.
- B. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.

ARTICLE II
Administrative Search Warrants

Section 125.320. Search Warrant Defined — Who May Issue, Execute. [Ord. No. 1256 §1(12-13), 6-10-2003]

- A. An "*administrative search warrant*" is a written order of the Municipal Judge commanding the entry, search or inspection of any property, place or thing, and the seizure, photographing, copying or recording of property or physical conditions found thereon or therein to determine or prove the existence of violations of any ordinance or Section of the Revised Code of Ordinances of the City of Branson West relating to the use, condition or occupancy of property or structures located within the City of Branson West, or to enforce the provision of any such ordinance or Section.
- B. The Municipal Judge having original and exclusive jurisdiction to determine violations against the ordinances of the municipality shall have the authority to issue an administrative search warrant when:
1. The property or place to be entered, searched or inspected or the thing to be seized is located within the City of Branson West at the time of the making of the application, and
 2. The owner or occupant of the property or place to be entered, searched or inspected or the thing to be seized has refused to allow the same after official request by the Building Inspector.
- C. Any such warrant shall be directed to the Chief of Police or any other Police Officer of the City of Branson West and shall be executed by the Chief of Police or said Police Officer within the City limits and not elsewhere.

Section 125.330. Who May Apply For Warrant — Contents of Application. [Ord. No. 1256 §1(12-14), 6-10-2003]

- A. Any Police Officer, City Administrator, Code Enforcement Official, or an Attorney of the City of Branson West may make application to the Municipal Judge for the issuance of an administrative search warrant.
- B. The application shall:
1. Be in writing;
 2. State the time and date of the making of the application;
 3. Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 4. State that the owner or occupant of the property or places to be entered, searched, inspected or seized has been requested by the City of Branson West to allow such action and has refused to allow such action;
 5. State facts sufficient to show probable cause for the issuance of a search warrant, as provided in Subsection (C) hereof, to:
 - a. Enter, search or inspect for violations of an ordinance or Section relating to the use, condition or occupancy of property or structures located within the City of Branson West as such is specified in the application; or

- b. Show that entry or seizure is authorized and necessary to enforce an ordinance or Section relating to the use, condition or occupancy of property or structures located within the City of Branson West as such is specified in the application and that any required due process has been afforded prior to the entry or seizure.
- 6. Be verified by the oath or affirmation of the applicant; and
- 7. Be signed by the applicant and filed in the Municipal Court.
- C. The application may be supplemented by a written affidavit or affidavits verified by oath or affirmation. Such affidavit(s) shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be entered, searched or inspected. Oral testimony shall not be considered.

Section 125.340. Hearing and Procedure — Contents of Warrant — Execution and Return. [Ord. No. 1256 §1(12-15), 6-10-2003]

A. *Hearing And Procedure.*

- 1. The Municipal Judge shall hold a non-adversary hearing to determine whether probable cause exists to enter, inspect or search for violations of any Branson West ordinance or Section relating to the use, condition or occupancy of property or structures located within the City of Branson West, or to enforce any such ordinance or Section.
- 2. In doing so the Municipal Judge shall determine whether the action to be taken by the City of Branson West is reasonable in light of the facts stated. The Municipal Judge shall consider the goals of the ordinance or Code Section relating to the use, condition or occupancy of property or structures located within the City of Branson West sought to be enforced and such other factors as may be appropriate, including, but not limited to, the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant ordinance or Code Section relating to the use, condition or occupancy of property or structures located within the City of Branson West and the passage of time since the property's last inspection. Convincing evidence shall be presented to the Municipal Judge that there is probable cause to believe that there is a threat to the life of a human or animal and/or that there is a threat to the public health of the residents of the City of Branson West. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a municipal ordinance or Code Section.
- 3. If it appears from the application and any supporting affidavit that there is probable cause to enter, inspect or search for violations of any ordinance or Code Section relating to the use, condition or occupancy of property or structures located within the City of Branson West, or that entry or seizure is authorized by any ordinance or Code Section, or to enforce any such ordinance or Code Section, a search warrant shall immediately be issued.
- 4. The warrant shall issue in the form of an original and two (2) copies, and the application, any supporting affidavit and one (1) copy of the warrant as issued shall be retained in the records of the Municipal Court.

B. *Contents Of Search Warrant.* The search warrant shall:

- 1. Be in writing and in the name of the City of Branson West;
- 2. Be directed to any Police Officer in the City of Branson West;

3. State the time and date the warrant is issued;
4. Identity the property or place to be searched, inspected, entered upon, or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
5. Command that the described property or places be searched or entered upon, and that any evidence of any ordinance or Code violations relating to the use, condition or occupancy of property or structures located within the City of Branson West found therein or thereon, or any property seized pursuant thereto, or a description of such property seized be returned within ten (10) days after filing of the application to the Municipal Judge who issued the warrant, to be dealt with according to law;
6. Be signed by the Judge, with his/her title of office indicated.

C. *Execution And Return.*

1. A search warrant issued under this Article shall be executed only by a Branson West Police Officer, provided however, that one (1) or more designated City Officials may accompany the officer, and the warrant shall be executed in the following manner:
 - a. The warrant shall be executed by conducting the search, inspection, entry or seizure as commanded and shall be executed as soon as practicable and in a reasonable manner.
 - b. The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant.
 - c. *Seized property.*
 - (1) If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place.
 - (2) The disposition of property seized pursuant to a search warrant under this Section shall be in accordance with any applicable ordinance or Code Section, but in the absence of same, then with Section 542.301, RSMo.
 - d. The officer may summon as many persons as he/she deems necessary to assist him/her in executing the warrant, and such persons shall not be held liable as a result of any illegality of the search and seizure.
 - e. An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he/she would be justified in using if the warrant were valid.
 - f. A search warrant shall expire if it is not executed and the required return made within ten (10) days after the date of the making of the application.
2. *Delivery of warrant.*
 - a. After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Municipal Court.
 - b. The return shall show the date and manner of execution and the name of the possessor and

of the owner of the property or places entered, searched or seized, when he/she is not the same person, if known.

- c. The return shall be accompanied by any photographs, copies, or recordings made, and by any property seized, along with a copy of the itemized receipt of such property required by this Section; provided however, that seized property may be disposed of as provided herein, and in such a case a description of the property seized shall accompany the return.
- d. The Court Clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property entered, searched or seized.

Section 125.350. Warrant Invalid — When. [Ord. No. 1256 §1(12-16), 6-10-2003]

A. A search warrant shall be deemed invalid if:

- 1. It was not issued by the Municipal Judge;
- 2. It was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided in this Article;
- 3. It was issued with respect to property or places outside the City of Branson West;
- 4. It is not executed and returned within ten (10) days after the date of making the application.

City of Branson West, MO
Section 125.350

MUNICIPAL COURT

Chapter 130**PROCUREMENT****Section 130.010. Competitive Bidding Procedure. [CC 1997 §1-15; Ord. No. 1064, 4-4-1995]**

- A. When the City negotiates any purchase, sale, or other contract, there shall be provided ample opportunity for competitive bidding in the following manner:
1. If the consideration is less than five hundred dollars (\$500.00), bids shall be solicited in the most expedient manner with due regard for competitive prices and quality.
 2. If the consideration is five hundred dollars (\$500.00) or greater but less than one thousand dollars (\$1,000.00), three (3) bids shall be solicited by telephone or mail from qualified vendors. The lowest and best bid shall be accepted. A record of all quotations shall be maintained and the reason a vendor was selected must be included as part of the record.
 3. If the consideration is one thousand dollars (\$1,000.00) or greater but less than two thousand dollars (\$2,000.00), three (3) bids shall be solicited in written form from qualified vendors. The lowest and best bid shall be accepted. A record of all quotations shall be maintained and the reason the vendor was selected must be included as part of the record.
 4. If the consideration is two thousand dollars (\$2,000.00) or greater but less than five thousand dollars (\$5,000.00), three (3) sealed bids shall be solicited in written form from qualified vendors. The lowest and best bid shall be accepted. A record of all quotations shall be maintained and the reason a vendor was selected must be included as part of the record.
 5. If the consideration is five thousand dollars (\$5,000.00) or greater, the City of Branson West shall advertise for sealed bids from qualified vendors. The lowest and best bid shall be accepted. A record of all quotations shall be maintained and the reason a vendor was selected must be included as part of the record.
 6. Individual contracts, purchases, or sales be they for goods, supplies, commodities, or services shall not be excluded from the requirement of competitive bidding herein above described with the provision, however, that professional engineering services, surveying, architectural, legal and consulting services be excluded.
 7. Individual contracts or purchases shall not be subdivided for the purpose of evading the requirement of competitive bidding.
- B. *Advertise Defined.* The advertisement required by the preceding Subsection shall consist of the following:
1. An advertisement inviting bids shall be published once in at least one (1) official newspaper serving Branson West at least ten (10) days preceding the last day set for the receipt of proposals. The newspaper advertisement required herein shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
 2. The City shall also solicit sealed bids from all responsible prospective suppliers who have requested their names be added to a "Bidders' List" which the City Clerk shall maintain, by the City sending them a copy of such newspaper notice or such other notice as will acquaint them

with the proposed purchase or sale.

- C. *Sealed Bidding Procedures.* All requests for sealed bids shall include a deadline stating the date and time by which the sealed bids must be received at City Hall. Bids shall be submitted sealed to the City Clerk and shall be identified as bids on the envelope. When received at City Hall, the bid envelopes shall be stamped by the City Clerk noting the date and time of arrival. They shall be opened in public at the time and place stated in the public advertisement.
- D. *Lowest Responsible Bidder.* The City reserves the right to reject any or all bids. Contracts shall be awarded to the lowest and best responsible bidder. Bids shall not be accepted from, nor contracts awarded to, a contractor who is in default on the payment of taxes, licenses or other monies due the City. In determining the lowest and best bid, the following shall be considered:
 - 1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 - 2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - 3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - 4. The quality performance of previous contracts or services with the City;
 - 5. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
- E. *Justification Of Award.* When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be made to the Board of Aldermen prior to awarding the contract.
- F. *Tie Bids.* If all bids received or the lowest bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. Where there is no local low bidder, the award shall be made on the basis of drawing lots, to be held in public.
- G. *Emergency Purchases.* In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the Mayor or City Administrator may authorize the purchase, at the lowest and best obtainable price, of any supplies or contractual services. A full explanation of the circumstances of an emergency purchase shall be made to the Board of Aldermen.

BRANSON WEST CODE

Chapter 135

FINANCE AND TAXATION

ARTICLE I
Local Sales Tax

Section 135.010. Imposition of City Sales Tax.¹³ [CC 1997 §21-10; Ord. No. 1010, 1992]

- A. A tax for purposes of providing waste water treatment and sewers, Police protection and general operating expenses and general revenue purposes is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 to 144.510, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto.
- B. The rate of the tax shall be one and one-half percent (1½%) (1% general sales tax and 0.5% capital improvements tax) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Branson West, Missouri, to the extent such property and taxable services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.510, RSMo. The tax shall become effective as provided in Section 94.510.4, RSMo., and shall be collected pursuant to the provisions of Sections 94.500 to 94.570, RSMo.

Section 135.020. Imposition of City Use Tax.¹⁴ [CC 1997 §21-11; Ord. No. 1124 §§1 — 2, 5-21-1996]

- A. Subject to the provisions of Sections 144.600 through 144.761, RSMo., a use tax for general revenue purposes is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this State until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City.
- B. The rate of the tax shall be one and one-half percent (1½%). If any City sales tax is repealed or the rate thereof is reduced or raised by voter approval, the City use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the City sales tax.

Section 135.030. Imposition of Transportation Sales Tax.¹⁵ [Ord. No. 1224, 12-15-1998; Ord. No. 1271 §§1, 5 — 6, 1-13-2004]

- A. Pursuant to the authority granted by and subject to the provisions of Sections 94.700 to 94.755, RSMo., a tax for purposes of providing transportation capital improvements, services and maintenance and related expenditures is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 to 144.525, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of the tax shall be one-half percent (½%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Branson West, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.525, RSMo. The tax shall become effective as provided in Section 94.705, RSMo., and shall be collected pursuant to the provisions of Sections 94.700 to 94.755, RSMo., and other applicable State law.

13. State Law References — For similar provisions, §§94.500 to 94.570, RSMo.

14. State Law References — Similar provisions, §§94.500 — 94.570, 144.600 — 144.763, RSMo.

15. Note — The transportation tax was initially passed by the voters at the general election of April 6, 1999. Subsequently, this tax was extended and approved by the voters at the general election of April 6, 2004.

- B. Upon passage of said proposition, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States certified or registered mail:
1. A certified copy of this Section,
 2. A copy of the abstract of the votes cast on the proposition at said election, and
 3. A map clearly showing the boundaries of the City. If the boundaries of the City shall hereafter be changed or altered, the City Clerk shall notify the Director of Revenue as required by Section 94.705.4, RSMo.

Section 135.035. Public Safety Sales Tax. [Ord. No. 06-2023¹⁶, 8-29-2023]

A sales tax at the rate of one-half of one percent (0.5%) on all sales of tangible personal property and taxable services sold at retail in the City of Branson West, Missouri, for the funding of public safety, as authorized by Section 94.902, RSMo., is hereby imposed. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

Section 135.037. Adult Use Marijuana Sales Tax. [Ord. No. 05-2023¹⁷, 8-15-2023]

A sales tax at the rate of three percent (3%) on all tangible personal property retail sales of adult use marijuana sold in the City of Branson West, Missouri, as authorized by Article XIV, Section 2.6(5) of the Missouri Constitution, is hereby imposed. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

16. Editor's Note: This tax was passed by a majority of the electorate 11-7-2023.

17. Editor's Note: This tax was passed by a majority of the electorate 11-7-2023.

ARTICLE II
Miscellaneous Provisions

Section 135.040. City Obligations. [CC 1997 §1-11; Ord. No. 1175, 5-30-1997]

Unless otherwise specified, all debts or obligations due the City, whether on contract, for services rendered, for court costs and fines, or for any other purpose may be paid in cash, cashier's check, money order, or approved check. The City reserves the right to approve or disapprove of checks for any reason. Any payment of a City obligation with coin in an amount of five dollars (\$5.00) or more must be rolled in the standard paper rolling devices, or if loose may be subject to an additional ten percent (10%) service fee. Included on each roll must be the individual's name and Social Security number for tracking purposes in the event that the roll should be returned to the City for being short.

Section 135.050. Return Check Charge. [CC 1997 §1-14]

In addition to any other penalties that might be described herein, the proper officers of the City shall impose a charge in the amount charged by the banking institution plus a five dollar (\$5.00) administrative fee for each check that is written to the City for any purpose and is returned unpaid.

Chapter 140**IDENTITY THEFT PREVENTION PROGRAM****Section 140.010. Program Adoption. [Ord. No. 64-2008 §I, 10-14-2008]**

The Public Utility Department of the City of Branson West, Missouri (hereinafter referred to as "the Utility") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flag Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003 16 C.F.R. 681.2. This program was developed with oversight and approval of the Board of Aldermen of the City of Branson West, Missouri. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the Board of Aldermen determined that this program was appropriate for the Utility Department.

Section 140.020. Program Purpose and Definitions. [Ord. No. 64-2008 §II, 10-14-2008]

- A. *Fulfilling Requirements Of The Red Flag Rule.* Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:
1. Identify relevant red flags for new and existing covered accounts and incorporate those red flags into the program;
 2. Detect red flags that have been incorporated into the program;
 3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
 4. Ensure the program is updated periodically to reflect changes in risks to customers or to the safety and soundness of the creditor from identity theft.
- B. *Red Flag Rule Definitions Used In This Program.* The Red Flag Rule defines "*identity theft*" as fraud committed using the identifying information of another person and a "*red flag*" as a pattern, practice, or specific activity that indicates the possible existence of identity theft. According to the rule, a "*municipal utility*" is a creditor subject to the rule requirements. The rule defines "*creditors*" to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.

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

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

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

Section 140.030. Identification of Red Flags. [Ord. No. 64-2008 §III, 10-14-2008]

A. In order to identify relevant red flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with identity theft. The Utility identifies the following red flags in each of the listed categories:

1. *Notifications and warnings from credit reporting agencies.*

Red Flags

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

2. *Suspicious documents.*

Red Flags

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

3. *Suspicious personal identifying information red flags.*

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an

invalid phone number or fictitious billing address);

5. Social Security number presented that is the same as one given by another customer;
 6. An address or phone number presented that is the same as that of another person;
 7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law Social Security numbers must not be required); and
 8. A person's identifying information is not consistent with the information that is on file for the customer.
4. *Suspicious account activity or unusual use of account.*

Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
 2. Payments stop on an otherwise consistently up-to-date account;
 3. Account used in a way that is not consistent with prior use (example: very high activity);
 4. Mail sent to the account holder is repeatedly returned as undeliverable;
 5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
 6. Notice to the Utility that an account has unauthorized activity;
 7. Breach in the Utility's computer system security; and
 8. Unauthorized access to or use of customer account information.
5. *Alerts from others.*

Red Flag

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in identity theft.

Section 140.040. Detecting Red Flags. [Ord. No. 64-2008 §IV, 10-14-2008]

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

Detect:

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

3. Review documentation showing the existence of a business entity; and
 4. Independently contact the customer.
- B. *Existing Accounts.* In order to detect any of the red flags identified above for an existing account, Utility personnel will take the following steps to monitor transactions with an account:

Detect:

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

Section 140.050. Preventing and Mitigating Identity Theft. [Ord. No. 64-2008 §V, 10-14-2008]

- A. In the event Utility personnel detect any identified red flags, such personnel shall take one (1) or more of the following steps, depending on the degree of risk posed by the red flag:

Prevent and mitigate:

1. Continue to monitor an account for evidence of identity theft;
 2. Contact the customer;
 3. Change any passwords or other security devices that permit access to accounts;
 4. Not open a new account;
 5. Close an existing account;
 6. Reopen an account with a new number;
 7. Notify the Program Administrator for determination of the appropriate step(s) to take;
 8. Notify law enforcement; or
 9. Determine that no response is warranted under the particular circumstances.
- B. *Protect Customer Identifying Information.* In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:
1. Ensure that its website is secure or provide clear notice that the website is not secure;
 2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
 3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
 4. Keep offices clear of papers containing customer information;
 5. Request only the last four (4) digits of Social Security numbers (if any);

6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information that are necessary for Utility purposes.

Section 140.060. Program Updates. [Ord. No. 64-2008 §VI, 10-14-2008]

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

Section 140.070. Program Administration. [Ord. No. 64-2008 §VII, 10-14-2008]

- A. *Oversight.* Responsibility for developing, implementing and updating this program lies with an Identity Theft Committee for the Utility. The Committee is headed by the Executive Officer of the City or his or her appointee. Two (2) or more other individuals in the Utility Department appointed by the Executive Officer comprise the remainder of the Committee membership. The Executive Officer will be responsible for the program administration, for ensuring appropriate training of utility staff on the program, for reviewing any staff reports regarding the detection of red flags and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the program.
- B. *Staff Training And Reports.* Utility staff responsible for implementing the program shall be trained either by or under the direction of the Executive Officer in the detection of red flags, and the responsive steps to be taken when a red flag is detected. (The Utility may include in its program how often training is to occur. The program may also require staff to provide reports to the Executive Officer on incidents of identity theft, the Utility's compliance with the program and the effectiveness of the program.)
- C. *Service Provider Arrangements.* In the event the Utility engages a service provider to perform an activity in connection with one (1) or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
 1. Require, by contract, that service providers have such policies and procedures in place; and
 2. Require, by contract, that service providers review the Utility's program and report any red flags to the Executive Officer.
- D. *Specific Program Elements And Confidentiality.* For the effectiveness of identity theft prevention programs, the red flag rule envisions a degree of confidentiality regarding the Utility's specific practices relating to identity theft detection, prevention and mitigation. Therefore, under this program, knowledge of such specific practices is to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing identity theft. Because this program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the program's general red flag detection, implementation and prevention practices are listed in this document.

Public Health, Welfare and Safety

City of Branson West, MO
Section 140.070

POLICE

Chapter 200

POLICE

ARTICLE I
In General

Section 200.010. Generally. [CC 1997 §14-1]

This Chapter consists of the rules and regulations for the operation of the Police Department of this City.

Section 200.020. Police Department Established. [CC 1997 §14-2; Ord. No. 1006 §§14-16 — 14-17, 1992]

There is hereby established a Department of Police of the City. The Department shall consist of the Police Chief and such Police Officers as the Board of Aldermen may provide.

Section 200.030. Police Department Policy and Procedure Manual. [Res. No. 1286, 12-14-2004; Res. No. 09-R-01, 6-9-2009]

The City of Branson West adopted a Policy and Procedure Manual for the Branson West Police Department on December 14, 2004. The manual and amendments thereto are on file in the City offices.

Section 200.035. Duties and Powers of Police Officers. [CC 1997 §11-3; Ord. No. 1234 §11-3, 11-14-2000]

- A. Branson West Police Officers are authorized to enforce the provisions of this City Code and State or Federal laws outside the City limits in the following circumstances:
1. Request from a County, State or Federal Law Enforcement Officer or Agency for assistance or as otherwise provided by law;
 2. Emergency situation, where the officer on duty has a reasonable belief that a crime is about to be committed, is being committed, or an accident has occurred involving injury or threat of injury to any person or property; and
 3. A continuing pursuit outside City limits may be made by a City Officer citified under Chapter 590, RSMo., for an suspect who is reasonably believed to have committed a felony in this State, or has committed or attempted to commit any act constituting a crime, offense or violation of municipal ordinance in the presence of the officer, or the person has an outstanding arrest warrant; provided that the pursuit is instituted from within City limits, is conducted pursuant to vehicular pursuit policies as have been adopted by the Branson West Police Department, and is terminated if contact is lost at any point after leaving City limits.

ARTICLE II
Department

Section 200.040. Police Officer — Assignments. [CC 1997 §14-6]

Assignment of a Police Officer is at the discretion of the Chief of Police. For the purpose of this Chapter, all Police (including the Chief) are considered Police Officers.

Section 200.050. Police Officer — Duties. [CC 1997 §14-7]

Each Police Officer shall perform all the duties and functions as necessary to enforce City ordinances and as required by the Chief of Police.

Section 200.060. Police Department Employees — Cause For Disciplinary Action. [CC 1997 §14-8]

Notwithstanding the fact that members of the Police Department are employees at will, any violation of the Police Department Procedural Manual, Article VI Code of Ethics and Rules of Conduct is subject to disciplinary action to include possible termination.

Section 200.070. Qualifications For Police Officers. [CC 1997 §14-9; Ord. No. 1206, 3-24-1998]

All full-time Police Officers employed by the City shall be between the ages of twenty-one (21) years of age and sixty-five (65) years of age and certified as a Peace Officer under Ch. 590, RSMo. They shall be of good moral character and shall not have been convicted of any felony. They shall be able to write legibly and shall furnish at least three (3) good character references.

Section 200.080. Compensation of Officers. [CC 1997 §14-10]

The salaries of the officers of the Police Department shall be as prescribed by the Board of Aldermen.

Section 200.085. Work Period For Law Enforcement Officers. [Ord. No. 7-2017, 10-17-2017]

The work period for payroll purposes for the law enforcement officers who are Police Officers for the City of Branson West shall be fourteen (14) consecutive days, beginning with the next pay period following adoption of this Section.

Section 200.090. Officers To Serve At Pleasure of City Administrator — Removal. [CC 1997 §14-11; Ord. No. 1206, 3-24-1998]

The officers of the Police Department shall serve at the pleasure of the City Administrator and may, for cause, be removed at any time.

Section 200.100. Law Enforcement Mutual Aid. [CC 1997 §14-12]

- A. Any Police Officer of the City of Branson West shall have the authority to respond to an emergency situation outside the City boundaries when the emergency situation arises within the County of Stone.
- B. Any Police Officer of the City of Branson West shall have the authority to respond to an emergency situation outside the City boundaries when an emergency situation arises within any political subdivision that also has authorized its Police Officers to respond to emergency situations arising within the County of Stone.

- C. Deputies of the Stone County Sheriff's Department, Stone County, Missouri, are hereby authorized to respond to any emergency situation arising in the City of Branson West, Missouri, after receiving a request for assistance from the Branson West Police Department or one (1) of its Law Enforcement Officers.
- D. Police Officers of any political subdivision that has authorized its Police Officers to respond within the County of Stone are also hereby authorized to respond to any emergency situation arising in the City of Branson West, Missouri, after receiving a request for assistance from the Branson West Police Department or one (1) of its Law Enforcement Officers.
- E. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:
- EMERGENCY SITUATION — Any situation in which the officer has a reasonable belief that a crime is about to be committed, is being committed, or has been committed involving injury or threat of injury to any person, property, or governmental interest and that his/her response is reasonable necessary to prevent or end such emergency situation or mitigate the likelihood of injury involved in such emergency situation.
- POLICE OFFICER — An officer who has completed the basic Police Training Program promulgated by Chapter 590, RSMo.
- RESPONSE — To take any and all action which the Police Officer may lawfully take as if exercising his/her powers within the jurisdiction of his/her employing City or County.

Section 200.110. Major Case Squads. [CC 1997 §14-13]

The City Police of the City of Branson West, Missouri, are hereby authorized to cooperate with other political subdivisions in the formation of, and participate in the operation of, major case squads in the general area of Southwest Missouri, as the Board of Aldermen of the City may from time to time designate by resolution. Such cooperation and participation shall be in compliance at all times with Section 70.835, RSMo.

ARTICLE III
Police Chief

Section 200.120. Office Created. [CC 1997 §14-21]

There is hereby created in the City the office of Police Chief.

Section 200.130. Bond. [CC 1997 §14-23]

Before entering upon the duties of his/her office, the Police Chief shall give bond with two (2) or more sufficient sureties, to be approved by the Board of Aldermen, in the sum of one thousand dollars (\$1,000.00) conditioned upon the faithful performance of his/her duties in office.

Section 200.140. Chief of Police — Authority.¹⁸ [CC 1997 §14-24; Ord. No. 1202, 3-24-1998; Ord. No. 1206, 3-24-1998]

- A. The Chief of Police is the Director of the Police Department. He/she shall have immediate and direct control of the Department with the power and duty to perform all duties required of the Chief of Police by law, subject to the supervision of the City Administrator and Board of Aldermen.
- B. Upon the completion of one (1) year of satisfactory service with no negative items being entered into their personnel file for the last six (6) months of that year of service, the employee shall become an employee whose employment will continue without the need for action by the Board of Aldermen.

Section 200.150. To Execute Orders, Serve Notices. [CC 1997 §14-26]

The Police Chief shall execute all orders and serve all notices which are required by law.

Section 200.160. Reports. [CC 1997 §14-28]

The Police Chief shall, upon request, make monthly reports, in writing, at the regular meeting of the Board of Aldermen, held on the first (1st) meeting night of each month, of all arrests made, for what offenses, how disposed of and show the amount of fines collected and monies coming into his/her hands from all sources.

18. State Law Reference — Similar provisions, §79.050, RSMo.

ARTICLE IV
Police Reserve

Section 200.170. Created — Membership. [CC 1997 §14-31]

There is hereby created in the Police Department a section to be known as the Police Reserve.

Section 200.180. Duties of Chief of Police — Members of Reserve — May Enforce Ordinances. [CC 1997 §14-32]

The Police Reserve shall be under the administration of the Chief of Police who shall prescribe, subject to the approval of the City Administrator, the number of members of the Reserve, the training qualifications and requirements necessary to become a member of the Reserve and the duties of the members of the Reserve. The Chief of Police shall appoint members of the Reserve with the approval of the City Administrator. Employees of Branson West other than regular Police Officers may be appointed Reserve Police Officers. While acting under orders of the Chief of Police, Police Reserve members shall be considered to be conservators of the peace of the City and shall have the authority to enforce all or such ordinances of the City as the order of the Chief of Police shall provide. Such orders of the Chief of Police may be directed to one (1) or more members of the Police Reserve and shall be subject to the approval of the City Administrator. Any member of the Police Reserve shall be presumed to have acted within the scope of an approved order of the Chief of Police whenever he/she shall in his/her capacity as a Police Reserve member take any action which might be performed by a regular Police Officer of the City, which presumption may be overcome only by competent evidence that no such order had in fact been given.

Section 200.190. Issuance of Commission — Uniforms — Authority of Members. [CC 1997 §14-33]

Upon recommendation of a person to membership in the Police Reserve and after approval of the City Administrator, the City Clerk shall issue a special Police Reserve commission, signed by the Mayor, authorizing the holder thereof as member of the Police Reserve to carry out all duties assigned to such person by the Chief of Police. Such commission shall be carried by the special officer at all times on duty and shall represent his/her authority. Uniforms of the Police Reserve shall be described by the Chief of Police, subject to the approval of the City Administrator. The City shall not be responsible for furnishing the uniforms of the Police Reserve. Members of the Police Reserve shall not come under the provisions of any City retirement plan. Police Reserve members shall have no authority to give orders or instruction to the members of the regular Police force of the City.

BRANSON WEST CODE

Chapter 205

ANIMAL REGULATIONS

Article I Generally

Section 205.010. Animal Neglect and Abandonment — Penalties.¹⁹

- A. A person is guilty of animal neglect when he or she has custody or ownership or both of an animal and fails to provide adequate care or adequate control, which results in substantial harm to the animal.
- B. A person is guilty of abandonment when he or she has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. Animal neglect and abandonment is, upon first (1st) conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars (\$500.00), or both, and upon the second (2nd) and subsequent convictions, an ordinance violation punishable by imprisonment or a fine not to exceed one thousand dollars (\$1,000.00), or both. All fines and penalties for a first (1st) conviction of animal neglect or abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived. This Section shall not apply to the provisions of Section 578.007, RSMo.
- D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses necessary for:
 - 1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
 - 2. The disposal of any dead or diseased animals within the person's custody or ownership;
 - 3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
 - 4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

Section 205.020. Animal Abuse.²⁰

- A. A person is guilty of animal abuse when a person:
 - 1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
 - 2. Purposely or intentionally causes injury or suffering to an animal; or
 - 3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

Section 205.030. Knowingly Releasing An Animal.

- A. A person commits the offense of knowingly releasing an animal if that person, acting without the

¹⁹. State Law Reference — Similar provisions, §578.009, RSMo.

²⁰. Note — Under certain circumstances this offense can be a felony under state law.

consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.

- B. As used in this Section, "*animal*" means every living creature, domesticated or wild, but not including Homo sapiens.
- C. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties.

Section 205.040. Dangerous Wild Animals Prohibited.

No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, non-human primate, coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge.

Article II Dogs

DIVISION I Licensing Regulations

Section 205.050. License Required. [CC 1997 §4-8; Ord. No. 1197, 2-18-1998]

It shall be unlawful for any person within the City of Branson West to own, keep, possess, or allow to remain on property under his/her control a dog over six (6) months of age without procuring a license for such dog as in this Chapter provided. This Section shall not apply to dogs owned and licensed by another who are being temporarily kept at a properly licensed kennel, pound, veterinary clinic or similar business.

Section 205.060. Term of License. [CC 1997 §4-9]

All licenses issued under the provisions of this Chapter shall be effective from June first (1st) to May thirty-first (31st) of each year for which issued commencing June 1, 1994.

Section 205.070. License Fee. [CC 1997 §4-10]

A. License Fees Designated.

For each unneutered male dog	\$10.00
For each unspayed female dog	\$10.00
For each neutered male dog	\$5.00
For each spayed female dog	\$5.00

- B. Delinquent Fee Penalty.* Any license fee due and unpaid thirty (30) days after it becomes due and payable shall be subject to a penalty of fifteen dollars (\$15.00) and any replacement of license tag shall be two dollars (\$2.00).

Section 205.080. Application For Licenses. [CC 1997 §4-11]

Written application for licenses shall be made to the City Collector/City Clerk, which shall include name and address of applicant, description of the animal, the appropriate fee, and written proof of rabies vaccination from duly licensed veterinarian. Application for a license must be made within thirty (30) days after obtaining a dog over six (6) months of age. If the applicant has withheld or falsified any information on the application, the City Collector/City Clerk shall refuse to issue, or if issued shall revoke, a permit or license. Licensing requirements will not apply to non-residents keeping a dog within the City of Branson West for not longer than thirty (30) days.

Section 205.090. Issuance of Licenses. [CC 1997 §4-12]

Upon acceptance of the license application and fee, the City Collector/City Clerk shall issue a durable tag stamped with an identifying number and the year of issuance. The City Collector/City Clerk shall maintain a record of the identifying numbers of all tags issued.

Section 205.100. Kennels — License — Fees. [CC 1997 §4-13]

Kennels are not allowed in the "R-1", "R-2" or "R-3" zoning districts. In zoning districts where kennels are a permitted use, and in addition to business licenses required by this Code, any person who shall own and keep or harbor upon his/her premises more than three (3) dogs over the age of six (6) months must obtain a kennel license. Written application for a kennel license shall be made to the City Collector/City Clerk, which shall include name and address of kennel owner, the maximum number of dogs that will be kept and a description of the kennel. Fee per dog shall be assessed according to Section 205.070 of the Code.

Section 205.110. Display of License Tag. [CC 1997 §4-14]

Dogs must wear license tags at all times when off the premises of the owners.

DIVISION II
General Provisions

Section 205.120. Dogs Running At Large Prohibited. [CC 1997 §4-5]

It shall be unlawful for any person or persons owning, controlling, keeping, possessing or having the management or care, in whole or in part, of any dog to permit such dog to run at large or go off the premises of the owner or the keeper thereof, or to be upon any street, or other public place within the corporate limits of the City of Branson West at any time, day or night, unless such dog is in the custody and charge of some responsible person and is securely tied or lead by a line or leash so as to effectively prevent such dog from biting, molesting, being with or approaching any person or animal. All dogs found to be running at large in violation of these regulations may be taken up and impounded.

Section 205.130. Impoundment — Fees Upon Redemption — Time Limit. [CC 1997 §4-7]

Any owner claiming an impounded dog from the City or its contractor shall pay a fee of twenty-five dollars (\$25.00) plus three dollars (\$3.00) per day for each day that the animal was impounded. The City or its contractor shall hold any impounded dog at least one (1) week. Thereafter, the City or its contractor may dispose of the animal in any appropriate manner.

DIVISION III
Dangerous Dogs

Section 205.140. Dangerous Dogs. [CC 1997 §4-4]

A. Any dog with the following characteristics shall be classified as dangerous:

1. Any dog which has inflicted a severe or fatal injury on a human being on public or private property. "*Severe injury*" means any physical injury, resulting directly from a dog's bite, which results in broken bones, or lacerations requiring stitches, or inpatient hospitalization. The victim receiving severe injuries, as defined above, must provide the Police Department a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement.
2. Any dog which has killed a domestic animal, livestock, or poultry, without provocation, while off the owner's property.
3. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
4. Any dog which has bitten a human being, without provocation, on public or private property other than the property of the owner.
5. Any dog which, while on the owner's property, has bitten, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the dog is kept.
6. Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than that property of the owner, in a menacing fashion or apparent attitudes of attack regardless of whether or not a person is injured by said dog.
7. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
8. A "*pit bull*" dog which is defined to mean:
 - a. Staffordshire bull terrier breed of dog;
 - b. The American pit bull terrier breed of dog;
 - c. The American Staffordshire terrier breed of dog;
 - d. Any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier, American Staffordshire terrier or American pit bull terrier;
 - e. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier and other breeds commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

B. If the circumstances surrounding the classification as a dangerous dog under any of the definitions listed in Subsection (A) are in dispute, then the owner has the option of submitting within five (5) working days a written request to the Chief of Police for a hearing and possible appeal. A hearing

Board, consisting of the Chief of Police, City Administrator and Animal Control Officer, or their delegates, shall be convened within ten (10) working days after receipt of a bona fide written request.

- C. Pending the outcome of such a hearing, the dog must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.
- D. The Hearing Board shall determine whether to declare the animal to be a "dangerous dog" based upon evidence and testimony presented at the time of the hearing by the owner, in addition to witnesses, animal control personnel, Police or any other person possessing information pertinent to such determination.
- E. The Hearing Board shall issue written findings within five (5) days after the hearing. The owner or possessor of the animal found to be dangerous shall be required to maintain the animal as herein provided in this Section.
- F. *Exemption To Dangerous Dog Classification.* With the exception of Subsection (A)(1), no dog may be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

Section 205.150. Owners' Responsibilities With Respect To Dangerous Dogs. [CC 1997 §4-15]

- A. The following actions shall be required of dogs that have been declared dangerous dogs:
 - 1. Any dangerous dog which bites or scratches a human being, or any dog whose behavior immediately prior to or during an incident resulting in a human being bitten or scratched, which is determined to be dangerous, shall be impounded for a ten (10) day rabies quarantine at the municipal animal shelter or a veterinarian clinic within the City limits of Branson West.
 - 2. Any dangerous dog shall wear at all times a bright orange collar with a large brightly colored metal tag attached to the collar so the dog can readily be identified as a dangerous dog.
 - 3. The owner or keeper shall notify the Police Department immediately if a dangerous dog is loose, unconfined, or missing, has attacked another animal, or has attacked a human being.
 - 4. The owner or keeper shall notify the Police Department within twenty-four (24) hours if dangerous dog has died or has been sold or given away. If the dog has been sold or given away, the owner or keeper shall provide the Police Department with the name, address and telephone number of the new owner, and the new owner, if the dog is kept within the City limits of Branson West, must comply with the requirements of this Section.
 - 5. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the dog. The enclosure, when occupied by a dangerous dog, shall not be occupied by any other animal. If the dangerous dog is a female with puppies under three (3) months of age, the puppies may occupy the same enclosure as the mother.

6. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
7. The owner or keeper shall display a sign on his/her premises that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.
8. A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.
9. The owner or keeper of a dangerous dog shall present to the Police Department proof that the owner or keeper has procured liability insurance in the amount of at least one million dollars (\$1,000,000.00) covering the twelve (12) month period during which licensing is sought. This policy shall contain a provision requiring the City of Branson West to be notified by the insurance company of any cancellation, termination, or expiration of the policy.
10. All owners or keepers of dangerous dogs must within ten (10) days of such declaration provide the Police Department two (2) color photographs (one (1) showing the left profile, and the other showing the right profile) of the animal clearly showing the color and approximate size of the animal. In addition, the owner shall have tattooed on the inside of each ear of a dangerous dog the identification number or code issued by the City for such animal.
11. It shall be unlawful for the owner or keeper of a dangerous dog within the City of Branson West to fail to comply with the requirements and conditions set forth in this Article. Any dog found to be the subject of a violation of this Article may be, in addition to other penalties provided by this Article, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this Chapter, whichever is shorter.

Section 205.160. Additional Responsibilities For The Owners of Pit Bull Dogs. [CC 1997 §4-16]

- A. Except as otherwise provided hereafter, it shall be unlawful to possess or own a pit bull dog within the municipal limits of the City of Branson West. Pit bull dogs residing in the City of Branson West on or before February 1, 1994, may be kept by their owners within the City subject to the following requisites in addition to those of Section 205.110.
 1. No person shall permit a pit bull dog to go outside its enclosure or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its enclosure or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's enclosure or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
 2. No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the

registered owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City.

3. All offspring born of pit bull dogs registered with the City must be removed from the City within six (6) weeks of the birth of such animal.

Section 205.170. Actions To Be Taken For Dangerous Dogs Causing Severe or Fatal Injuries. [CC 1997 §4-17]

- A. A dog responsible for an "unprovoked" severe or fatal attack shall be humanely destroyed.
- B. A dog responsible for a "provoked" severe or fatal attack may be maintained as a dangerous dog.

DIVISION IV

Cats**Section 205.180. Definitions (Cat Regulations). [CC 1997 §4-19]**

As used in this Division, the following words shall have the meaning ascribed to them in this Section, unless the context otherwise indicates:

CAT — Any of a family (Felidae) of the domestic cat, both male and female.

PUBLIC NUISANCE — A cat which:

1. Molests passerby or chases other animals;
2. Damages private property; or
3. Is female in heat.

Section 205.190. Rabies Vaccination. [CC 1997 §4-20]

All cats within the City limits of the City of Branson West, Missouri, must have had a rabies inoculation performed by a duly licensed veterinarian within the previous twelve (12) months and all cats and other domestic animals shall wear a rabies inoculation tag.

Section 205.200. Running At Large Prohibited. [CC 1997 §4-21]

It shall be unlawful for any person or persons owning, controlling, keeping, possessing or having the management or care, in whole or in part, of any cat to permit such cat to run at large or go off the premises of the owner or the keeper thereof, or to be upon any street, or other public place within the corporate limits of the City of Branson West at any time, day or night, unless such cat is in the custody and charge of some responsible person so as to effectively prevent such cat from being a public nuisance.

Section 205.210. Strays — Disposal of — Impounding. [CC 1997 §4-22]

- A. All cats found within the City limits of the City of Branson West, Missouri, without a rabies inoculation tag issued by a duly licensed veterinarian showing vaccination against rabies within the previous twelve (12) months shall be considered as strays and taken up and impounded.
- B. All cats found within said City limits which may be running at large with a rabies inoculation tag as herein provided shall be taken up and impounded. Any such cats taken up or impounded shall be held for five (5) days and may be claimed during business hours during said five (5) days by the owner by paying twenty-five dollar (\$25.00) impounding fee plus three dollars (\$3.00) per day to cover the cost of such impounding and feeding the animal. If the person or owner, or some person for him/her, does not claim said animals within one (1) week after it is impounded, then the animal shall be disposed of following the expiration of said one (1) week period.

Section 205.220. Enforcement. [CC 1997 §4-23]

The enforcement of the provisions of this Division is hereby delegated to the Police Department of Branson West, Missouri, or to an individual named by the Board of Aldermen of the City of Branson West, Missouri, with full power and authority to carry out and perform and execute the provisions as herein contained.

DIVISION V
Livestock and Fowl

Section 205.230. Restriction On Keeping. [CC 1997 §4-3]

Any person who shall within the City limits keep or maintain rabbits, chickens, ducks, turkeys or other domestic fowl within one hundred (100) feet of any residence or other dwelling place other than that of the owner shall, upon conviction thereof, be deemed guilty of a misdemeanor; provided however, that if all occupants of residences or other dwelling places within such distances agree thereto in writing, such animals or fowl may be kept and maintained at less than such distances.

OFFENSES

Chapter 210

OFFENSES

ARTICLE I
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.

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

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, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the

first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to Subdivision (2) of Subsection (3) of Section 568.060, RSMo., child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo.

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, ordinance violation, 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 II
Offenses Against The Person

Section 210.010. Assault.

A. A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury to another person; or
2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or
3. The person purposely places another person in apprehension of immediate physical injury; or
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.

Section 210.015. Domestic Assault.²¹

A. A person commits the offense of domestic assault if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor as defined in Section 455.010, RSMo.; and

1. The person attempts to cause or recklessly causes physical injury to such family or household member; or
2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or
3. The person purposely places such family or household member in apprehension of immediate physical injury by any means; or
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or
5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 210.020. Assault of A Law Enforcement Officer, Corrections Officer, Emergency Personnel, Highway Worker or Probation and Parole Officer.

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

- A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer if:
1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone or Probation and Parole Officer;
 2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer in apprehension of immediate physical injury;
 3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer.
- B. As used in this Section, "*emergency personnel*" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.
- C. As used in this Section, the term "*Corrections Officer*" includes any jailor or Corrections Officer of the State or any political subdivision of the State.
- D. As used in this Section, the term "*highway worker*", "*construction zone*" or "*work zone*" shall have the same meaning as such terms are defined in Section 304.580, RSMo.
- E. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer is an ordinance violation.

Section 210.030. Harassment.²²

- A. A person commits the offense of harassment if he or she:
1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person; or
 2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm; or
 3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication; or
 4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person; or
 5. Knowingly makes repeated unwanted communication to another person; or
 6. Without good cause engages in any other act with the purpose to frighten, intimidate, or cause

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

emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.

B. Harassment is an ordinance violation unless:

1. Committed by a person twenty-one (21) years of age or older against a person seventeen (17) years of age or younger; or
2. The person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Subsection.

C. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

Section 210.035. Stalking — Definitions.²³

A. As used in this Section, the following terms shall mean:

COURSE OF CONDUCT — A pattern of conduct composed of two (2) or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests.

CREDIBLE THREAT — A threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property.

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

- B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.
- C. The offense of stalking shall be an ordinance violation unless the person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Section.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.
- E. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

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

Section 210.040. False Imprisonment.²⁴

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

Section 210.050. Endangering The Welfare of A Child.²⁵

A. A person commits the offense of endangering the welfare of a child if:

1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; or
2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.; or
5. He/she operates a vehicle in violation of Subdivision (2) or (3) of Subsection (1) of Section 565.024, RSMo., or Subdivision (4) of Subsection (1) of Section 565.060, RSMo., or Sections 342.020 or 342.030 of this Code, while a child less than seventeen (17) years old is present in the vehicle.

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

Section 210.055. Leaving A Child Unattended in A Motor Vehicle.²⁶

A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

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

INJURY — Physical harm to the body of a person.

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

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

B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child ten (10) years of age or less unattended in a motor vehicle and such child

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

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

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

injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.

ARTICLE III
Offenses Concerning Administration of Justice

Section 210.060. Concealing An Offense.²⁷

A. A person commits the offense of concealing an offense if:

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

Section 210.070. Hindering Prosecution.²⁸

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

1. Harbors or conceals such person; or
2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

Section 210.080. Refusal To Identify As A Witness.

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

Section 210.090. Disturbing A Judicial Proceeding.

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

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

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

Section 210.100. Tampering With A Witness — Tampering With A Victim.²⁹

- A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:
1. Threatens or causes harm to any person or property; or
 2. Uses force, threats or deception; or
 3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
 4. Conveys any of the foregoing to another in furtherance of a conspiracy.
- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
1. Making any report of such victimization to any Peace Officer or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
 2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
 3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Section 210.105. Tampering With Physical Evidence.

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

Section 210.110. Improper Communication.

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

Section 210.120. False Impersonation.

- A. A person commits the offense of false impersonation if such person:
1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
 - a. Performs an act in that pretended capacity; or

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

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

Section 210.130. False Reports.

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

Section.

Section 210.135. Failure To Obey A Police Officer. [Ord. No. 08-2006, 5-9-2006]

- A. No person shall willfully fail to obey any lawful command of a Law Enforcement Officer to stop or halt, provided such officer identifies himself/herself as a Law Enforcement Officer and provides, or offers to provide, identification of such and provided that a Law Enforcement Officer is attempting to investigate, identify or apprehend a person for a suspected violation of any Federal or State law, or local ordinance.
- B. Anyone convicted of violating the provisions of this Section shall, upon conviction, be punished by a fine not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00) and/or confinement for a term of ninety (90) days.

Section 210.140. Payment of City Obligations. [Ord. No. 1216 §3, 6-25-1998]

It shall be unlawful for anyone to fail to pay any obligation owed the City in a timely manner; and in particular it shall be unlawful to fail or refuse to pay water, sewer, franchise, or other charges, fees or taxes as set out in Title VII and elsewhere within this Code within thirty (30) days of the date due.

Section 210.145. Resisting or Interfering With Arrest, Detention or Stop.³⁰

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

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

Section 210.150. Escape or Attempted Escape From Custody.³¹

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

Section 210.155. Interference With Legal Process.

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

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

ARTICLE IV
Offenses Concerning Public Safety

Section 210.160. Abandonment of Airtight or Semi-Airtight Containers.

- A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

Section 210.170. Littering.

A person commits the offense of littering if he/she throws or places or causes to be thrown or placed any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this City or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or the City, or on any private real property owned by another without his/her consent.

Section 210.180. Littering Via Carcasses.

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

Section 210.190. Corrupting or Diverting Water Supply.

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, Town or City for their use, shall be adjudged guilty of an ordinance violation and punished by a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall

be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

Section 210.200. Fireworks. [Ord. No. 1280 §§1 — 4, 11-9-2004]

A. *Discharge Of Consumer Fireworks.*

1. Consumer fireworks may be ignited, set off or caused to be discharged within the City limits only during the hours from 9:00 A.M. to 11:59 P.M. local time during fireworks season.
2. It shall be unlawful to discharge any type of fireworks:
 - a. Towards any person or group of people;
 - b. In or towards any occupied or unoccupied building or structure;
 - c. From or towards any vehicle;
 - d. From any private property without first obtaining the permission of the owner of such property;
 - e. In any manner intentionally designed to, or which does in fact, damage or destroy property, harass any person, or risk bodily harm to any person;
 - f. In any manner which creates an unreasonable risk of fire or other fire hazard; or
 - g. On City streets, public rights-of-way or public property.
3. "*Consumer fireworks*" are defined as explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, 1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation.

B. *Fireworks Season.* "*Fireworks season*" shall be defined as the period from the twentieth (20th) day of June through the tenth (10th) day of July, and the twentieth (20th) day of December through the second (2nd) day of January, but only if on those days consumer fireworks may be sold at retail by holders of a seasonal retail permit issued by the State Fire Marshal.

C. *Special Fireworks.*

1. Special fireworks shall not be discharged at any time within the City limits.
2. "*Display fireworks*" are defined as explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UNO335, 1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation.

ARTICLE V
Offenses Concerning Public Peace

Section 210.210. Peace Disturbance.

A. A person commits the offense of peace disturbance if:

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

Section 210.220. Private Peace Disturbance.

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

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

Section 210.230. Peace Disturbance Definitions.

For the purposes of Sections 210.210 and 210.220, the following words shall have the meanings set out herein:

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

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

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

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

Section 210.235. Unlawful Assembly.

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more

other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

Section 210.240. Rioting.³²

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

Section 210.245. Refusal To Disperse.

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

Section 210.250. Disorderly Conduct. [CC 1997 §8-27; Ord. No. 1233 §8-27, 6-13-2000]

A. A person is guilty of disorderly conduct if said person:

1. Resists or obstructs the performance of duties by City Police or any other authorized official of the City, when known to be such an official;
2. Addresses abusive language or threats to any member of the Police Department, any other authorized official of the City who is engaged in lawful performance of his/her duties, or any other person when such words have a tendency to cause acts of violence (words merely causing displeasure, annoyance or resentment are not prohibited);
3. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition; and/or
4. Uses abusive or obscene language or makes an obscene gesture when such words or conduct have a tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited.

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

ARTICLE VI
Offenses Concerning Weapons and Firearms

Section 210.260. Definitions. [RSMo. §571.010, 2008]

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

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

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

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

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

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

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

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

EXPLOSIVE WEAPON — Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this Article, the term "*explosive*" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents.

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

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

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

INTOXICATED — Substantially impaired mental or physical capacity resulting from introduction of any

substance into the body.

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

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

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

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

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

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

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

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

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

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

Section 210.270. Weapons — Carrying Concealed — Other Unlawful Use.³³

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
2. Sets a spring gun; or
3. Discharges or shoots a firearm within the City limits;³⁴ or
4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use

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

34. State Law Reference — Section 252.243.3, RSMo., limits the discharge of firearms in certain areas known as Hunting Heritage Protection Areas, which are defined therein.

in an angry or threatening manner; or

5. Has a firearm or projectile weapon readily capable of lethal use on his/her person, while he/she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense; or
 6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits; or
 7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- B. Subparagraphs (1) and (7) of Subsection (A) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subparagraphs (3) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:
1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
 7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
 8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.;
 9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;

10. Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.; and
 11. Any member of a Fire Department or Fire Protection District, who is employed on a full-time basis as a Fire Investigator and who has a valid concealed carry endorsement under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
- C. Subparagraphs (1), (5), (6) and (7) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (7) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.
- D. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subparagraphs (3), (4), (5), (6) and (7) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

Section 210.280. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons.³⁵

- A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:
1. An explosive weapon;
 2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
 3. A gas gun;
 4. A switchblade knife;
 5. A bullet or projectile which explodes or detonates upon impact because of an independent

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

- explosive charge after having been shot from a firearm;
6. Knuckles; or
 7. Any of the following in violation of Federal law:
 - a. A machine gun;
 - b. A short-barreled rifle or shotgun; or
 - c. A firearm silencer.
- B. A person does not commit an offense pursuant to this Section if his/her conduct involved any of the items in Subparagraphs (1)—(6) of Subsection (A), the item was possessed in conformity with any applicable Federal law, and the conduct:
1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution; or
 2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Subparagraph (1) of this Subsection; or
 3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
 4. Was incident to displaying the weapon in a public museum or exhibition; or
 5. Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

Section 210.290. Defacing Firearm.

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

Section 210.300. Unlawful Transfer of Weapons.³⁶

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

Section 210.310. Carrying Concealed Firearms Prohibited — Penalty For Violation.

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:

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

1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection (B)(1) of Section 210.270 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section 210.270, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
5. Any meeting of the Board of Aldermen. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
6. Any building owned, leased or controlled by the City of Branson West identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by the City of Branson West. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation;
7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any

firearm while intoxicated;

8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
9. Any place where the carrying of a firearm is prohibited by Federal law;
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement;
12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer;
16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession

of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six (6) month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.
 2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.160 of this Code of Ordinances.
 3. Employees of the City of Branson West may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry endorsement pursuant to State law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry endorsement upon the request of any Peace Officer.

ARTICLE VII
Offenses Concerning Property

Section 210.320. Tampering.³⁷

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

Section 210.330. Property Damage.³⁸

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

Section 210.340. Claim of Right.

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.

Section 210.350. Trespass in The First Degree.

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

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

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

- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
1. Actual communication to the actor; or
 2. Posting in a manner reasonably likely to come to the attention of intruders.

Section 210.360. Trespass in The Second Degree.

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

Section 210.370. Trespass of A School Bus.

A person commits the offense of trespass of a school bus if he/she knowingly and unlawfully enters any part of or unlawfully operates any school bus.

Section 210.380. Reckless Burning or Exploding.

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

Section 210.390. Negligent Burning or Exploding.

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

Section 210.395. Burning Limited. [CC 1997 §13-4]

No person shall permit burning of trash, litter, debris or vegetation in such a manner as to create noxious or dangerous odors, or disturb the peace of another.

Section 210.400. Stealing.³⁹

- A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer that:
1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
 2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;

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

3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services;
4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house;
5. He/she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag or universal price code label or possesses, with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

Section 210.410. Theft of Motor Fuel.

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 210.400 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

Section 210.420. Receiving Stolen Property.⁴⁰

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

Section 210.430. Financial Exploitation of The Elderly and Disabled.⁴¹

- A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly and by deception, intimidation or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use,

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

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

benefit or possession of his/her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is an ordinance violation if the value of the property is less than fifty dollars (\$50.00).

- B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

DECEPTION — A misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement.

"Deception" includes:

- a. Creating or confirming another person's impression which is false and which the offender does not believe to be true; or
- b. Failure to correct a false impression which the offender previously has created or confirmed; or
- c. Preventing another person from acquiring information pertinent to the disposition of the property involved; or
- d. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record; or
- e. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform.

DISABLED PERSON — A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.

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

INTIMIDATION — A threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

- C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.
- E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.
- F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

Section 210.440. Fraudulent Use of A Credit or Debit Device.⁴²

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

Section 210.450. Deceptive Business Practice.

- A. A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession he/she recklessly:
1. Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity; or
 2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service; or
 3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure; or
 4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
 5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

Section 210.460. Alteration or Removal of Item Numbers With Intent To Deprive Lawful Owner.⁴³

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

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

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

Section 210.470. Failure To Return Rented Personal Property — Enforcement Procedure — Penalty — Venue.⁴⁴

- A. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:
1. Purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property
 2. Conceals or aids or abets the concealment of the property from the owner;
 3. Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof, without the written consent of the lessor, or without informing the person to whom the property is transferred to that the property is subject to a lease.
 4. Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.
- B. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- C. Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven (7) days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of this Section, except that if a motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven (7) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.
- D. This Section shall not apply if such personal property is a vehicle and such return is made more

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

difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.

- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 569.100, RSMo., and Section 210.330 of this Code in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

Section 210.480. Passing Bad Checks.⁴⁵

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

Section 210.490. Shoplifting — Detention of Suspect By Merchant — Liability Presumption.

- A. *Definitions.* As used in this Section, the following definitions shall apply:
 - MERCANTILE ESTABLISHMENT — Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.
 - MERCHANDISE — All goods, wares and merchandise offered for sale or displayed by a merchant.
 - MERCHANT — Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.
 - WRONGFUL TAKING — Includes stealing of merchandise or money and any other wrongful

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

appropriation of merchandise or money.

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

Section 210.495. Copper Wire or Cable, Collectors and Dealers To Keep Register, Information Required — Penalty — Exempt Transactions.

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:
 - 1. Copper, brass or bronze;
 - 2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener; or
 - 3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.;

whatever may be the condition or length of such metal. The record shall contain the following data: a copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained which shall contain a current address of the person from whom the material is obtained and the date, time and place of and a full description of each such purchase or trade including the quantity by weight thereof.

- B. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- C. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- D. This Section shall not apply to any of the following transactions:
 - 1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00);

2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

Section 210.500. Metal Beer Keg, Prohibition On Purchase or Possession By Scrap Metal Dealer — Violation, Penalty.

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

Section 210.505. Metal Belonging To Cemeteries, Political Subdivisions, Electric Cooperatives and Utilities — Scrap Yard Not To Purchase — Violation, Penalty.

- A. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery or to a political subdivision or electrical cooperative, municipal utility or a utility regulated under Chapter 386 or 393, RSMo., including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer of the metal or item described in this Section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer to sell the metal.
- B. Anyone convicted of violating this Section shall be guilty of an ordinance violation.

Section 210.510. Scrap Metal Dealers — Payments in Excess of \$500.00 To Be Made By Check — Exceptions.

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment in the form of a check or shall pay by any method in which a financial institution makes and retains a record of the transaction.
- B. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

ARTICLE VIII
Offenses Concerning Prostitution and Morals

Section 210.520. Article Definitions.

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION — A person patronizes prostitution if:

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

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

SEXUAL CONDUCT — Occurs when there is:

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

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

Section 210.530. Prostitution.⁴⁶

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

Section 210.540. Patronizing Prostitution.⁴⁷

- A. A person commits the offense of patronizing prostitution if he/she patronizes prostitution.
- B. It shall not be an affirmative defense that the defendant believed that the person he/she patronized for prostitution was eighteen (18) years of age or older.

Section 210.550. Prostitution and Patronizing Prostitution — Sex of Parties No Defense, When.

⁴⁶. Note — Under certain circumstances this offense can be a felony under state law.

⁴⁷. Note — Under certain circumstances this offense can be a felony under state law.

- A. In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:
 - 1. Both persons were of the same sex; or
 - 2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

Section 210.560. Prostitution Houses Deemed Public Nuisances.

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.520 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

ARTICLE IX
Sexual Offenses

Section 210.570. Article Definitions.

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

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

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

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

SEXUAL INTERCOURSE — Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

Section 210.580. Indecent Exposure (Sexual Misconduct).

- A. A person commits the offense of indecent exposure (sexual misconduct) if such person:
1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
 2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
 3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person.

Section 210.590. Sexual Misconduct.⁴⁸

A person commits the offense of sexual misconduct in the first degree if such person purposely subjects another person to sexual contact without that person's consent.

Section 210.600. Certain Offenders Not To Physically Be Present or Loiter Within Five Hundred Feet of A Child Care Facility — Violation — Penalty.

- A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:
1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child

⁴⁸. Note — Under certain circumstances this offense can be a felony under state law.

Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Any offense in any other State or Foreign Country, or under federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen (18) years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

- B. For purposes of this Section, "*child care facility*" shall have the same meaning as such term is defined in Section 210.201, RSMo.
- C. Any person who violates the provisions of this Section is guilty of an ordinance violation.

Section 210.610. Certain Offenders Not To Be Present Within Five Hundred Feet of School Property, Exception — Permission Required For Parents or Guardians Who Are Offenders, Procedure.

- A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:
 1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
 2. Any offense in any other State or foreign country, or under tribal, federal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.

- B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal.

In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

- C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section shall be an ordinance violation.

Section 210.620. Halloween, Restrictions On Conduct — Violations.

- A. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., shall be required on October thirty-first (31st) of each year to:
1. Avoid all Halloween-related contact with children;
 2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause including, but not limited to, employment or medical emergencies;
 3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
 4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.
- B. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of an ordinance violation.

ARTICLE X
Offenses Concerning Pornography

Section 210.630. Definitions.

When used in this Article, the following terms shall have the meanings set out herein:

FURNISH — To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

MATERIAL — Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "*Material*" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

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

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

OBSCENE — Any material or performance is obscene if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

PERFORMANCE — Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PORNOGRAPHIC FOR MINORS — Any material or performance is pornographic for minors if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and
2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PROMOTE — To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

SADOMASOCHISTIC ABUSE — Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT — Actual or simulated, normal or perverted acts of human masturbation; deviate

sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT — The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Section 210.640. Promoting Pornography For Minors or Obscenity.⁴⁹

- A. A person commits the offense of promoting pornography for minors or obscenity if he/she:
1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain; or
 2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
 3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
 4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
 5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

Section 210.650. Furnishing Pornographic Materials To Minors.

- A. A person commits the offense of furnishing pornographic material to minors if he/she:
1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or
 2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
 3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.
- B. It is not an affirmative defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.
- C. Furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

⁴⁹. Note — Under certain circumstances this offense can be a felony under state law.

ARTICLE XI
Offenses Concerning Alcohol and Drugs

Section 210.660. Intoxication or Use of Intoxicating Substance in Public Places. [CC 1997 §8-21]

- A. A person commits the offense of public use of an intoxicating substance when he/she shall drink or otherwise consume any alcoholic beverage, intoxicating liquor; or use any controlled substance or narcotic drug in any street, public park or other public place.
- B. A person who appears to be incapacitated or intoxicated may be taken by a Peace Officer to the person's residence, to any available treatment service, or to any other appropriate local facility, which if necessary include jail, for custody not to exceed twelve (12) hours. (Detainment may be considered if the officer has reasonable grounds to believe the person is incapacitated or intoxicated and he/she does not use unreasonable excessive force to detain such person.)

Section 210.670. Possession of Marijuana.⁵⁰

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

Section 210.680. Possession or Control of A Controlled Substance.⁵¹

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

Section 210.690. Limitations On The Retail Sale of Methamphetamine Precursor Drugs.

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
 - 1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
 - 2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- B. Any person holding a retail sales license pursuant to Chapter 144, RSMo., who knowingly violates Subsection (A) of this Section is guilty of an ordinance violation.
- C. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine or phenylpropanolamine products are available for sale who violates Subsection (A) of this Section shall not be penalized pursuant to this Section if such person documents that an employee training program was in place to provide the employee with information on the State and Federal regulations regarding ephedrine, pseudoephedrine or phenylpropanolamine.

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

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

Section 210.700. Unlawful Use of Drug Paraphernalia.⁵²

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo.

Section 210.710. Inhalation or Inducing Others To Inhale Solvent Fumes To Cause Certain Reactions, Prohibited — Exceptions.

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

Section 210.720. Inducing, or Possession With Intent To Induce, Symptoms By Use of Solvents and Other Substances, Prohibited.

- A. As used in this Section "*alcohol beverage vaporizer*" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
- B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:
 - 1. Solvents, particularly toluol;
 - 2. Ethyl alcohol;
 - 3. Amyl nitrite and its iso-analogues;
 - 4. Butyl nitrite and its iso-analogues;
 - 5. Cyclohexyl nitrite and its iso-analogues;
 - 6. Ethyl nitrite and its iso-analogues;
 - 7. Pentyl nitrite and its iso-analogues; and
 - 8. Propyl nitrite and its iso-analogues.
- C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

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

- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.710 and this Section.
- E. No person shall possess or use an alcoholic beverage vaporizer.
- F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

Section 210.730. Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 210.710 To 210.720 — Penalty.⁵³

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.710 and 210.720 hereof.
- B. Any person who violates any provision of Sections 210.710 — 210.730 is guilty of an ordinance violation for the first (1st) violation.

Section 210.740. (Reserved)

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

ARTICLE XII
Offenses Concerning Minors⁵⁴

Section 210.750. Article Definitions.

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

GUARDIAN — Guardian appointed by court of competent jurisdiction.

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

PARENT — The natural or adoptive father or mother, legal guardian or any other person having the care or custody of a minor child.

PARENTAL NEGLECT — Any act or omission by which a parent fails to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense.

Section 210.760. Curfew For Persons Under Seventeen.

- A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the City of Branson West between the hours of 12:01 A.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.
- B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly permit such person to violate this Section.
- C. *Notice To Parent.* Any Law Enforcement Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer who shall cause a written notice to be served upon the parent, guardian or person in charge of such person setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such person who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first (1st) violation, shall be guilty of an offense.
- D. *Service Of Notice.* The written notice provided in Subsection (C) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section with any person found at such residence over the age of seventeen (17) years or by mailing such notice to the last known address of such parent, guardian or person in charge of such person, wherever such person may be found.

Section 210.770. Parental Responsibility.

- A. Whenever a minor shall be arrested or detained for the commission of any offense within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt

54. Cross References — As to alcohol-related offenses involving minors, §§600.220 — 600.245.

thereof. If the parent refuses to sign said notice, the notifying Law Enforcement Officer shall indicate such refusal on the notice.

- B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second (2nd) or successive violation of any offense.
- C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to imprisonment for not more than ninety (90) days and/or a fine of not less than one hundred dollars (\$100.00) for the first (1st) violation, not less than two hundred dollars (\$200.00) for a second (2nd) violation, and not less than five hundred dollars (\$500.00) for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

ARTICLE XIII
Offenses Concerning Tobacco

Section 210.780. Definitions.

For purposes of this Article, the following definitions shall apply:

DISTRIBUTE — A conveyance to the public by sale, barter, gift or sample.

MINOR — A person under the age of eighteen (18).

PROOF OF AGE — A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS — Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE — A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING — The distribution to members of the general public of tobacco product samples.

TOBACCO PRODUCTS — Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

VENDING MACHINE — Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

Section 210.790. City Smoking Policy. [CC 1997 §8-31]

- A. It shall henceforth be unlawful for anyone to smoke or use tobacco products commonly referred to as cigarettes, cigars or pipes within any City-owned or leased building, vehicle, or equipment.
- B. The penalty for violation of the provisions of this Section shall be a fine of up to twenty-five dollars (\$25.00) per occurrence.

Section 210.800. Unlawful To Sell or Distribute Tobacco Products To Minors — Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

- C. No person or entity shall sell, provide or distribute any tobacco product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsections (A), (B) or (C) of this Section or Section 210.830 of this Article shall be penalized as follows:
1. For the first (1st) offense, twenty-five dollars (\$25.00);
 2. For the second (2nd) offense, one hundred dollars (\$100.00); and
 3. For a third (3rd) and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding tobacco sales to minors. Such training program must be attended by all employees who sell tobacco products to the general public;
 2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors; and
 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.
- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:
1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one (1) year period; or
 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.830, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.
- H. A person cited for selling, providing or distributing any tobacco product to any individual less than eighteen (18) years of age in violation of Subsections (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621,

RSMo.

Section 210.810. Minors Prohibited From Purchase or Possession of Tobacco — Misrepresentation of Age.

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.
- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes or tobacco products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
 - 1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;
 - 2. For a second (2nd) violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.820. Retail Sales Tax License Required For Sale of Tobacco Products.

No person shall sell cigarettes or tobacco products unless the person has a retail sales tax license.

Section 210.830. Required Sign Stating Violation of State Law To Sell Tobacco To Minors Under Age Eighteen — Display of Sign Required Where.

- A. The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:
 - 1. Contain in red lettering at least one-half ($\frac{1}{2}$) inch high on a white background the following:

"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES OR OTHER TOBACCO PRODUCTS"; and
 - 2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18".

Section 210.840. Restrictions On Sales of Individual Packs of Cigarettes.

- A. No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:
 - 1. It is sold through a vending machine; or
 - 2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the

sales clerk or store attendant from the checkout counter.

Section 210.850. Proof of Age Required, When Defense To Action For Violation Is Reasonable Reliance On Proof — Liability.

- A. A person or entity selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.800 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.800 on any single day.

ARTICLE XIV
Miscellaneous Offenses

Section 210.860. Urinating or Defecating in Public.

It shall be unlawful for any person or persons within the corporate limits of this City to throw out, discharge, place or deposit any animal dung or human excrement upon any street, alley or to urinate or defecate upon the stairways, hall, floors or entrances of any public building or urinate or defecate upon any sidewalk.

Section 210.870. Handbills, Posters, Etc. [CC 1997 §13-9]

All handbills, posters, and similar advertising material must be removed from the right-of-way of any City street or highway, and from all public utility poles located therein, within forty-eight (48) hours after the event said material is advertising.

Section 210.880. Construction Hours in and Near Residential Zones. [Ord. No. 4-2022, 6-14-2022]

- A. Permitted Construction Hours. The following Subsections (A)(1) through (5) shall be applicable within residential zones within the City of Branson West ["R-1," "R-2," "R-3," "R-MP," and "PD" (if the "PD" includes occupied residential areas)], and within five hundred (500) feet of such zones, as shown on the City's Zoning Map.

The City's Building Official shall provide a copy of this Section 210.880 with the issuance of each building permit along with a copy of the portion of the City's Zoning Map that shows residentially zoned areas in the vicinity of the proposed work as shown on the building permit.

1. Buildings. It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by demolishing, constructing, altering or repairing any building or structure other than between the hours of 7:00 A.M. and 7:00 P.M. on weekdays and Saturdays, and between 1:00 P.M. and 5:00 P.M. on Sundays.
2. Streets. It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by excavating, grading, paving, constructing, altering or repairing any public or private street, drive or parking lot other than between the hours of 7:00 A.M. and 7:00 P.M. on weekdays and Saturdays, and between 1:00 P.M. and 5:00 P.M. on Sundays. Nothing in this Article shall prevent work on any public street, including utility installation, removal or repair, when the Director of Public Works has determined that the work is necessary in order to minimize traffic disruption.
3. Utilities. It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by installing, removing or repairing any utility other than between the hours of 7:00 A.M. and 7:00 P.M. on weekdays and Saturdays, and between 1:00 P.M. and 5:00 P.M. on Sundays. Nothing in this Article shall prevent work on any utility in order to maintain or restore utility service.
4. Site Preparation. It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by operating any earthmoving, excavating, paving or tree cutting equipment other than between the hours of 7:00 A.M. and 7:00 P.M. on weekdays and Saturdays, and between 1:00 P.M. and 5:00 P.M. on Sundays.
5. Permits. Upon application, the City's Building Official or City Administrator may grant a permit

to any person extending the hours of work set forth in Subsection (A)(1) through (4) for an identified project. The permit shall state the nature, location and extended hours of the work to be done. The permit may be granted for a period of time not to exceed three (3) days and may be renewed for periods not to exceed three (3) days on an emergency basis only as determined by the City's Building Official or City Administrator. A permit authorized by this Subsection shall be granted only if the City's Building Official or City Administrator first determines that the public health and safety will not be impaired by the permitted work and that significant loss or inconvenience would result to any party if the permit were not granted.

City of Branson West, MO

Section 210.880

BRANSON WEST CODE

NUISANCES

Chapter 215

NUISANCES

ARTICLE I
Nuisances

Section 215.010. Purpose and Scope. [Ord. No. 1254 §1, 6-10-2003]

The purpose of this Chapter is to provide a just, equitable and practicable method for the abatement and/or removal of nuisances that may endanger the life, health, property, safety or welfare of the general public, and shall apply to all such nuisances, as herein defined, that now are in existence or that may hereafter exist in Branson West, Missouri.

Section 215.020. Prohibited Defined. [Ord. No. 1254 §1(13-10), 6-10-2003]

- A. Every act or thing done, made, permitted, allowed, or continued on any property, public or private, by any person, firm, or corporation, their agents and servants, to the damage or injury of any of the inhabitants of this City, whether or not particularly specified herein shall be deemed a nuisance.
- B. No person shall permit, cause, keep, maintain, or do any nuisance as defined by this Article, any other ordinance of the City, or the laws of the State of Missouri, or cause to be committed, caused, kept, maintained, or done any such nuisance within the City or within one-half (½) mile of the corporate limits thereof.
- C. No owner, occupant, or person in charge of any house, building, lot, or premises shall cause or allow any nuisance to be or remain in or upon any such building, house, lot, or premises.

Section 215.030. Duty of Administrator, Building Inspector and Chief of Police. [Ord. No. 1254 §1(13-11), 6-10-2003]

It shall be the duty of the Administrator or Building Inspector with the aid and assistance of the Chief of Police to enforce the provisions of this Article. It shall be the duty of the Chief of Police to serve all notices issued by the Administrator or Building Inspector as provided for herein, and to execute all orders of the Administrator or Building Inspector directed to him/her under the provisions of this Article, and to perform such other duties to aid the Administrator or Building Inspector as may be required for the adequate enforcement of the provisions of this Article.

Section 215.040. Administrator or Building Inspector and Chief of Police May Enter Premises. [Ord. No. 1254 §1(13-12), 6-10-2003]

The Administrator or Building Inspector and the Chief of Police, and any officer, agent, or employee designated by either of them, are hereby authorized to enter and inspect all buildings and parts of buildings and other premises, in the daytime, for the purpose of examining the sanitary condition and for the discovery and abatement of nuisances therein. If on such inspection any nuisance or unsanitary condition be found, the same shall be forthwith reported to the Administrator or Building Inspector, who shall direct and order the owner or occupant of the premises forthwith to remove or abate the same.

Section 215.050. Duty To Abate Nuisance On Order of Administrator or Building Inspector. [Ord. No. 1254 §1(13-13), 6-10-2003]

It shall be the duty of the owner or occupant of the premises, or his/her agent, or the person causing or maintaining such nuisance, to abate the same after an order by the Administrator or Building Inspector in accordance with the terms prescribed in said order; and any failure to do so shall constitute a violation of this Article and subject such persons to the penalties herein prescribed. It shall be unlawful to interfere

with a Police Officer or any other officer, agent, or employee of the City, or with any representative of the Administrator or Building Inspector, while engaged in a sanitary inspection for the discovery of any nuisance or in the abatement thereof.

Section 215.060. Liable For Nuisance — Who. [Ord. No. 1254 §1(13-14), 6-10-2003]

The owner of any premises, his/her agent in charge thereof, and the tenant or occupant of such premises is hereby charged with the duty of observing all of the requirements and provisions of this Article with reference to nuisances; and any or all of said persons and any person or persons causing or contributing to causing or bringing about any nuisance may be charged with the violation hereof, and shall be equally liable.

Section 215.070. Nuisances Abated After Notice — Mode — Payment — Special Tax Bills. [Ord. No. 1254 §1(13-15), 6-10-2003]

In case the abatement of any nuisance is not immediately necessary for the protection of the health or safety of the inhabitants of the City, the Administrator or Building Inspector shall hold a public hearing before declaring the same to be a nuisance and ordering its abatement. Five (5) days' notice of said hearing shall be given to the owner or occupant of the premises upon which said alleged nuisance exists, or to his/her agent, or to the person causing or maintaining such alleged nuisance. Such notice shall state the time and place of said hearing. In the event that the whereabouts of the owner or occupant of the premises where such alleged nuisance exists, or of his/her agent, or of the person causing or maintaining such alleged nuisance is unknown and notice cannot be served upon him/her, then such notice shall be posted on the premises where said alleged nuisance exists for at least five (5) days before said hearing. All interested parties may appear at such hearing, either in person or by attorney, and present evidence concerning the matters at issue. If upon such hearing the Administrator or Building Inspector finds that a nuisance exists, he/she shall order the owner or occupant of said property, or his/her agent, or the person causing or maintaining said nuisance to abate the same; and if the same be not abated within the time prescribed by the Administrator or Building Inspector in said order or any extension thereof, the Administrator or Building Inspector shall abate the same or cause the same to be abated, and shall certify the cost of abating said nuisance to the City Clerk. Thereupon, the City Clerk shall levy the cost of abatement as a special tax against the property on which said nuisance was located, and authorize the issuance of special tax bills therefor. Said tax shall be collected like other taxes, and shall be a lien on the property until paid.

Section 215.080. Abatement of Nuisance Without Notice — Mode — Payment — Special Tax Bills. [Ord. No. 1254 §1(13-16), 6-10-2003]

Whenever the Administrator or Building Inspector in his/her discretion deems it necessary to immediately abate a nuisance as defined by ordinance, by common law, or by the Statutes of the State of Missouri in order to secure the general health or safety of the City or of any of its inhabitants, the Administrator or Building Inspector is authorized to abate such nuisance without notice; and he/she may use any suitable means or assistance for the purpose, whether regular personnel of the City or laborers especially employed for that purpose, or any other help or assistance necessary therefor. The Administrator or Building Inspector shall certify the cost of abating said nuisance to the City Clerk, and the City Clerk shall levy the cost thereof as a special tax against the property on which said nuisance was located, and authorize the issuance of special tax bills therefor. Said tax shall be collected like other taxes, and shall be a lien on the property until paid.

Section 215.090. City's Right To Civil Action To Secure Abatement and For Costs of Abating A

Nuisance. [Ord. No. 1254 §1(13-17), 6-10-2003]

Nothing in the preceding Sections shall be construed as abandoning or limiting the City's right by civil action in the Municipal Court or in any court of competent jurisdiction to secure the abatement of, and to recover the expense incurred in abating, any nuisance.

Section 215.100. Apportionment of Costs of Abating Nuisance Located On Property of More Than One Owner. [Ord. No. 1254 §1(13-18), 6-10-2003]

If any nuisance abated by the Administrator or Building Inspector as hereinbefore provided extended before the abatement over the property of more than one (1) owner, the cost of abating the same shall be assessed in proportion to the amount of work and expense for each proportionate part of the entire work in the area, and the special tax bills hereinbefore provided for shall be levied and collected accordingly; but, in determining who is the owner of any particular lot, plot, or parcel of land as for instance in joint tenancy or in common, shall be deemed a single owner in order to preserve to the City its lien against the particular lot, plot, or parcel of land under the special tax bill levied against the same as aforesaid.

Section 215.110. Right of Entry On Premises To Abate Nuisances. [Ord. No. 1254 §1(13-19), 6-10-2003]

- A. Any Police Officer or City employee lawfully engaged in the abatement of a nuisance, and any 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 into and upon any premises.
- B. Any person who shall refuse, hinder, delay, or interfere with the entry of any Police Officer, agent, or employee of the City, or any such contractor or contractor's employee, in his/her or their duties of inspection, discovery, or abatement of any nuisance, shall be deemed guilty of a separate offense hereunder, and shall be subject to a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00), or to imprisonment in the County Jail not exceeding a period of ninety (90) days, or to both such fine and imprisonment.

Section 215.120. Enumeration of Nuisances. [Ord. No. 1254 §1(13-20), 6-10-2003]

- A. The following are hereby defined, deemed and declared to be "nuisances" for the purpose of this Article, in addition to other nuisances specifically defined herein or by the laws of the State of Missouri or other ordinances of this City:
 - 1. All substances which emit or cause any foul, noxious, unhealthful, or disagreeable odor or effluvia in the neighborhood where they exist.
 - 2. All green or salted hides left or deposited in any open place.
 - 3. All slaughterhouses or animal pens or enclosures inside of the City or within one-half (½) mile of the City limits which are kept in such a condition as to be offensive, annoying, or disagreeable to anyone.
 - 4. Establishments emitting or causing an offensive, disagreeable, noxious, or toxic dust, vapor, fume, mist, or odor.
 - 5. All slop, foul or dirty water or other liquid, or beer washings, all filth, refuse, or offal discharged through drains or spouts or otherwise thrown or deposited in or upon any street, sidewalk, lot, park, public square, public enclosure, pond, or pool of water.

6. All vegetables or other articles that emit or cause an offensive, noxious, or disagreeable smell or odor.
7. All articles or things whatsoever caused, kept, maintained, or permitted by any person to the injury, inconvenience, or annoyance of the public.
8. All pursuits followed or engaged in, or acts done by, any person to the injury, annoyance, or inconvenience of the public.
9. All hanging signs, ropes, network, or other advertising devices stretched over or across any street or sidewalk.
10. All ashes, cinders, slops, filth, excrement, sawdust, stones, rocks, dirt, straw, dead grass, grass clippings, dead limbs, leaves, brush, logs, weeds, foliage, shrub cuttings, clippings, soot, sticks, shavings, egg shells, oyster shells, cans, dust, brush, logs, paper, trash, rubbish, manure, refuse, offal, wastewater, chamber lye, fish, putrid meat, entrails, decayed fruits or vegetables, broken wares, rags, iron or other metal, old wearing apparel, animal or vegetable matter, all dead animals or any other offensive or disagreeable substance or thing thrown, left, deposited, or caused to be left, thrown, or deposited by anyone in or upon any street, sidewalk, park, public place, public enclosure, lot, vacant or occupied, ditch, pond, or pool of water, except that any grass, dead limbs, leaves, brush, logs, weeds, foliage, shrub cuttings, clippings or any other kind of yard wastes may be placed in and be made a part of a compost pile located on a lot or tract used for single- or two-family residential purposes if they do not emit or cause any foul, noxious, unhealthful, or disagreeable odor detectable across any property line.
11. The creation of dust by the operation of motor vehicles, racing cars, rides or other motor-driven contrivances where the dust is carried beyond the borders of the property whereon the above enumerated vehicles may be operated in such quantities as to interfere with reasonable enjoyment of any property in the neighborhood.
12. The keeping of any junk which shall include, but not be limited to, any metal, glass, paper, rags, wood, machinery parts, cloth or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.
13. The outside storage of new, used and/or waste tires; except that this Subsection shall not prohibit the outside storage of fifty (50) or fewer new, used and/or waste tires that are screened by a permanent masonry or frame enclosure so that they are not visible from off the premises and they are covered to prevent the accumulation of water within the tires. New and used tires may be displayed outside for sales purposes during the regular hours of operation at a retail tire dealer, provided that they are stored in an enclosed building or screened as described above when the retail tire dealer is not open for business. Nothing in this Subsection shall preclude the operation, pursuant to Chapter 225, of a solid waste collection/processing facility so long as it is located and operated in compliance with all applicable City ordinances.

Chapter 217**ABANDONED PROPERTY****Section 217.010. Definitions.**⁵⁵

As used in this Chapter, the following terms shall have the meanings set out herein:

ABANDONED PROPERTY — Any unattended or unlicensed motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Chapter, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.

PERSON — Any natural person, corporation or other legal entity.

RIGHT-OF-WAY — The entire width of land between the boundary lines of a public road or State highway, including any roadway.

ROADWAY — That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

TOWING COMPANY — Any person or entity which tows, removes or stores abandoned property.

Section 217.020. Abandoning Motor Vehicle — Last Owner of Record Deemed The Owner of Abandoned Motor Vehicle, Procedures — Penalty — Civil Liability.

- A. A person commits the offense of abandoning a motor vehicle, vessel or trailer if he/she abandons any motor vehicle, vessel or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.
- B. For purposes of this Section, the last owner of record of a motor vehicle, vessel or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie to have been the owner of such motor vehicle, vessel or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle, vessel or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle, vessel or trailer shall not be subject to the penalties provided by this Section if the motor vehicle, vessel or trailer was in the care, custody or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle, vessel or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle, vessel or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle, vessel or trailer is alleged to have been stolen, the owner of the motor vehicle, vessel or trailer shall submit proof that a police report was

55. State Law Reference — For similar provisions, §304.001, RSMo.

filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.

- C. Abandoning a motor vehicle, vessel or trailer is an ordinance violation.
- D. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage and administrative costs associated with the abandonment of the motor vehicle, vessel or trailer. Any reasonable towing, storage and administrative costs in excess of the value of the abandoned motor vehicle, vessel or trailer that exist at the time the motor vehicle or vessel is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the time frame and in the form as described in Subsection (1) of Section 304.156, RSMo.

Section 217.030. Open Storage of Inoperable Vehicles or Public Safety Hazards Prohibited.⁵⁶

The open storage of inoperable or unlicensed vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

Section 217.040. Towing of Abandoned Property On Private Real Property.⁵⁷

- A. *Generally.* The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 217.030 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 217.050. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.
- B. *Towing Authorized By City Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:
 - 1. The abandoned property is left unattended for more than forty-eight (48) hours; or
 - 2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*
 - 1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real

56. State Law Reference — For similar provisions, §304.159, RSMo.

57. State Law References — For similar provisions, §§304.157.1 — 2, 304.157.4 — 9, 304.158.2 — 4, 304.158.8 — 9, RSMo.

property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:

- a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.
 - b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification.
 - c. *Unattended on other private real property.* The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.
2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:
- a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;
 - b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
 - c. The license plate or registration number and the State of issuance, if available;
 - d. The physical location of the property and the reason for requesting the property to be towed;
 - e. The date the report is completed;
 - f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
 - g. The towing company's name and address;
 - h. The signature of the towing operator;
 - i. The signature of the owner, lessee or property or security manager attesting to the facts

that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

- j. Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and
 - k. Any additional information the Missouri Director of Revenue deems appropriate.
3. Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.
 4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.
 5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.
 6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
 7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:
 - a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
 - b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.

- D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.
- E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Chapter.
- F. *Written Authorization Required — Delegation Of Authority To Tow.*
1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
 2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.
- G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

Section 217.050. General Provisions and Procedures.⁵⁸

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. *Crime Inquiry And Inspection Report.* As to Crime Inquiry and Inspection Reports required by State Law, see Chapter 385 of this Code, Section 385.040.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

58. State Law References — For similar provisions, §§304.155.5 — 6, 304.155.11 — 12, 304.158.1, 304.158.5, 304.158.7, RSMo.

- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
1. The name, address and telephone number of the storage facility;
 2. The date, reason and place from which the abandoned property was removed;
 3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
 4. A statement that the storage firm claims a possessory lien for all such charges;
 5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
 6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
 7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
 8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "*good faith effort*" means that the following checks have been performed by the company to establish the prior State of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
 2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
 3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
 4. If there is no address of the owner on the impound report, check the law enforcement report to

see if an out-of-state address is indicated on the driver license information.

- G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
1. The public agency authorizing the removal; or
 2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

- I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the

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purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

Chapter 220**EMERGENCY MANAGEMENT****Section 220.010. Establishment.**

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

Section 220.020. Organization.

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

Section 220.030. Functions.

The organization shall perform emergency management functions within the City of Branson West and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

Section 220.040. Director.

- A. The Director will be appointed by the Mayor and shall serve at the pleasure of the Mayor and Board of Aldermen.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Mayor or Board of Aldermen.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Branson West Emergency Management Organization.

Section 220.050. Scope of Operation.

- A. The City of Branson West in accordance with Chapter 44, RSMo., may:
 - 1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Governments; and
 - 2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation.

Section 220.060. Mutual-Aid Agreements.

The Mayor or Public Safety Agency may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the State for reciprocal emergency aid as authorized in Section 44.090, RSMo.

Section 220.070. City May Accept Services, Etc.

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer.

Section 220.080. Oath.

No person shall be employed or associated in any capacity in the Branson West Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Branson West Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

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

Section 220.090. Office Space.

The Mayor is authorized to designate space in any City-owned or leased building for the Branson West Emergency Management Organization.

SOLID WASTE MANAGEMENT

Chapter 225

SOLID WASTE MANAGEMENT

ARTICLE I
In General

Section 225.010. Definitions. [CC 1997 §19-1]

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

APPROVED INCINERATOR — An incinerator which complies with all current regulations of the responsible local and State air pollution control agencies.

BULKY RUBBISH — Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

CITY — The City of Branson West, Missouri.

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

DEMOLITION AND CONSTRUCTION WASTE — Waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under Section 260.200, RSMo.

DIRECTOR — The Director of the Solid Waste Management Program of the City, or his/her authorized representative.

DISPOSABLE SOLID WASTE CONTAINER — Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid waste.

DWELLING UNIT — Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or 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 WASTE — Any waste or combination of wastes, as determined by the Commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment.

MULTIPLE-HOUSING FACILITY — A housing facility containing more than one (1) dwelling unit under one (1) roof.

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

PERSON — Any individual, partnership, corporation, association, institution, City, County, other political subdivision, authority, State agency or institution, or Federal agency or institution.

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

REFUSE — Solid waste.

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.,

recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting.

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 SYSTEM — The entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes.

STORAGE — Keeping, maintaining or storing solid waste from the 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.

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

ARTICLE II
Solid Waste Storage

Section 225.020. Occupant To Provide Waste Container. [CC 1997 §19-2]

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

Section 225.030. Storage in Containers. [CC 1997 §19-3]

The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat, and sanitary condition at all times.

Section 225.040. Requirements of Residential Waste Containers. [CC 1997 §19-4]

Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leak-proof, water-proof and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers 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 and contents shall not exceed seventy-five (75) pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste.

Section 225.050. Requirements of Commercial Waste Containers. [CC 1997 §19-5]

Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be water-proof, leak-proof and shall be covered at all times except when depositing waste therein or removing the contents thereof, and shall meet all requirements as set forth by Article VII.

Section 225.060. Tree Limbs in Storage Containers Restricted. [CC 1997 §19-6]

Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five (75) pounds.

Section 225.070. Yard Waste Storage. [CC 1997 §19-7]

Yard waste shall be stored in containers so constructed and maintained as to prevent the dispersal of waste placed therein upon the premises served, upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed seventy-five (75) pounds.

Section 225.080. Disposal of Unapproved Containers. [CC 1997 §19-8]

Solid waste containers which are not approved will be collected together with their contents and disposed of.

ARTICLE III

Transportation of Solid Waste**Section 225.090. Requirements of Transportation Vehicles. [CC 1997 §19-17]**

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 water-tight bodies and with covers which shall be an integral part of the vehicle and shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

Section 225.100. Permits For Disposal of Earth and Rock Material. [CC 1997 §19-18]

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 materials being transported shall spill upon the public right-of-way.

ARTICLE IV
Disposal of Solid Waste

Section 225.110. Depositing of Solid Waste. [CC 1997 §19-19]

Solid waste shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law of 1972, Sections 260.200 to 260.255, RSMo., and the rules and regulations adopted thereunder.

Section 225.120. Disposal of Hazardous Waste. [CC 1997 §19-20]

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

ARTICLE V
Permits

Section 225.130. Permit Required. [CC 1997 §19-21]

No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without first obtaining an annual permit therefor from the City; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit.

Section 225.140. Permit Applicant To Have Liability Insurance. [CC 1997 §19-22]

No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than ten thousand dollars (\$10,000.00) for each person injured or killed, and in the amount of not less than twenty thousand dollars (\$20,000.00) in the event of injury or death of two (2) or more persons in any single accident, and in the amount of not less than ten thousand dollars (\$10,000.00) for damage to property. Such policy may be written to allow the first fifty dollars (\$50.00) of liability for damage to property to be deductible. Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

Section 225.150. Requirements of Application. [CC 1997 §19-23]

A. Each applicant for any such permit shall state in his/her application therefor:

1. The nature of the permit desired as to collect, transport, process or dispose of solid waste, or any combination thereof;
2. The characteristics of solid waste to be collected, transported, processed or disposed;
3. The number of solid waste transportation vehicles to be operated thereunder;
4. The precise location or locations of solid waste processing or disposal facilities to be used;
5. Boundaries for the collection area; and
6. Such other information as required by the Director.

Section 225.160. Issuance of Permit. [CC 1997 §19-24]

If the application shows that the applicant will collect/transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this Chapter, the Director shall issue the permit authorized by this Chapter. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefor a fee of twenty-five dollars (\$25.00) for each transportation vehicle to be used. If, in the opinion of the Director, modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

Section 225.170. Denial of Application. [CC 1997 §19-25]

If the applicant does not make the modification pursuant to the notice in Section 225.160 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of his/her application, provided that all aspects of the reapplication comply with the provisions of this Chapter.

Section 225.180. Renewal of Permit. [CC 1997 §19-26]

The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 225.140 and 225.150. No permits authorized by this Chapter shall be transferable from person to person.

Section 225.190. Inspection. [CC 1997 §19-27]

In order to insure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the City of Branson West. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, the Director shall issue notice for each violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

Section 225.200. Suspension of Permit. [CC 1997 §19-28]

In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.

Section 225.210. Appeal of Suspension. [CC 1997 §19-29]

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within ten (10) days of the act for which redress is sought, appeal directly to the Circuit Court of Stone County, Missouri, in writing, setting forth a concise statement the act being appealed and the grounds for reversal.

Section 225.220. Vehicles To Display Permit Number. [CC 1997 §19-30]

All motor vehicles operating under any permit required by this Chapter shall display the number or numbers on each side in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than six (6) inches high.

ARTICLE VI
Rules and Regulations

Section 225.230. Generally. [CC 1997 §19-31]

- A. The Director shall 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; and
 10. Handling of special wastes, such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The City Clerk or such other City Official who is responsible for preparing utility and other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billings and collection of solid waste collection and/or disposal service charges as hereinafter provided for.
- C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

ARTICLE VII
Prohibited Practices

Section 225.240. In General. [CC 1997 §19-32]

A. 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. Fail to pay the service charge levied in accordance with Article IX of this Chapter for solid waste collection and disposal;
3. Interfere in any manner with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the City;
4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
5. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources; or
6. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City or operate under an expired permit, or operate after a permit has been suspended or revoked.

Chapter 230**SMOKING PROHIBITED IN WORKPLACES AND PUBLIC PLACES****Section 230.010. Definitions. [Ord. No. 3-2020, 3-10-2020]**

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

BAR — An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

BUSINESS — A sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

CITY — City of Branson West.

ELECTRONIC SMOKING DEVICE — Any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

EMPLOYEE — A person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or a person who volunteers his or her services for a non-profit entity.

EMPLOYER — A person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one (1) or more individual persons.

ENCLOSED AREA — All space between a floor and a ceiling that is bounded on at least two (2) sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

HEALTH CARE FACILITY — An office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

HOOKAH — A water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material, including, but not limited to, tobacco, shisha, or other plant matter.

PLACE OF EMPLOYMENT — An area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

PLAYGROUND — Any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on City grounds.

PRIVATE CLUB — An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of Federal income tax as a club under 26 U.S.C. § 501.

PUBLIC EVENT — An event which is open to and may be attended by the general public, including, but not limited to, such events as concerts, fairs, farmers' markets, festivals, parades, performances, and other exhibitions, regardless of any fee or age requirement.

PUBLIC PLACE — An area to which the public is invited or in which the public is permitted, including, but not limited to, banks, bars, educational facilities, gambling facilities, health care facilities, hotels and motels, laundromats, parking structures, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

RECREATIONAL AREA — Any public or private area open to the public for recreational purposes, whether or not any fee for admission is charged, including, but not limited to, amusement parks, athletic fields, beaches, fairgrounds, gardens, golf courses, parks, plazas, skate parks, swimming pools, trails, and zoos.

RESTAURANT — An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

SERVICE LINE — An indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including, but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

SHOPPING MALL — An enclosed or unenclosed public walkway or hall area that serves to connect retail or professional establishments.

SMOKING — Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Chapter.

SPORTS ARENA — A place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

Section 230.020. Application To City-Owned Facilities And Property. [Ord. No. 3-2020, 3-10-2020]

All enclosed areas, including buildings and vehicles owned, leased, or operated by the City, as well as

all outdoor property adjacent to such buildings and under the control of the City shall be subject to the provisions of this Chapter.

Section 230.030. Prohibition Of Smoking In Enclosed Public Places. [Ord. No. 3-2020, 3-10-2020]

A. Smoking shall be prohibited in all enclosed public places within the City, including, but not limited to, the following places:

1. Aquariums, galleries, libraries, and museums.
2. Areas available to the general public in businesses and non-profit entities patronized by the public, including, but not limited to, banks, laundromats, professional offices, and retail service establishments.
3. Bars.
4. Bingo facilities.
5. Child care and adult day care facilities.
6. Convention facilities.
7. Educational facilities, both public and private.
8. Elevators.
9. Gambling facilities.
10. Health care facilities.
11. Hotels and motels.
12. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
13. Parking structures.
14. Polling places.
15. Public transportation vehicles, including buses and taxicabs, under the authority of the City, and public transportation facilities, including bus, train, and airport facilities.
16. Restaurants.
17. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
18. Retail stores.
19. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City, Stone County, or a political subdivision of the State of Missouri, to the extent the place is subject to the jurisdiction of the City.
20. Service lines.
21. Shopping malls.

22. Sports arenas, including enclosed places in outdoor arenas.
23. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

Section 230.040. Prohibition Of Smoking In Enclosed Places Of Employment. [Ord. No. 3-2020, 3-10-2020]

- A. Smoking shall be prohibited in all enclosed areas of places of employment without exception. This includes, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Chapter and to all prospective employees upon their application for employment.

Section 230.050. Prohibition Of Smoking In Private Clubs. [Ord. No. 3-2020, 3-10-2020]

Smoking shall be prohibited in all private clubs.

Section 230.060. Prohibition Of Smoking In Enclosed Residential Facilities. [Ord. No. 3-2020, 3-10-2020]

- A. Smoking shall be prohibited in the following enclosed residential facilities:
 1. All private and semi-private rooms in nursing homes.
 2. All hotel and motel guest rooms.

Section 230.070. Prohibition Of Smoking In Outdoor Public Places. [Ord. No. 3-2020, 3-10-2020]

- A. Smoking shall be prohibited in the following outdoor places:
 1. Within a reasonable distance of twenty-five (25) feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.
 2. On all outdoor property that is adjacent to buildings owned, leased, or operated by the City and that is under the control of the City.
 3. In, and within twenty-five (25) feet of, outdoor seating or serving areas of restaurants, bars, and gambling facilities.
 4. In outdoor shopping malls, including parking structures.
 5. In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in, and within twenty-five (25) feet of, bleachers and grandstands for use by spectators at sporting and other public events.
 6. In outdoor recreational areas, including parking lots.
 7. In, and within twenty-five (25) feet of, all outdoor playgrounds.
 8. In, and within twenty-five (25) feet of, all outdoor public events.

9. In, and within twenty-five (25) feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the City.
10. In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total outdoor common area, which must be located at least twenty-five (25) feet from outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

Section 230.080. Where Smoking Not Regulated. [Ord. No. 3-2020, 3-10-2020]

Notwithstanding any other provision of this Chapter to the contrary, smoking shall not be prohibited in private residences, unless used as a child care, adult day care, or health care facility.

Section 230.090. Declaration Of Establishment Or Outdoor Area As Non-Smoking. [Ord. No. 3-2020, 3-10-2020]

Notwithstanding any other provision of this Chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a non-smoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 230.110(A) is posted.

Section 230.100. Posting Of Signs And Removal Of Ashtrays. [Ord. No. 3-2020, 3-10-2020]

- A. The owner, operator, manager, or other person in control of a place of employment, public place, private club, or residential facility where smoking is prohibited by this Chapter shall:
 1. Clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place.
 2. Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited or, in the case of outdoor places, clearly and conspicuously post "No Smoking" signs in appropriate locations as determined by the City Administrator or an authorized designee.
 3. Clearly and conspicuously post on every vehicle that constitutes a place of employment under this Chapter at least one (1) sign, visible from the exterior of the vehicle, stating that smoking is prohibited.
 4. Remove all ashtrays from any area where smoking is prohibited by this Chapter, except for ashtrays displayed for sale and not for use on the premises.

Section 230.110. Non-Retaliation; Non-Waiver Of Rights. [Ord. No. 3-2020, 3-10-2020]

- A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this Chapter or reports or attempts to prosecute a violation of this Chapter. Notwithstanding Section 230.140, violation of this Subsection shall be a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) for each violation.
- B. An employee who works in a setting where an employer allows smoking does not waive or otherwise

surrender any legal rights the employee may have against the employer or any other party.

Section 230.120. Enforcement. [Ord. No. 3-2020, 3-10-2020]

- A. This Chapter shall be enforced by the City Administrator or an authorized designee, which may be the City's Police Department.
- B. Notice of the provisions of this Chapter shall be given to all applicants for a business license in the City.
- C. Any citizen who desires to register a complaint under this Chapter may initiate enforcement with the City Administrator or the City Administrator's designee shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Chapter.
- D. An owner, manager, operator, or employee of an area regulated by this Chapter shall direct a person who is smoking in violation of this Chapter to extinguish or turn off the product being smoked. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a Law Enforcement Agency.
- E. Notwithstanding any other provision of this Chapter, an employee or private citizen may bring legal action to enforce this Chapter.
- F. In addition to the remedies provided by the provisions of this Section, the City Administrator or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Chapter may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Section 230.130. Violations And Penalties. [Ord. No. 3-2020, 3-10-2020]

- A. A person who smokes in an area where smoking is prohibited by the provisions of this Chapter shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50.00).
- B. Except as otherwise provided in Section 230.120(A), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Chapter shall be guilty of an infraction, punishable by:
 - 1. A fine not exceeding one hundred dollars (\$100.00) for a first violation.
 - a. A fine not exceeding two hundred dollars (\$200.00) for a second violation within one (1) year.
 - 2. A fine not exceeding five hundred dollars (\$500.00) for each additional violation within one (1) year.
- C. In addition to the fines established by this Section, violation of this Chapter by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- D. Violation of this Chapter is hereby declared to be a public nuisance, which may be abated by the City Administrator by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.

- E. Each day on which a violation of this Chapter occurs shall be considered a separate and distinct violation.

Section 230.140. Public Education. [Ord. No. 3-2020, 3-10-2020]

The City Administrator shall engage in a continuing program to explain and clarify the purposes and requirements of this Chapter to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this Chapter.

Section 230.150. Other Applicable Laws. [Ord. No. 3-2020, 3-10-2020]

This Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 230.160. Liberal Construction. [Ord. No. 3-2020, 3-10-2020]

This Chapter shall be liberally construed so as to further its purposes.

Section 230.170. Severability. [Ord. No. 3-2020, 3-10-2020]

If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

Section 230.180. When Effective. [Ord. No. 3-2020, 3-10-2020]

This Chapter shall be effective thirty (30) days from and after the date of its adoption.

Section 230.190. Repealer. [Ord. No. 3-2020, 3-10-2020]

Any ordinance to the contrary is hereby repealed.

Traffic Code

Chapter 300**GENERAL PROVISIONS****Section 300.010. Definitions.**

The following words and phrases, when used in this Title, mean:

ABANDONED PROPERTY — The definition for abandoned property shall be the same as that set out in Section 217.010 of this Code.

ALL-TERRAIN VEHICLE — Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

ALLEY OR ALLEYWAY — Any street with a roadway of less than twenty (20) feet in width.

BUSINESS DISTRICT — The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT — All streets and portions of streets within the area described by City ordinance as such.

COMMERCIAL MOTOR VEHICLE — A motor vehicle designed or regularly used for carrying freight and merchandise or more than eight (8) passengers but not including vanpools or shuttle buses.

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

CROSSWALK —

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

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

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

EMERGENCY VEHICLE — A vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, Traffic Officer or

- Coroner or by a privately owned emergency vehicle company;
2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;
 3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.070 of this Title;
 4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
 5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;
 6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;
 7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;
 8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

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

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

INTERSECTION —

1. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

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

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

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

MOTORIZED BICYCLE — Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more

than thirty (30) miles per hour on level ground.

OFFICIAL TIME STANDARD — Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in the City.

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

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

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

PEDESTRIAN — Any person afoot.

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

POLICE OFFICER — Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

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

RAILROAD — A carrier of persons or property upon cars operated upon stationary rails.

RAILROAD TRAIN — A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

RESIDENCE DISTRICT — The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

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

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

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

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

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

STOP — When required, complete cessation from movement.

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

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

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

TRACTOR OR TRUCK-TRACTOR — A self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semi-trailer, it supports a part of the weight thereof.

TRAFFIC — Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL — Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRAILER — Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "*trailer*" shall not include cotton trailers as defined in Subdivision (8) of Section 301.010, RSMo., and shall not include manufactured homes as defined in Section 700.010, RSMo.

URBANIZED AREA — An area with a population of fifty thousand (50,000) or more designated by the Bureau of the Census within boundaries to be fixed by the State Highways and Transportation Commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census.

UTILITY VEHICLE — Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three (63) inches or less in width, with an unladen dry weight of one thousand eight hundred fifty (1,850) pounds or less, traveling on four (4) or six (6) wheels, to be used primarily for landscaping, lawn care or maintenance purposes.

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

Chapter 305**TRAFFIC ADMINISTRATION****Section 305.010. Records of Traffic Violations.**

- A. The Police Department shall keep a record of all violations of the traffic ordinances of the City or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.
- B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
- C. All such records and reports shall be public records.

Section 305.020. Police Department To Investigate Accidents.

It shall be the duty of the Police Department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

Section 305.030. Traffic Accident Reports.

The Police Department shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the City Traffic Engineer.

Section 305.040. Police Department To Submit Annual Traffic Safety Report.

- A. The Police Department shall annually prepare a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in the City as follows:
 - 1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
 - 2. The number of traffic accidents investigated and other pertinent data on the safety activities of the Police.
 - 3. The plans and recommendations of the Police Department for future traffic safety activities.

Section 305.050. City Traffic Engineer.

- A. The office of City Traffic Engineer is established. The City Engineer or other designated City Official shall serve as City Traffic Engineer in addition to his/her other functions and shall exercise the powers and duties with respect to traffic as provided in this Title.
- B. The City Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigation of traffic conditions, plan the operation of traffic on the streets and highways of the City, and cooperate with other City Officials in the development of ways

and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of the City.

Section 305.060. Emergency and Experimental Regulations.

- A. The Chief of Police by and with the approval of the City Traffic Engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the City and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.
- B. The City Traffic Engineer may test traffic control devices under actual conditions of traffic.

Chapter 310**ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS****Section 310.010. Authority of Police and Fire Department Officials.**

- A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all traffic laws of the City and all of the State vehicle laws applicable to traffic in the City.
- B. Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- C. Officers of the Fire Department, when at the scene of an incident, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

Section 310.020. Obedience To Police and Fire Department Officials.

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

Section 310.030. Persons Propelling Pushcarts or Riding Animals To Obey Traffic Regulations.

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

Section 310.040. Use of Coasters, Roller Skates and Similar Devices Restricted.

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

Section 310.050. Public Employees To Obey Traffic Regulations.

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

Section 310.060. Emergency Vehicles — Use of Lights and Sirens — Right-Of-Way — Stationary Vehicles, Procedure — Penalty.

- A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.070 of this Chapter, the driver of every other vehicle shall yield the right-of-way and

shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a Police or Traffic Officer.

- B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:
1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
 2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.
- C. *Responsibilities Of Driver Of Emergency Vehicle.*
1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.
 2. The driver of an emergency vehicle may:
 - a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;
 - d. Disregard regulations governing direction of movement or turning in specified directions.
 3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.
- D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

Section 310.070. Sirens and Flashing Lights Emergency Use — Persons Authorized — Violation — Penalty.

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, which are operated by any member of an organized Fire Department, ambulance association or rescue squad, whether paid or volunteer, may be operated on streets and highways in this City as an emergency vehicle under the provisions of Section 310.060 of this Chapter, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall

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be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire Department, organized ambulance association or rescue squad and no person shall use or display a siren or rotating blue lights on a motor vehicle, fire, ambulance or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes an ordinance violation.

Section 310.080. Immediate Notice of Accident Within City.

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

Section 310.090. Written Report of Accident.

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

Section 310.100. When Driver Unable To Report.

- A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.080 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.
- B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.090 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall, within five (5) days after the accident, make such report not made by the driver.

Section 310.110. Leaving The Scene of A Motor Vehicle Accident.

- A. A person commits the offense of leaving the scene of a motor vehicle accident when, being the operator or driver of a vehicle on the highways, streets or roads of the City or on any publicly or privately owned parking lot or parking facility within the City generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including City and street number, motor vehicle number and driver's license number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity, then to the nearest Police station or judicial officer.
- B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any such privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

Chapter 315**TRAFFIC CONTROL DEVICES****Section 315.010. Authority To Install Traffic Control Devices.**

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

Section 315.020. Manual and Specifications For Traffic Control Devices.

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

Section 315.030. Obedience To Traffic Control Devices.

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

Section 315.040. When Official Traffic Control Devices Required For Enforcement Purposes.

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

Section 315.050. Official Traffic Control Devices — Presumption of Legality.

- A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- B. Any official traffic control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

Section 315.060. Traffic Control Signal Legend — Right Turn On Red Light — When.

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

- a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
2. *Steady yellow indication.*
 - a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
3. *Steady red indication.*
 - a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in paragraph (b) of this Subsection.
 - b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof.
 - c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.
4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any

such sign or marking, the stop shall be made at the signal.

Section 315.070. Pedestrian Control Signals.

- A. Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" or appropriate symbols are in place, such signals shall indicate as follows:
1. *"WALK"*: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
 2. *"WAIT"* or *"DON'T WALK"*: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

Section 315.080. Flashing Signals.

- A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:
1. *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 2. *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- B. This Section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 335.090 of this Title.

Section 315.090. Lane Direction Control Signals.

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

Section 315.100. Display of Unauthorized Signs, Signals or Markings.

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

Section 315.110. Interference With Official Traffic Control Devices or Railroad Signs or Signals.

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

Section 315.115. Prohibiting The Avoidance of A Traffic Control Device. [Ord. No. 09-2006,

5-9-2006]

It shall be unlawful for any person to purposely avoid a traffic control device by cutting through a parking lot or adjacent lot and in so doing avoid the intersection at which a traffic control device exists.

Section 315.120. Authority To Establish Play Streets.

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

Section 315.130. Play Streets.

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

Section 315.140. City Traffic Engineer To Designate Crosswalks and Establish Safety Zones.

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

Section 315.150. Traffic Lanes.

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

Chapter 320**SPEED REGULATIONS****Section 320.010. State Speed Laws Applicable.**

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the City, except that the City may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

Section 320.020. Regulation of Speed By Traffic Signals.

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

Section 320.030. Maximum Limit Generally. [CC 1997 §11-41]

No person shall operate or drive any motor vehicle on any street within the City at a greater speed than twenty-five (25) miles per hour, unless a different speed has been established for any given area.

Section 320.035. Maximum Limit On Highway 13 and Highway 76. [CC 1997 §11-42]

It shall be unlawful for any person to drive any motor vehicle on Highway 13 or Highway 76 inside the City limits within eight hundred (800) feet of the junction of Highway 13 and Highway 76 at a greater speed than thirty-five (35) miles per hour.

Section 320.036. Maximum Speed limited Limit On Business 13. [Ord. No. 5-2021, 10-12-2021]

It shall be unlawful for any person to drive any motor vehicle on the City of Branson West's street designated as Business 13 inside the City limits at a greater speed than thirty-five (35) miles per hour.

Section 320.040. Slow Speed — Regulations.

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

Section 320.050. Special Speed Limits On Roadways.

No person shall operate a motor vehicle upon those portions of the roadways which are set forth and described in Schedule I at a rate of speed in excess of that speed limit set for such portions of the roadways by said Schedule.

Section 320.060. Construction Zone and Work Zone — Penalty For Violations.⁵⁹

⁵⁹. State Law Reference — Similar provisions, §304.580, RSMo.

A. *Prohibited Acts.*

1. The driver of a motor vehicle may not exceed the posted speed limit within a "construction zone" or "work zone". This Subsection applies to a construction zone or work zone located upon a street or highway consisting of two (2) or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one (1) lane into another lane by an appropriate sign erected by the Missouri Department of Transportation or Stone County or the City of Branson West or a contractor performing work for the Missouri Department of Transportation or Stone County or the City of Branson West.
2. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone. This Subsection applies to a construction zone or work zone located upon a highway divided into two (2) or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane by an appropriate sign.

B. *Increased Penalty For Violation Occurring In Designated Construction Zones.*

1. Upon the first (1st) conviction or plea of guilty by any person for a moving violation as defined in Section 302.010, RSMo., or any offense listed in Section 302.302, RSMo., the court shall assess a fine of thirty-five dollars (\$35.00) in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone. Upon a second (2nd) or subsequent such conviction or plea of guilty, the court shall assess a fine of seventy-five dollars (\$75.00) in addition to any other fine authorized to be imposed by law.
2. Upon a conviction or plea of guilty by any person for a speeding violation pursuant to either Chapter 320 or a passing violation pursuant to Section 340.180 of this Title, the court shall assess a fine of two hundred fifty dollars (\$250.00) in addition to any other fine authorized by law, if the offense occurred within a construction zone or a work zone established by the Missouri Department of Transportation or Stone County or the City of Branson West and at the time the speeding or passing violation occurred there was any person in such zone who was there to perform duties related to the reason for which the area was designated a construction zone or work zone.
 - a. However, no person assessed an additional fine pursuant to this Subsection shall also be assessed an additional fine pursuant to Subsection (B)(1) of this Section and no person shall be assessed an additional fine pursuant to this Subsection if no signs have been posted pursuant to Subsection (C) of this Section.
 - b. The penalty authorized by this Subsection shall only be assessed by the court if the Missouri Department of Transportation or Stone County or the City of Branson West or a contractor performing work for the Missouri Department of Transportation or Stone County or the City of Branson West has erected signs upon or around a construction or work zone, which are clearly visible from the street or highway and which state substantially the following message: "Warning: \$250 fine for speeding or passing in this work zone".

C. *Status Of Work Zones, Signs Required.*

1. *Active work zones.*
 - a. *Construction zone or work zone.* Any area upon or around any street or highway which is

visibly marked by the Missouri Department of Transportation, Stone County or the City of Branson West or by a contractor performing work for the Missouri Department of Transportation, Stone County or the City of Branson West as an area where construction, maintenance or other work is temporarily occurring. For all road construction projects, clearly visible signs that substantially state: "Construction zone" or "Work zone" shall be considered sufficient warning for imposition of the thirty-five dollar (\$35.00) additional fine prescribed in Subsection (B)(1). The term "*construction zone*" or "*work zone*" also includes the lanes of the street or highway leading up to the area upon which an activity described in this Subsection is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

- b. "Work Zone Fine" signs for Missouri Department of Transportation or Stone County or the City of Branson West road construction projects shall be erected in accordance with Subsection (C)(1)(a). upon or around a construction or work zone and must be sixty (60) inches in width and forty-eight (48) inches in height, clearly visible from the street or highway and state substantially the following message: "Warning: \$250 fine for speeding or passing in this work zone". Such signs shall be furnished and installed by the contractor.

2. *Inactive work zone.*

- a. During any day in which no person is present in a construction zone or work zone established pursuant to this Section to perform duties related to the purpose of the zone, the sign "Warning: \$250 fine for speeding or passing in this work zone" shall not be visible to motorists. During any period of two (2) hours or more in which no person is present in such zone on a day in which persons have been or will be present to perform duties related to the reason for which the area was designated as a construction zone or work zone, the sign "Warning: \$250 fine for speeding or passing in this work zone" shall not be visible to motorists. The Missouri Department of Transportation or Stone County or the City of Branson West or a contractor performing work for the Missouri Department of Transportation or Stone County or the City of Branson West shall be responsible for compliance with provisions of this Subsection. Nothing in this Subsection shall prohibit warning or traffic control signs necessary for public safety in the construction or work zone being visible to motorists at all times.
 - b. Traffic violations may be cited in inactive construction zones pursuant to the traffic ordinances of the City of Branson West, however, the increased penalty as outlined in Subsection (B)(2) of this Section shall not be in effect.
- D. This Section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to Section 302.302, RSMo.

Chapter 325**TURNING MOVEMENTS****Section 325.010. Required Position and Method of Turning At Intersection.**

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

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established.
2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right-half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn lanes have been established.
4. *Designated two-way left turn lanes.* Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:
 - a. A left turn shall not be made from any other lane;
 - b. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law;
 - c. A vehicle shall not be driven in the lane for a distance more than one hundred (100) feet.

Section 325.020. Authority To Place and Obedience To Turning Markers.

- A. The City Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
- B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 325.030. Authority To Place Restricted Turn Signs.

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

Section 325.040. Obedience To No-Turn Signs.

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

Section 325.050. Limitations On Turning Around.

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

Section 325.060. Exhibition of Acceleration. [CC 1997 §11-35]

No person while operating a motor vehicle shall race the engine thereof or spin the tires thereof so as to cause the tires to make a squealing noise, wherein the sole purpose of engaging in such activity or activities is to create a disturbance or to exhibit the speed of the vehicle such person is operating. Each such disturbance or exhibition by any such person shall be the basis of a separate charge.

BRANSON WEST CODE

Chapter 330

ONE-WAY STREETS AND ALLEYS

Section 330.010. Authority To Sign One-Way Streets and Alleys.

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

Section 330.020. One-Way Streets and Alleys.

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

Section 330.030. Authority To Restrict Direction of Movement On Streets During Certain Periods.

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

Chapter 335**STOP AND YIELD INTERSECTIONS, RAILROAD CROSSINGS****Section 335.010. Through Streets Designated.**

Those streets and parts of streets described by ordinances of the City are declared to be through streets for the purposes of Sections 335.010 to 335.090.

Section 335.020. Signs Required At Through Streets.

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

Section 335.030. Other Intersections Where Stop or Yield Required.

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

Section 335.040. Stop and Yield Signs.

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

Section 335.050. Vehicle Entering Stop Intersection.

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

Section 335.060. Vehicle Entering Yield Intersection.

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

Section 335.070. Emerging From Alley, Driveway or Building.

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

Section 335.080. Stop When Traffic Obstructed.

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

Section 335.090. Obedience To Signal Indicating Approach of Train.

- A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he/she can do so safely. The foregoing requirements shall apply when:
 - 1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 - 2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
 - 3. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
- C. No person shall drive a vehicle through a railroad crossing when there is not sufficient space to drive completely through the crossing.
- D. No person shall drive a vehicle through a railroad crossing unless such vehicle has sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from contacting the railroad crossing.
- E. Every commercial motor vehicle as defined in Section 302.700, RSMo., shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said commercial motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear. This Section does not apply to vehicles which are required to stop at railroad crossings pursuant to Section 304.030,

City of Branson West, MO

Section 335.090

STOP AND YIELD INTERSECTIONS, RAILROAD

RSMo.

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 fire apparatus has stopped in answer to a fire alarm.

Section 340.020. Crossing Fire Hose.

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

Section 340.030. Funeral Processions.

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

FUNERAL DIRECTOR — A person licensed as a funeral director pursuant to the provisions of Chapter 333, RSMo.

FUNERAL LEAD VEHICLE OR LEAD VEHICLE — Any motor vehicle equipped with at least one (1) lighted circulating lamp exhibiting an amber or purple light or lens or alternating flashing headlamps visible under normal atmospheric conditions for a distance of five hundred (500) feet from the front of the vehicle. A hearse or coach properly equipped may be a lead vehicle.

ORGANIZED FUNERAL PROCESSION — Two (2) or more vehicles accompanying the remains of a deceased person from a funeral establishment, church, synagogue or other place where a funeral service has taken place to a cemetery, crematory or other place of final disposition or a funeral establishment, church, synagogue or other place where additional funeral services will be performed if directed by a licensed funeral director from a licensed establishment.

B. *Driving Rules.*

1. Except as otherwise provided for in this Section, pedestrians and operators of all other vehicles shall yield the right-of-way to any vehicle which is a part of an organized funeral procession.
2. Notwithstanding any traffic control device or right-of-way provision prescribed by State or local law, when the funeral lead vehicle in an organized funeral procession lawfully enters an intersection, all vehicles in the procession shall follow the lead vehicle through the intersection. The operator of each vehicle in the procession shall exercise the highest degree of care toward any other vehicle or pedestrian on the roadway.
3. An organized funeral procession shall have the right-of-way at all intersections regardless of any traffic control device at such intersections, except that operators of vehicles in an organized funeral procession shall yield the right-of-way to any approaching emergency vehicle pursuant to the provisions of law or when directed to do so by a Law Enforcement Officer.
4. All vehicles in an organized funeral procession shall follow the preceding vehicle in the procession as closely as is practical and safe under the conditions.

5. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.
 6. Any person who is not an operator of a vehicle in an organized funeral procession shall not:
 - a. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Subsection (B)(5) above, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;
 - b. Join a funeral procession for the purpose of securing the right-of-way; or
 - c. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.
 7. When an organized funeral procession is proceeding through a red signal light as permitted herein, a vehicle not in the organized funeral procession shall not enter the intersection unless such vehicle may do so without crossing the path of the funeral procession.
 8. No ordinance, regulation or any other provision of law shall prohibit the use of a motorcycle utilizing flashing amber lights to escort an organized funeral procession on the highway.
- C. Any person convicted of violating any provision of this Section shall be punished by a fine not to exceed one hundred dollars (\$100.00).

Section 340.040. Driving in Procession.

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

Section 340.050. When Permits Required For Parades and Processions.

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

Section 340.060. Vehicle Shall Not Be Driven On A Sidewalk — Prohibition On Obstruction of Bicycle Lanes — Drivers To Yield To Bicycles in Designated Bicycle Lanes.

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane. As used in this Section, the term "designated bicycle lane" shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles.

Section 340.070. Limitations On Backing.

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

Section 340.080. Opening and Closing Vehicle Doors.

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

Section 340.090. Riding On Motorcycles — Additional Passenger — Requirements.

- A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to the rear or side of the operator.
- B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

Section 340.100. Riding Bicycle On Sidewalks — Limitations — Motorized Bicycles Prohibited.

- A. No person shall ride a bicycle upon a sidewalk within a business district.
- B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- C. No person shall ride a motorized bicycle upon a sidewalk.

Section 340.110. All-Terrain Vehicles — Prohibited — Exceptions — Operation Under An Exception — Prohibited Uses — Penalty.

- A. No person shall operate an all-terrain vehicle, as defined in Section 300.010, upon the streets and highways of this City, except as follows:
 - 1. All-terrain vehicles owned and operated by a governmental entity for official use;
 - 2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.
- B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this City, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

- C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.
- D. No person shall operate an all-terrain vehicle:
1. In any careless way so as to endanger the person or property of another;
 2. While under the influence of alcohol or any controlled substance; or
 3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.
- E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

Section 340.115. Utility Vehicles, Operation On Highway and in Streams or Rivers Prohibited — Exceptions — Passengers Prohibited — Violations, Penalty.

- A. No person shall operate a utility vehicle, as defined in Section 300.010 of this Title, upon the highways of this City or State, except as follows:
1. Utility vehicles owned and operated by a governmental entity for official use;
 2. Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;
 3. Utility vehicles operated by handicapped persons for short distances occasionally only on the State's secondary roads when operated between the hours of sunrise and sunset;
 4. The City may issue special permits for utility vehicles to be used on highways within the City limits by licensed drivers. Fees of fifteen dollars (\$15.00) may be collected and retained by the City for such permits.
- B. No person shall operate a utility vehicle within any stream or river in this City or State, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this City or State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- C. A person operating a utility vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under Subparagraph (3) of Subsection (A) of this Section 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 forty-five (45) miles per hour.

D. No persons shall operate a utility vehicle:

1. In any careless way so as to endanger the person or property of another; or
2. While under the influence of alcohol or any controlled substance.

E. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this Subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one (1) person.

F. A violation of this Section shall be an ordinance violation.

Section 340.120. Riding Bicycles, Sleds, Roller Skates By Attaching To Another Vehicle Prohibited — Pulling A Rider Behind Vehicle Prohibited.

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

Section 340.130. Controlled Access.

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

Section 340.140. Railroad Trains Not To Block Streets.

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes; provided that this Section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely.

Section 340.150. Driving Through Safety Zone Prohibited.

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

Section 340.160. Manner of Operation of Motor Vehicles — Careful and Prudent.

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

Section 340.170. Driving To The Right.

A. Upon all public roads or highways of sufficient width, a vehicle shall be driven upon the right-half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;
2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;
3. When the right-half of a roadway is closed to traffic while under construction or repair;

4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.
- B. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section or to make any left turn or semi-circular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the State Highways and Transportation Commission or the Department of Transportation. The provisions of this Subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the Commission or the Department.
- C. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:
1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
 2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
 3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo.
 4. Official signs may be erected by the State Highways and Transportation Commission or the Highway Patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.
 5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half ($\frac{1}{2}$) of the main traveled portion of the roadway whenever possible.
- D. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.
- E. All trucks registered for a gross weight of more than forty-eight thousand (48,000) pounds shall not be driven in the far left-hand lane upon all interstate highways, freeways, or expressways within urbanized areas of the State having three (3) or more lanes of traffic proceeding in the same direction. This restriction shall not apply when:
1. It is necessary for the operator of the truck to follow traffic control devices that direct use of a lane other than the right lane; or
 2. The right half of a roadway is closed to traffic while under construction or repair.

- F. As used in Subsection (E) of this Section, "*truck*" means any vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "*truck*" also includes a commercial motor vehicle as defined in Section 300.010 of this Title.

Section 340.180. Passing Regulations.

- A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

- B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

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

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

- C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

- D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing.

Section 340.190. Hand and Mechanical Signals.

- A. No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.
1. An operator or driver when stopping, or when checking the speed of the operator's vehicle if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.
 2. An operator or driver intending to turn the vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning.
 3. An operator or driver intending to turn the vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning.
 4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided further, that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.

Section 340.200. Stopping For School Bus.

- A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signaled by its driver to proceed.
- B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words *"School Bus"* in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: *"State Law: Stop While Bus is Loading and Unloading"*. Each school bus subject to the provisions of Sections

304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education which will display a signal plainly visible from the front and rear and indicating intention to stop.

- C. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand (10,000) pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five (5) feet six (6) inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in Subsection (B) of this Section. This Subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.
- D. Except as otherwise provided in this Section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district has the authority pursuant to Section 304.050, RSMo., to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four (4) or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution and, in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred (500) feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty (60) miles per hour and at least three hundred (300) feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.
- E. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

Section 340.210. Right-Of-Way At Intersection — Signs At Intersections.⁶⁰

- 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,

60. State Law Reference — This Section has additional penalties based on certain circumstances, §304.351, RSMo.

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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 City may, on any section of road where construction or major maintenance operations are being effected, fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 340.160.

Section 340.220. Distance At Which Vehicle Must Follow.

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway.

Section 340.230. Jacobs Brake Use — Unlawful.

It shall be unlawful to operate or use a Jacobs engine brake or other exhaust or engine device without a muffler or with a malfunctional muffler, as braking power to slow down a vehicle's rate of speed in the City, except in emergencies. For the purpose of this Section, a "Jacobs engine brake" is a hydraulic-electric engine attachment that converts a diesel engine into an air compressor by changing engine exhaust valve operation. Notice of this Section shall be posted at prominent locations in the City, by an appropriate sign notifying motorists of the passage of this Section.

Chapter 342**ALCOHOL-RELATED TRAFFIC OFFENSES**

Cross Reference — As to reimbursement of certain costs related to arrest under this chapter, §125.300 of this code.

Section 342.010. Definitions.

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

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

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

LAW ENFORCEMENT OFFICER OR ARRESTING OFFICER — Includes the definition of Law Enforcement Officer in Subdivision (17) of Section 556.061, RSMo., and military Policemen conducting traffic enforcement operations on a Federal military installation under military jurisdiction in the State of Missouri.

Section 342.020. Driving While Intoxicated.⁶¹

A person commits the offense of "driving while intoxicated" if he/she operates a motor vehicle while in an intoxicated or drugged condition.

Section 342.030. Driving With Excessive Blood Alcohol Content.⁶²

- A. A person commits the offense of "*driving with excessive blood alcohol content*" if such person operates a motor vehicle in this City with eight-hundredths of one percent (.08%) or more by weight of alcohol in such person's blood.
- B. As used in this Section, "*percent by weight of alcohol*" in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

Section 342.040. Chemical Test For Alcohol Content — Consent Implied — Administered — When — How — Videotaping of Chemical or Field Sobriety Test Admissible Evidence.

- A. This Section and Section 577.021, RSMo., shall be known as the Alan Woods Law.
- B. Any person who operates a motor vehicle upon the public highways of this City shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:
 - 1. If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle

61. Note — As to provisions concerning sentencing and suspended imposition of sentence under certain conditions, §577.010, RSMo.

62. Note — As to provisions concerning sentencing and suspended imposition of sentence under certain conditions, §577.012, RSMo.

while in an intoxicated or drugged condition; or

2. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent (.02%) or more by weight; or
3. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the State or any political subdivision of the State, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater; or
4. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock, and the Law Enforcement Officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater; or
5. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in Section 565.002, RSMo., and has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any State law or County or municipal ordinance with the exception of equipment violations contained in Chapter 307, RSMo., or similar provisions contained in County or municipal ordinances; or
6. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in Section 565.002, RSMo.

The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been arrested or stopped for any reason.

- C. The implied consent to submit to the chemical tests listed in Subsection (B) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.
- D. Chemical analysis of the person's breath, blood, saliva or urine to be considered valid pursuant to the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.
- E. The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.
- F. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:
 1. The type of test administered and the procedures followed;
 2. The time of the collection of the blood or breath sample or urine analyzed;
 3. The numerical results of the test indicating the alcohol content of the blood and breath and urine;

4. The type and status of any permit which was held by the person who performed the test;
5. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance of such instrument.

Full information does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

- G. Any person given a chemical test of the person's breath pursuant to Subsection (B) of this Section or a field sobriety test may be videotaped during any such test at the direction of the Law Enforcement Officer. Any such video recording made during the chemical test pursuant to this Subsection or a field sobriety test shall be admissible as evidence for a violation of any municipal ordinance or any license revocation or suspension proceeding pursuant to the provisions of Chapter 302, RSMo.

Section 342.050. Open Containers of Intoxicating Liquor — Prohibited — When. [CC 1997 §11-25]

- A. No driver or passenger in a motor vehicle shall transport, possess or have within the passenger area of said motor vehicle while on City highways, streets, alleys or other public property in the City any intoxicating liquor or malt liquor unless such intoxicating liquor or malt liquor shall be in the original, unopened container with the seal unbroken. The "*passenger area*" of a motor vehicle shall not include any area of the motor vehicle which is inaccessible to the driver or any other person in such vehicle while it is in motion. In the case of a pickup truck, station wagon, hatchback vehicle or other similar vehicle, the area behind the last upright seat shall not be considered accessible to the driver or any other person, provided that no person is occupying, sitting or standing in that area of the vehicle. In the case of a recreational motor vehicle, the living quarters shall not be considered accessible to the driver or any other person. This Section shall apply to any driver or passenger in a motor vehicle while on the above stated public property in the City whether the motor vehicle is parked, stopped or in motion. Provided however, this Section shall not apply to any passenger in a chartered bus where the driver of said bus is never in the possession of and has no ready access to intoxicating liquor or malt liquor.
- B. No driver or passenger shall consume intoxicating liquor or malt liquor while in a moving motor vehicle within the City. Provided however, this Section shall not apply to any passenger in a chartered bus where the driver of said bus is never in possession of and has no ready access to intoxicating liquor or malt liquor. This Section also shall not apply to any passenger in the living quarters of a recreational motor vehicle.

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.

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- B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.
- C. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.
- D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

Section 345.070. Obedience of Pedestrians To Railroad Signals.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge when such gate or barrier is closed or is being opened or closed.

Section 345.080. Pedestrians Walking Along Roadways.

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

Section 345.085. Pedestrians Soliciting Rides. [CC 1997 §11-104]

It shall be unlawful for any person to stand in a roadway or street for the purpose of soliciting a ride from the operator of any private vehicle.

Section 345.090. Drivers To Exercise Highest Degree of Care.

Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Section 345.100. Distance To Be Maintained When Overtaking A Bicycle.

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in Section 300.010, shall leave a safe distance when passing the bicycle, and shall maintain clearance until safely past the overtaken bicycle.

Chapter 350**METHOD OF PARKING****Section 350.010. Standing or Parking Close To Curb.**

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

Section 350.020. Signs or Markings Indicating Angle Parking.

- A. The City Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the City unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

Section 350.030. Obedience To Angle Parking Signs or Markers.

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

Section 350.040. Permits For Loading or Unloading At An Angle To The Curb.

- A. The City Traffic Engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.
- B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Section 350.050. Lamps On Parked Vehicles.

- A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half ($\frac{1}{2}$) 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

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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. On any railroad tracks;
 - i. At any place where official signs prohibit stopping.
 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway;
 - b. Within thirty (30) feet of an intersection;
 - c. Within fifteen (15) feet of a fire hydrant;
 - d. Within twenty (20) feet of a crosswalk at an intersection;
 - e. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;
 - f. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);
 - g. At any place where official signs prohibit standing.
 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

- a. Within fifty (50) feet of the nearest rail of a railroad crossing;
 - b. At any place where official signs prohibit parking.
- B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.

Section 355.020. Parking Not To Obstruct Traffic.

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

Section 355.030. Parking in Alleys.

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

Section 355.040. Parking For Certain Purposes Prohibited.

- A. No person shall park a vehicle upon any roadway for the principal purpose of:
 - 1. Displaying such vehicle for sale; or
 - 2. Repair such vehicle except repairs necessitated by an emergency.

Section 355.050. Parking Adjacent To Schools.

- A. The City Traffic Engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

Section 355.060. Parking Prohibited On Narrow Streets.

- A. The City Traffic Engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

Section 355.070. Standing or Parking On One-Way Streets.

The City Traffic Engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

Section 355.080. Standing or Parking On One-Way Roadways.

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The City Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

Section 355.090. No Stopping, Standing or Parking Near Hazardous or Congested Places.

- A. The City Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

Section 355.100. Physically Disabled Parking.

- A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended. The space shall be indicated by an upright sign whether on a pole or attached to a building upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine".
- B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle or while the vehicle is being used to transport a physically disabled person.
- C. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). Every day upon which such violation occurs shall constitute a separate offense.

Section 355.110. Parking Within Painted Stalls. [CC 1997 §11-87]

Where painted lines have been used to designate parking stalls, it shall be unlawful for any driver to park his/her vehicle across or upon such painted stripes or to park in such a way that his/her vehicle occupies more than one (1) such stall.

Section 355.120. Owner of Vehicle Responsible For Violation When Identity of Driver Cannot Be Determined. [CC 1997 §11-88]

If any vehicle is found upon any street or highway of the City of Branson West, Missouri, in violation of any provision of this Chapter, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

Chapter 360**STOPPING FOR LOADING OR UNLOADING ONLY****Section 360.010. City Traffic Engineer To Designate Curb Loading Zones.**

The City Traffic Engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

Section 360.020. Permits For Curb Loading Zones.

The City Traffic Engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The City Traffic Engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the City Treasury a service fee of ten dollars (\$10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the City for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year.

Section 360.030. Standing in Passenger Curb Loading Zone.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

Section 360.040. Standing in Freight Curb Loading Zones.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

Section 360.050. City Traffic Engineer To Designate Public Carrier Stops and Stands.

The City Traffic Engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

Section 360.060. Stopping, Standing and Parking of Buses and Taxicabs Regulated.

- A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a

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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.

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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 City any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the City Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

Section 365.070. Commercial Vehicles Prohibited From Using Certain Streets.

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.

VEHICLE EQUIPMENT

Chapter 370

VEHICLE EQUIPMENT

ARTICLE I
Light Regulations

Section 370.010. When Lights Required.

- A. *"When lighted lamps are required"* means at any time from a half ($\frac{1}{2}$) hour after sunset to a half ($\frac{1}{2}$) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle's windshield wipers to operate the vehicle in a careful and prudent manner as defined in Section 304.012, RSMo. The provisions of this Section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner.
- B. *When Lights Required — Violation — Penalty.*
1. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.
 2. Notwithstanding the provisions of Section 307.120, RSMo., or any other provision of law, violation of this Section shall be deemed an ordinance violation and any person who violates this Section as it relates to violations of the usage of lighted lamps required due to weather conditions or fog shall only be fined ten dollars (\$10.00) and no court costs shall be assessed.

Section 370.020. 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 370.030. Multiple-Beam Headlamps — Arrangement.

- A. Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:
1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
 2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead;

and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

Section 370.040. 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 370.050. 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 ordinance violation.

Section 370.060. 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 370.070. 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 370.080. Spotlamps.

Any motor vehicle may be equipped with not to exceed one (1) spotlamp but every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person.

Section 370.090. Colors of Various Lamps — Restriction of Red Lights.

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowllamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle, upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.

Section 370.100. Limitations On Lamps Other Than Headlamps — Flashing Signals Prohibited Except On Specified Vehicles.

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in Section 300.010 of this Title and on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship and on commercial passenger transport vehicles or railroad passenger cars that are stopped to load or unload passengers, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

Section 370.110. 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 spotlamp 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 370.120. 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 370.130. Animal-Driven Vehicles — Lighting Requirements — Penalty.

- A. Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this City any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half ($\frac{1}{2}$) hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons, there shall be no less than seven (7) of such buttons covering an area equal to a circle with a three (3) inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°) and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet.
- B. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half ($\frac{1}{2}$) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this City. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet.
- C. Any person operating an animal-driven vehicle during the hours between sunset and one-half ($\frac{1}{2}$) hour before sunrise may, in lieu of the requirements of Subsection (B) of this Section, use lamps or lanterns complying with the rules promulgated by the Director of the Department of Public Safety.
- D. Any person violating the provisions of this Section shall be guilty of an ordinance violation.

ARTICLE II
Other Vehicle Equipment

Section 370.140. Other Equipment of Motor Vehicles.

- A. *Signaling Devices.* Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.
- B. *Muffler Cutouts.* Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open, or be opened or operated, while such vehicle is in motion.
- C. *Brakes.* All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.
- D. *Mirrors.* All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.
- E. *Projections On Vehicles.* All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.
- F. *Towlines.* When one vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. The provisions of this Subsection shall also not apply to farm implements or to any vehicle which is not required to be registered.
- G. *Commercial Motor Vehicles And Trailers.* When being operated on any highway, street or road of this City, commercial motor vehicles and trailers shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment required by the State in such condition so as to obtain a certificate of inspection and

approval as required by the provisions of Section 307.360, RSMo.

- H. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways, streets or roads of this City.

Section 370.150. Loads Which Might Become Dislodged To Be Secured — Failure — Penalty.

- A. All motor vehicles and every trailer and semi-trailer operating upon the public highways, streets or roads of this City and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.
- B. Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be an ordinance violation, and any person convicted thereof shall be punished as provided by law.

Section 370.160. Seat Belts.

- A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.
- B. As used in this Section, the term "*passenger car*" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term "passenger car" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.
- C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the City, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this City shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section and Section 370.170 of this Chapter, shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this Subsection shall not apply to the transporting of children under sixteen (16) years of age, as provided in Section 370.170 of this Chapter.
- D. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Section 370.170 of this Chapter.
- E. Except as otherwise provided for in Section 370.170 of this Chapter, each person found guilty of violating the provisions of Subsection (B) of this Section is guilty of an ordinance violation for which a fine not to exceed ten dollars (\$10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of

this Section.

- F. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this Subsection is not in violation of this Section. This Subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under Section 302.178, RSMo.

Section 370.170. Transporting Children Under Sixteen Years of Age — Restraint Systems.

- A. As used in this Section, the following terms shall have these prescribed meanings:

CHILD BOOSTER SEAT — A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a Federally approved safety belt system.

CHILD PASSENGER RESTRAINT SYSTEM — A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

DRIVER — A person who is in actual physical control of a motor vehicle.

- B. Every driver transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this City, for providing for the protection of such child as follows:
1. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.
 2. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.
 3. Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds, and who are also less than four (4) feet nine (9) inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child.
 4. Children at least eighty (80) pounds or children more than four (4) feet, nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.
 5. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.
 6. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this Subsection is not in violation of this Section.

This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

- C. Any driver who violates Subdivision (1), (2), or (3) of Subsection (B) herein, is guilty of an ordinance violation and upon conviction may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein, shall be subject to the penalty in Subsection (E) of Section 370.160 of this Chapter. If a driver receives a citation for violating Subdivision (1), (2) or (3) of Subsection (B) herein, the charges shall be dismissed or withdrawn if the driver prior to or at his/her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the Court or the party responsible for prosecuting the driver's citation.
- D. The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo.

Section 370.180. Vision-Reducing Material Applied To Windshield or Windows Without Permit Prohibited — Penalty — Rules — Procedure.

- A. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent ($\pm 3\%$) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent ($\pm 3\%$). Except as provided in Subsection (C) of this Section, any sun-screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection may be issued by the Department of Public Safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree of consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person who resides in the household. Except as provided in Subsection (B) of this Section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited.
- B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.
- C. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this

Section.

- D. Any person who violates the provisions of this Section is guilty of an ordinance violation.

Section 370.190. Headgear Required — Motorcycles or Motortricycles.

- A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this City shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.
- B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an ordinance violation for which a fine not to exceed twenty-five dollars (\$25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to Section 302.302, RSMo., for a failure to wear such protective headgear.

Section 370.200. Studded Tires — Prohibited When.

No person shall operate any motor vehicle upon any road or highway of this City between the first (1st) day of April and the first (1st) day of November while the motor vehicle is equipped with tires containing metal or carbide studs.

Section 370.210. Restriction On Use of Metal-Tired Vehicles.

- A. No metal-tired vehicle shall be operated over any of the improved highways of this City, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire unless the highway is protected by putting down solid planks or other suitable material or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.
- B. No tractor, tractor engine or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.
- C. Any person violating this Section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction.

Section 370.220. Passengers in Trucks.

- A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.
- B. No person shall operate any truck, as defined in Subsection (A) of this Section, with a licensed gross weight of less than twelve thousand (12,000) pounds on any highway which is part of the State or Federal highway system or when such truck is operated within the corporate limits of the City when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation.
- C. The provisions of this Section shall not apply to:
1. Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;
 2. Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;
 3. Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law;
 4. Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck;
 5. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purpose of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. "*Special event*", for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;
 6. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or
 7. Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in the truck. For the purposes of this Section, the term "*family*" shall mean any persons related within the first degree of consanguinity.

Section 370.230. Altering Passenger Motor Vehicle By Raising Front or Rear of Vehicle Prohibited, When — Bumpers Front and Rear Required, When Certain Vehicles Exempt.

- A. No person shall operate any passenger motor vehicle upon the public streets or highways of this City, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle.
- B. Every motor vehicle which is licensed in this State and operated upon the public streets or highways of this City shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This Subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes, while such vehicles are in tow, or to motorcycles or motor-driven

cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this Subsection prohibit the use of drop bumpers. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR) 4,500 lbs. and under	24 inches	26 inches
4,501 lbs. through 7,500 lbs.	27 inches	29 inches
7,501 lbs. through 9,000 lbs.	28 inches	30 inches
9,001 lbs. through 11,500 lbs.	29 inches	31 inches

- C. Any person knowingly violating the provisions of this Section is guilty of an ordinance violation.

Chapter 375**BICYCLES AND MOTORIZED BICYCLES****Section 375.010. Bicycle and Motorized Bicycle — Defined.**

As used in this Chapter, the following terms shall mean:

BICYCLE — Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except scooters and similar devices.

MOTORIZED BICYCLE — Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

Section 375.020. 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 375.030. Lights and Reflectors — When Required — Standards To Be Met.

- A. Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:
1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
 2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
 3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and
 4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

Section 375.040. Rights and Duties of Bicycle and Motorized Bicycle Riders.

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

Section 375.050. Riding To Right — Required For Bicycles and Motorized Bicycles — Mandatory Use of Bicycle Path By Bicycles.

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

Section 375.060. Bicycle To Operate On The Shoulder Adjacent To Roadway, When — Roadway Defined.

- A. A person operating a bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 375.050 of this Chapter or may operate on the shoulder adjacent to the roadway.
- B. A bicycle operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.
- C. For purposes of this Section and Section 375.050, "roadway" means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Section 375.070. Bicycle Required To Give Hand or Mechanical Signals.

The operator of a bicycle shall signal as required in Section 340.190 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle. An operator of a bicycle intending to turn the bicycle to the right shall signal as indicated in Section 340.190 of this Title or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.

Section 375.080. Yielding Right-Of-Way. [CC 1997 §11-117]

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or a sidewalk area extending across any alleyway or driveway, yield the right-of-way to all pedestrians approaching or in said sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Section 375.090. Carrying Passengers. [CC 1997 §11-120]

No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.

Section 375.100. Carrying Packages, Bundles, Articles. [CC 1997 §11-121]

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from

keeping both hands upon the handlebars.

Section 375.110. Parking. [CC 1997 §11-122]

No person shall park a bicycle upon any street, sidewalk or roadway, other than upon the roadway against the curb, unless said bicycle is parked in such a manner as to afford the least obstruction to motor traffic in the roadway or pedestrian traffic on the sidewalk.

Section 375.120. Riding On Sidewalk. [CC 1997 §11-123]

It shall be unlawful for any person to ride, run or operate any bicycle on any sidewalk within the City.

Section 375.130. Riding, Tampering Without Consent of Owner. [CC 1997 §11-124]

No person shall ride, operate, use or tamper with a bicycle without permission of the owner.

Section 375.140. Penalty For Violation.

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

Section 375.150. Motorized Bicycles — License Required.

- A. No person shall operate a motorized bicycle on any highways, streets or roads in this City unless the person has a valid license to operate a motor vehicle.
- B. No motorized bicycle may be operated on any public thoroughfare located within this City which has been designated as part of the Federal interstate highway system.
- C. Violation of this Section shall be deemed an ordinance violation.

Section 375.160. Equipment Required.

No person shall operate a motorized bicycle on any highways, streets or roads in this City unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission.

LICENSING REQUIREMENTS

Chapter 380

LICENSING REQUIREMENTS

ARTICLE I
Operator's Licenses

Section 380.010. Driving While License Suspended or Revoked.⁶³

A person commits the offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended or revoked.

Section 380.020. Operation of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License.⁶⁴

- A. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 380.040, to:
1. Operate any vehicle upon any highway in this City unless the person has a valid license as required by Chapter 302, RSMo., or a temporary instruction permit issued in compliance with Section 302.130, RSMo., or an intermediate driver's license issued in compliance with Section 302.178, RSMo., in his/her possession;
 2. Operate a motorcycle or motortricycle upon any highway of this City unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;
 3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
 4. Operate a motor vehicle with an instruction permit, intermediate driver's license or license issued to another person;
 5. Operate a motor vehicle in violation of the provisions of Sections 302.130 and 302.178, RSMo., regarding accompaniment by a qualified driver or stated hours of operation; or
 6. Drive a commercial motor vehicle, unless fully licensed in compliance with Chapter 302, RSMo., except when operating under an instruction permit as provided for in Section 302.720, RSMo.

Section 380.025. Effect of Revocation — Penalty.

Any resident or non-resident whose license, right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in Sections 302.010—302.540, RSMo., shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and

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

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

as permitted under Sections 302.010—302.540, RSMo. Violation of any provision of this Section is an ordinance violation and on conviction therefor a person shall be punished as prescribed by Section 302.321, RSMo.

Section 380.030. Prohibited Uses of License.

A. It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;
2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;
3. Display or to represent as one's own any license not issued to the person so displaying the same;
4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director any license which has been suspended, canceled, disqualified or revoked as provided by law;
5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;
6. Knowingly conceal a material fact or otherwise commit a fraud in any such application;
7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;
8. Employ a person to operate a motor vehicle in the transportation of persons or property with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;
9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license; or
10. Fail to carry his/her instruction permit, valid operator's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator.

Section 380.040. Exemptions From License Law.

A. The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;
2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;

3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.;
4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows—driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent—may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

ARTICLE II Vehicle Licensing

Section 380.050. State Vehicle License Plates Required.

No person shall operate or park any motor vehicle or trailer upon any street or highway of this City unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this City, provided the motor vehicle or trailer has been duly registered for the current year in the State, country or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this City, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

Section 380.055. Registration of Motor Vehicles Operated For First Time in State.

Application for registration of a motor vehicle not previously registered in Missouri, operated for the first time on the public highways of this State, and previously registered in another State shall be made within thirty (30) days after the owner of such motor vehicle has become a resident of this State.

Section 380.060. Method of Displaying License Plates.

No motor vehicle or trailer shall be operated on any highway of this City unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue or the State Highways and Transportation Commission and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motor scooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up, or if two (2) plates are issued for the vehicle pursuant to Subsection (3) of Section 301.130, RSMo., displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

Section 380.070. Unauthorized Plates, Tags, Stickers, Signs.

No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for" or words of similar import as a substitute for such number plates or such placard.

Section 380.080. License Plates On Vehicles Displayed For Sale.

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates except those of the dealer or owner so

displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

Section 380.090. Certificate of Ownership Required For Registered Vehicle.

It shall be unlawful for any person to operate in this City a motor vehicle or trailer required to be registered as provided by law unless a certificate of ownership has been applied for as provided in Section 301.190, RSMo.

Section 380.100. Transfer of Certificate of Ownership Upon Sale of Vehicle.

It shall be unlawful for any person to buy or sell in this City any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between the parties a certificate of ownership with an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

Section 380.110. Removal of Plates On Transfer of Vehicle — Use By Purchaser.

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days. As used in this Section, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

Section 380.120. Sale By Dealer.

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days after taking possession thereof if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under Subsection (5) of Section 301.140, RSMo., and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents (\$10.50), to be returned to the buyer upon return of the number plates, as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days.

Section 380.130. False Information By Dealer.

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

ARTICLE III
Financial Responsibility

Section 380.140. Financial Responsibility Required.

- A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle registered, or maintain registration of a motor vehicle, or permit another person to operate such vehicle upon the streets or the alleys of this City unless the owner maintains the financial responsibility as required in this Section which conforms to the requirements of the laws of this State. No non-resident shall operate or permit another person to operate in this State a motor vehicle registered to such non-resident unless the non-resident maintains the financial responsibility which conforms to the requirements of the laws of the non-resident's State of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner or non-resident shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.
- B. For purposes of this Section, the term "*financial responsibility*" shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) accident.
- C. Proof of financial responsibility may be shown by any of the following:
1. A current insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card; or
 2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.; or
 3. A surety bond according to Section 303.230, RSMo.
- D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.
- E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time

the Peace Officer wrote the citation.

- F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for each and every violation.

Section 380.150. Display of False Evidence of Insurance — Penalty — Confiscation of False Evidence.

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of an ordinance violation.

Section 380.160. Alteration, Production or Sale of Invalid Insurance Card.

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of an ordinance violation.

LICENSING REQUIREMENTS

Chapter 385**ABANDONED VEHICLES****Section 385.010. Abandoned Vehicles or Trailers Prohibited.⁶⁵**

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway as set out in Section 217.020 of this Code.

Section 385.020. Obstructing The Flow of Traffic Prohibited.⁶⁶

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

Section 385.030. Towing of Abandoned Property On Public Real Property.⁶⁷

A. Any Law Enforcement Officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:

1. Any abandoned property on the right-of-way of:
 - a. Any interstate highway or freeway in an urbanized area of the City left unattended for ten (10) hours, or immediately if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
 - b. Any interstate highway or freeway outside of an urbanized area of the City left unattended for twenty-four (24) hours, or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
 - c. Any State highway, other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four (24) hours;

provided that commercial motor vehicles referred to in Subparagraphs (a — c) not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; or

- d. Any State highway, other than an interstate highway or freeway in an urbanized area, left unattended for more than ten (10) hours.
2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal

65. State Law Reference — For similar provisions, §577.080, RSMo.

66. State Law Reference — For similar provisions, §304.151, RSMo.

67. State Law References — For similar provisions, §§304.155.1, 304.155.3, RSMo.

- movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
3. Any abandoned property which has been abandoned under Section 385.010 herein or Section 577.080, RSMo.
 4. Any abandoned property which has been reported as stolen or taken without consent of the owner.
 5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's timely removal.
 6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
 7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
 8. Any abandoned property illegally left standing on the waters of this State as defined in Section 306.010, RSMo., where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten (10) hours or is floating loose on the water.
 9. Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.
- B. When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
- C. Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

Section 385.040. General Provisions and Procedures.⁶⁸

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 385.030 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 217.040, the City Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten (10) working days of the towing, the tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the

68. State Law References — For similar provisions, §§304.155.5 — 6, 304.155.11 — 12, 304.158.1, 304.158.5, 304.158.7, RSMo.

Department of Revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the tower does not have online access, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:

1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;
 2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;
 3. The license plate or registration number and the State of issuance, if available;
 4. The storage location of the towed property;
 5. The name, telephone number and address of the towing company;
 6. The date, place and reason for the towing of the abandoned property;
 7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Police Department;
 8. The signature and printed name of the Law Enforcement Officer authorizing the tow;
 9. The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; and
 10. Any additional information the Missouri Director of Revenue deems appropriate.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to

Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:

1. The name, address and telephone number of the storage facility;
 2. The date, reason and place from which the abandoned property was removed;
 3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
 4. A statement that the storage firm claims a possessory lien for all such charges;
 5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
 6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
 7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property, free of all prior liens; and
 8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "*good faith effort*" means that the following checks have been performed by the company to establish the prior State of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
 2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
 3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
 4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name

the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.

H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

1. The public agency authorizing the removal; or
2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.

K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

Section 385.050. Maximum Charges.⁶⁹

A. A towing company may only assess reasonable storage charges for abandoned property towed

Section 385.050

ABANDONED VEHICLES

without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Chapter.

- B. The Board of Aldermen may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the City, and which are consistent with this Chapter and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.160.
- C. A towing company may impose a charge of not more than one-half ($\frac{1}{2}$) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Chapter if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

Section 385.060. Sale of Abandoned Property By City.⁷⁰

When the City has physical possession of the abandoned property, it may sell the abandoned property in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the City Clerk and sealed with the official City Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number, and the odometer reading of the abandoned property, if available, and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo., or Section 301.560, RSMo., or for any other person.

69. State Law References — For similar provisions, §§304.156.2, 304.158.6, 304.158.10, RSMo.

70. State Law Reference — For similar provisions, §304.156, RSMo.

BRANSON WEST CODE

Schedule I**SPEED LIMITS****Table I-A. Speed Limits.⁷¹**

In accordance with the provisions of Chapter 320, and when signs are erected giving notice thereof, it shall be unlawful for any person to drive a vehicle at a speed in excess of the speeds listed below on the streets as designated.

Street	Speed Limit
Ance Creek Road	25 mph
Business 13, north of Meadowlark Road to State Highway 13	45 mph
Business 13, north of State Highway 13 to Meadowlark Road	45 mph
State Highway 13, north of Business 13 to City limits	50 mph
State Highway 13, south of Business 13 to City limits	45 mph
State Highway 76, south of Ayres Rock Road to City limits	45 mph
State Highway 76, west of Ayres Rock Road to State Highway 13	35 mph
State Highway 413	45 mph

71. Editor's Note: For additional speed limit provisions, see Sections 320.035 and 320.036.

STOP SIGNS

Schedule II

STOP SIGNS

Table II-A. Stop Signs.

As authorized by and in accordance with Sections 335.020 and 335.030 of this Title, when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection or other location, designated herein, before proceeding.

Street/Direction of Traffic

Aero Drive and Ance Creek Road

Ance Creek Road and State Highway 413

Business 13 and East Silver Hills Lane

Business 13 and West Silver Hills Lane

Business 13 and Meadowlark Road

Business 13 and State Highway 13

Estate Lane and State Highway 413

Fritts Way and Ance Creek Road

North Catamount Boulevard and Sunny Lane

Tunnel Drive and State Highway 13

Tunnel Drive and North Catamount Boulevard

BRANSON WEST CODE

Schedule III

PARKING RESTRICTIONS

Table III-A. Parking Restrictions.

As authorized by and in accordance with Section 355.010 of this Title, it shall be unlawful for the operator of a motor vehicle to stop, stand or park said motor vehicle at any one time or instance or location, as designated herein, except when necessary to avoid a conflict with the directions of a Police Officer or traffic control sign or signal.

Location

Restriction

None at this time

TRUCK ROUTES

Table IV-A

Schedule IV**TRUCK ROUTES****Table IV-A. Truck Routes. [Ord. No. 9-2022, 9-8-2022]**

- A. The following truck routes are hereby established by the Board of Aldermen.

Location
Missouri State Highway 13
Missouri State Highway 76

- B. It shall be unlawful for all trucks, including dump trucks, with more than two (2) axles and licensed for a gross vehicle weight of more than eighteen thousand (18,000) pounds to travel on City streets, alleys and byways, except in connection with the transportation of freight, goods, wares or merchandise to, or from, a location within Branson West not on State Highway 76 or 13; or to, or from, a location outside the City of Branson West that can only be accessed by traveling on a City street; or to provide a service to a person residing, or a business located on, a City street or on a street that can only be accessed by traveling on a City street.

Land Use

Chapter 400

ZONING REGULATIONS

ARTICLE I
General Provisions

Section 400.010. Title. [Ord. No. 1250 §1(101), 10-15-2002]

This Chapter shall be known and may be cited as the City of Branson West Zoning Regulations.

Section 400.020. Authority and Purpose. [Ord. No. 1250 §1(102), 10-15-2002]

- A. This Chapter is adopted pursuant to the authority contained in Sections 89.010 to 89.480, RSMo.
- B. The regulations contained in this Chapter are adopted for the following purposes:
 - 1. To protect and provide for the public health, safety, and general welfare of the City of Branson West.
 - 2. To provide for adequate light, air, open spaces, and to protect from flooding and other dangers.
 - 3. To provide for adequate transportation and circulation throughout the City of Branson West and to ensure the provision of adequate public infrastructure and improvements to serve the population.
 - 4. To prevent the pollution of water resources and to ensure the adequacy of drainage facilities.
 - 5. To encourage the orderly and beneficial development of the City of Branson West and to promote good planning and land development practice.
 - 6. To preserve and protect the value of land and buildings and to promote the efficient expenditure of public financial resources.

Section 400.030. Jurisdiction. [Ord. No. 1250 §1(103), 10-15-2002; Ord. No. 75-2009 §1(103), 7-14-2009]

- A. This Chapter shall apply to all land, buildings, structures, and uses within the corporate boundaries of the City of Branson West, Missouri.
- B. The preceding Subsection (A) shall not apply to the land, buildings and structures owned by the City of Branson West that is encompassed by the Airport Layout Plan for the Branson West Municipal Airport, as approved and from time to time amended by the City of Branson West and the Federal Aviation Administration. The Board of Aldermen retains the right to determine by resolution on a case-by-case basis which buildings or other structures on City property must comply with the City's building codes.

Section 400.040. Effective Date. [Ord. No. 1250 §1(104), 10-15-2002]

This Chapter shall be in full force and effect from and after passage, October 15, 2002.

Section 400.050. Interpretation, Conflict and Separability. [Ord. No. 1250 §1(105), 10-15-2002]

- A. The provisions of this Chapter shall be considered to be the minimum requirements for the protection of the public health, safety, morals and general welfare. Where the conditions imposed by any provision of this Chapter are either more restrictive or less restrictive than conditions imposed by any other provision of this Chapter or other applicable law, ordinance, rule or regulation, the regulations

which are more restrictive and which impose a higher standard shall govern.

- B. The provisions of this Chapter are separable. If any Section, sentence, clause or phrase of this Chapter is for any reason held to be invalid by a court of competent jurisdiction, the decision shall not affect the remaining portions of this Chapter. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property or structure, such judgment shall not affect the application of said provision to any other property or structure.

Section 400.060. General Regulations. [Ord. No. 1250 §1(106), 10-15-2002]

- A. *Application To Existing Buildings, Structures And Uses.* Any building, structure or use that does not conform to the regulations and restrictions of this Chapter, but which was lawful and conforming when established or constructed, may be continued subject to the limitations of Article VII, Non-Conforming Lots, Buildings and Uses.
- B. *New Structures.* All structures built hereafter shall conform with all applicable regulations herein. Any structure moved from one site to another site shall be considered to be a structure built hereafter.
- C. *New Uses Of Old Structures.* If a use of any structure is hereafter changed to another use, then the new use must be in conformance with the use regulations of the zoning district in which the structure is located, unless otherwise exempted by other provisions of this Chapter.
- D. *Application To Open/Undeveloped Land.* If any use of open land is established or if any use of open land is changed to another use after the effective date of this Chapter, October 15, 2002, then the new use shall comply with all the regulations of this Chapter.
- E. *Conditional Uses.* No use of a building, structure or land designated as a conditional use shall be established after the effective date of this Chapter, October 15, 2002, unless a conditional use permit has been granted in accordance with the provisions of Article III, Administration and Review.
- F. *Off-Street Parking And Loading.* No building shall be erected, converted, enlarged, structurally altered or moved, except in conformity with the off-street parking and loading regulations of the district in which such building is located.
- G. *Number Of Structures On Lots.* 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 (1) main building on one (1) lot except as specifically provided hereinafter.
- H. *Setbacks.* Notwithstanding any other provision of this Chapter:
1. No structure, structural element, balcony, porch, or roof shall encroach upon or overhang any required yard setback on any lot. No existing structure, balcony, porch or other structural element shall be expanded or enlarged so as to conflict or further conflict with the lot setback requirements of the district in which it is located.
 2. In no event shall a structure be erected closer to the edge of a street right-of-way than as follows:

Street Classification	Required Setback From Edge of Right-of-Way
Highway and arterial	40 feet
Collector	25 feet

Street Classification	Required Setback From Edge of Right-of-Way
Local residential	25 feet

- I. *Temporary Structures And Uses.* Temporary structures and uses are permitted in accordance with use regulations of the zoning district in which the use is located, and in conformity with the requirements of Article VI, Supplemental Use Regulations.
- J. *Signs.* No sign shall be erected, expanded or remodeled except in conformance with the provisions of Article X, Signs.
- K. *Newly Annexed Territory.*
 - 1. *Zoning classification.* Any territory which may be annexed to the City of Branson West after the effective date of this Chapter shall maintain the zoning classification of Stone County until the Board of Aldermen has the opportunity to classify the territory in accordance with the provisions of this Chapter after its annexation.
 - 2. *Permits.* The owner, lessee, or any other person, firm or corporation owning, controlling, constructing, or directing the construction of any building, structure or improvement which is incomplete at the time the land upon which it is situated is annexed to the City of Branson West may proceed with the construction, alteration or completion thereof without obtaining a building permit from the City of Branson West provided that all permits required from Stone County were legally obtained and all requirements of the permits have been met. If construction has not commenced prior to annexation, all permits required by the City of Branson West must be obtained prior to commencement of construction.

Section 400.070. Fees. [Ord. No. 1250 §1(107), 10-15-2002]

- A. Fees to cover the costs of administration, inspection, publication of notice, and similar matters may be charged to applicants for zoning amendments, permits, appeals and variances. A list of all established fees related to the requirements of this Chapter is available at the Branson West City Hall.
- B. Unless otherwise specified in subsequent Sections of this Chapter, fees established in accordance with Subsection (A) of this Section shall be paid upon submission of a signed application by the applicant, by the petitioner, or by the party submitting a notice of appeal.

ARTICLE II

Definitions And Interpretations

Section 400.080. General Interpretations. [Ord. No. 1250 §1(201), 10-15-2002]

A. In interpreting the meaning of the Chapter, the following general rules shall apply:

1. Words used in the present tense shall also include the future tense.
2. Words used in the singular number shall also include the plural and vice versa.
3. The word "*shall*" is mandatory and discretionary. The word "*may*" is permissive.
4. The words "*used*" or "*occupied*" shall be construed to include "*intended, designed or arranged to be used or occupied*".
5. The word "*person*" includes individuals, firms, corporations, associations, governmental bodies and agencies, and any other similar entities.
6. Unless otherwise specified, all distance shall be measured horizontally.

Section 400.090. Definitions. [Ord. No. 1250 §1(202), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 7-2022, 8-9-2022; Ord. No. 01-2023, 2-14-2023; Ord. No. 03-2023, 7-11-2023]

Unless otherwise expressly stated, the following terms shall have the meanings herein indicated. Where words have not been defined, the standard dictionary definition shall prevail.

ACCESSORY APARTMENT — A separate complete dwelling unit substantially contained within the structure of a single-family detached dwelling.

ACCESSORY STRUCTURE — A structure which is:

1. Subordinate to and serves a principal structure;
2. Subordinate in area, extent or purpose to the principal structure;
3. Contributes to the comfort, convenience or necessity of occupants of the principal structure;
4. Located on the same lot as the principal structure and shall include all structures whether or not they are permanently affixed to the ground by foundation or otherwise.

ACCESSORY USE — A use which is:

1. Subordinate to and serves a principal use;
2. Subordinate in area, extent or purpose to the principal use;
3. Contributes to the comfort, convenience or necessity of occupants of the principal use;
4. Located on the same lot as the principal use.

ACRE — A measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

ACT — The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may, from time to time, be amended.

ADMINISTRATIVE OFFICIAL — Except as otherwise specifically provided, primary responsibility for

administering and enforcing the Branson West Zoning Regulations may be assigned by the Board of Aldermen to one (1) or more individuals in the employ of the City. The person or persons to whom these functions are assigned shall be referred to as "Administrative Official".

ADULT CABARET — A building or portion of a building regularly featuring dancing or other live entertainment that constitutes the primary live entertainment and is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by the patrons therein.

ADULT MEDIA STORE — An establishment where forty percent (40%) or more of the gross public floor area and/or forty percent (40%) of the stock in trade is devoted to the rental and/or sale of magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, cable television, or any other media distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas.

AGRICULTURAL USE — The production, keeping, or maintenance, sale, lease or personal use of plants and animals, including, but not limited to: forages and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats, or any hybrids thereof, including the breeding and grazing of any or all kinds of such animals; bees and apiary products; fur animals; trees for forest products; fruits of all kinds; vegetables; nursery, floral, ornamental and greenhouse products; the necessary accessory uses for packing, treating or storing such agricultural produce, provided however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and land devoted to soil conservation or forestry management; but excluding feed lots, confined animal feeding facilities, stockyards and animal slaughterhouses.

ALLEY — A dedicated public right-of-way, other than a street, designed to extend only secondary access to the side or rear of those properties whose principal frontage and access is on some other street.

ALTERATION — A physical change to one (1) or more exterior features of a structure which includes, but is not limited to, the erection, construction, reconstruction or removal of any feature of the structure.

ALTERATION, STRUCTURAL — Any change in a load-bearing member of a building.

ANIMAL, FARM — Any livestock or other animal raised for commercial or agricultural purposes, as defined under "*Agricultural Use*".

ANIMAL, HOUSEHOLD PET — Any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, cows, livestock, chinchillas, horses, goats, sheep, monkeys, pigs and other similar animals and fowl.

ANIMAL, NON-DOMESTIC — Any feline other than domestic house cat, non-human primate, bear, wolf, coyote, fox, venomous reptile, or any other animals or crossbreed of such animals which have similar characteristics or are dangerous or unsafe for contact with humans.

ANTENNA SUPPORT STRUCTURE — Any building or other structure, other than a tower, which can be used for location of wireless telecommunication facilities.

APPLICANT — A person submitting an application for an amendment, permit, variance or appeal as required by this Chapter.

BASEMENT — A story partly or wholly below grade. A basement shall be considered a story if the vertical distance between the ceiling and the average level of the adjoining ground is more than three (3) feet or if the basement is used for business or dwelling purposes.

BED AND BREAKFAST — A dwelling, or portion thereof, that contains guest rooms where short-term

lodging, with or without meals, is provided for compensation.

BERM — A mound of earth typically located in a buffer yard to block noise, lights or other nuisances.

BLOCK — A parcel of land intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenways, rural land or drainage channels, or a combination thereof.

BOARD OF ADJUSTMENT — The appellate body appointed by the Branson West Board of Aldermen to assist in the administration of this Chapter, pursuant to Sections 89.010 — 89.170, RSMo. The word "*Board*" shall refer to the Board of Adjustment.

BOARD OF ALDERMEN — The Governing Body of the City of Branson West, Missouri.

BOARDING HOUSE (ALSO LODGING OR ROOMING HOUSE) — A building, other than a hotel or apartment hotel, where, for compensation and by pre-arrangement for definite periods, lodging, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

BUFFER YARD — A land area containing trees, shrubs and other plants, berms, fences or walls used to separate one use from another, or to block noise, lights or other nuisances.

BUILDABLE AREA — The portion of a lot remaining after required yard setbacks have been provided.

BUILDING — Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the ground.

BUILDING COVERAGE — The horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot divided by the gross area of the lot.

BUILDING HEIGHT — The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE — A line or lines indicating the distance from the property line behind which all enclosed portions of the building must be located.

BUILDING, PRINCIPAL — A building in which the primary use of the lot is conducted.

BULK REGULATIONS — Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

1. Maximum height,
2. Maximum lot coverage,
3. Maximum floor area ratio, and
4. Minimum size of yards and setbacks.

BULK STORAGE — The storage of chemicals, petroleum products and other materials in above ground containers for subsequent resale to distributors, retail dealers or outlets.

CAMPGROUND — An area or premises in which space is provided for transient occupancy or use by tourists occupying recreational vehicles, camping trailers or tents.

CITY — The City of Branson West, Missouri.

CITY-APPROVED SPECIAL EVENT — Any outdoor or seasonal event, including, but not limited to, a picnic, parade, carnival, craft fair, art fair, bicycle/motorcycle/vehicle ride, walk/run, car show, wedding or other reception, or any other event held on public property which is open to attendance by the general

public and/or may require special consideration from the Branson West Police Department.

CLINIC, MEDICAL OR DENTAL — An establishment where human patients are admitted for examination and/or treatment by one (1) or more physicians, dentists, psychologists, or social workers, but where patients are not provided with room or board nor lodged overnight.

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.

COMMISSARY — A local Health Department permitted food establishment that acts as a base of operations for a mobile vending unit. The commissary provides facilities for adequate storage of food, food containers, or food supplies; equipment for adequate washing and sanitizing of food equipment and utensils; a servicing area for the sanitary disposal of liquid waste; for handling and disposal of garbage, grease, and rubbish originating from the mobile vending unit; facilities for filling a potable water holding tank in a sanitary manner.

COMMISSION — The Planning and Zoning Commission of the City of Branson West, Missouri.

COMMON OPEN SPACE — Land or water, or a combination thereof, within or related to a planned residential development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements approved as part of the general development plan. Common open space does not include streets, alleys, off-street parking or loading for public use.

COMMUNICATIONS OR TELECOMMUNICATIONS — The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "*information*" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.

COMPREHENSIVE PLAN — The Branson West Comprehensive Plan, adopted by the Planning and Zoning Commission, containing analysis, recommendations and policies for the development of the City, including land use, transportation, community facilities, housing and economy.

CONDITIONAL USE — A use permitted in a particular zoning district only upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of such use as specified in this Chapter and as authorized by the Board of Aldermen.

CONDOMINIUM — A building, group of buildings or property in which units are owned individually and the common elements are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION — The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

CONSUMER — Means a person who is at least twenty-one (21) years of age.

CUL-DE-SAC — A short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

CURB GRADE — The mean level of the curb in front of the lot, or in the case of a corner lot, along that abutting street where the mean curb grade is the highest.

DAYCARE — Means a child-care facility, as defined by Section 210.201, RSMo., or successor provisions, that is licensed by the State of Missouri.

DAY CARE CENTER — A child care program conducted in a location other than the provider's

permanent residence, or separate from the provider's living quarters, where care is provided for children not related to the child care provider for any part of the twenty-four (24) hour day.

DAY CARE HOME, FAMILY — A child care program where care is given by a person licensed as a family day care home provider for no more than ten (10) children not related to the provider for any part of the twenty-four (24) hour day. The provider may be licensed to operate no more than one (1) family day care home or group day care home.

DAY CARE HOME, GROUP — A child care program where care is given by a person licensed as a group day care home provider for eleven (11), but not more than twenty (20), children not related to the child care provider for any part of the twenty-four (24) hour day. A group day care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one (1) group day care home or family day care home.

DENSITY — The permitted number of dwelling units per gross acre of land to be developed.

DEVELOPER — The legal or beneficial owner or owners of a lot or any land included in a proposed development, or the duly authorized agent thereof. Also the holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or any other person having enforceable proprietary interest in such land shall be deemed to be a developer for the purpose of this Chapter.

DEVELOPMENT — A construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or extractive purposes.

DISTRICT — A part, zone or area within the City of Branson West within which certain zoning regulations apply and are uniform.

DRIVE-IN ESTABLISHMENT — An establishment which accommodates the patrons' vehicles and from which the occupants of the vehicles may make purchases, transact business or view motion pictures or other entertainment.

DWELLING — A building or portion thereof designed exclusively for residential occupancy, excluding hotels, motels, boarding, rooming and lodging houses, travel trailers and recreational vehicles.

DWELLING, MULTI-FAMILY — A structure on a single lot containing three (3) or more dwelling units, each of which is totally separated from the other.

DWELLING, SINGLE-FAMILY DETACHED — A structure on a single lot designed for or occupied exclusively by one (1) family.

DWELLING, SINGLE-FAMILY SEMI-DETACHED — A dwelling unit attached to one (1) or more dwelling units by common vertical walls, with each dwelling unit located on a separate lot. This may include patio-court house or zero lot line house.

DWELLING, TOWN HOUSE — A dwelling unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, and each unit is separated from any other unit by at least one (1) common wall.

DWELLING, TWO-FAMILY (DUPLEX) — A structure on a single lot containing two (2) dwelling units, each of which share a common wall, and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance.

EASEMENT — A grant by the property owner for the public or private use of a tract of land for specific purposes.

ENGINEER — A registered professional engineer in good standing in the State of Missouri.

ENGINEER OF RECORD — The applicant's or developer's engineer.

FAMILY — One (1) or more persons related by blood, marriage, adoption, guardianship or duly authorized custodial relationship, or two (2) unrelated people and any children related to or legally cared for by either of them, or a group of not more than five (5) unrelated individuals living together as a single housekeeping unit. A family may include, in addition hereto, not more than two (2) boarders, roomers or domestic servants.

FCC — The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

FLOOR AREA RATIO (FAR) — The gross floor area of all buildings on a lot divided by the lot area.

FLOWERING PLANT — Means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

FOOD VENDING CART — A mobile, non-motorized vehicle propelled or towed by the operator, which includes limited kitchen facilities, such as a cold storage case or cooler, a warmer unit, a small griddle, and small sinks. Customer service is generally walk-up at the cart. Food vending carts, include, but are not limited to, hot dog and frozen treat sales.

FRONTAGE — That part of a lot or premise immediately adjacent to a street or streets without regard to access to, or elevation of, the street or streets.

FUNERAL HOME — A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies before burial or cremation, but excluding facilities for cremation.

GARAGE, PRIVATE — A detached accessory building or portion of a main building housing the passenger vehicles or trailers of the occupants of the premises.

GARAGE, PUBLIC — A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term "*repairing*" shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

GARAGE, STORAGE — A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

GRADE — The average level of the finished surface of the ground is the sidewalk elevation. If there is more than one (1) street, an average sidewalk elevation is to be used. If there is no sidewalk, the finished grade shall be equal to the street centerline grade.

GROSS FLOOR AREA — The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROUP HOME, CUSTODIAL — A dwelling in which more than ten (10) unrelated physically and mentally impaired persons reside with house parents or guardians.

GROUP HOME, RESIDENTIAL — A single-family, detached dwelling in which no more than ten (10) persons reside, comprised of the following: eight (8) or fewer unrelated mentally or physically handicapped or impaired persons, no more than two (2) persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the dwelling, and the children of the house parents or guardians.

HEALTH DEPARTMENT — The Stone County Health Department.

HEALTH OFFICER — The administrator of the Stone County Health Department, or their authorized representative.

HOME OCCUPATION — An activity carried out by a resident conducted in that resident's dwelling or an accessory structure on the same lot or an abutting lot other than "home-based work," which is not prohibited by the City's zoning regulations, described as follows:

1. Mail order or telephone work.
2. Service by appointment within the home or accessory structure.
3. Storage of or use of equipment that does not produce effects outside the home or accessory structure.

In addition, the City does not regulate the hours of operation for "home-based work" or prohibit or require structural modifications for "home-based work," as that term is defined in Section 89.500, RSMo. The City's ordinances may require business licenses for home occupations and home-based work, even if zoning regulations do not apply.

HOSPITAL — An institution licensed by the Missouri Department of Health, providing primary health services and medical or surgical care to the sick and injured, and including as an integral part of the institution inpatient or overnight accommodations, and related facilities such as laboratories and outpatient facilities.

HOTEL — A facility offering transient lodging accommodations on a daily rate to the general public.

ICE CREAM VENDING VEHICLE — A motorized vehicle which continuously stops and goes, does not park at any one (1) location to provide service, and offers only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products, or frozen water-based food products and pre-packaged beverages.

IMPERVIOUS SURFACE — Any part of a lot that is covered by buildings, structures, parking areas, driveways and any other surfaces which reduce or prevent absorption of storm water.

INFUSED PREROLL — Means a consumable or smokable marijuana product generally consisting of: (1) a wrap or paper, (2) dried flower buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at that base of the product.

INSTITUTION — A non-profit establishment for public use.

LOADING SPACE — An off-street space on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT — A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA — The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

LOT, CORNER — A lot abutting on two (2) or more streets at their intersection.

LOT DEPTH — The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

LOT, DOUBLE FRONTAGE — A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT, FRONT OF — The front of a lot shall be considered to be that side of the lot that fronts a street. In

the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINE — A boundary line of a lot.

LOT LINE, FRONT — The lot line separating a lot from the street. On a corner lot, the shortest lot line abutting a street is the front lot line; on a through lot, both lot lines abutting the streets are front lot lines; on an irregular shaped lot, the front lot line is the lot line most parallel to the abutting street.

LOT LINE, REAR — Any lot line not a front or side lot line. The rear lot line for a triangular shaped lot shall be a line ten (10) feet long drawn between the lot's side lot lines and parallel to the front lot line.

LOT LINE, SIDE — The lot lines that intersect with a lot's front lot line.

LOT OF RECORD — A lot, which is part of a recorded subdivision or a parcel of land on a plat or deed, which has been recorded by the Stone County Recorder of Deeds.

LOT WIDTH — The mean horizontal distance between the side lot line of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear lot line of the required front yard (building line, especially on irregularly shaped lots).

MANUFACTURED HOME — A transportable, factory-built dwelling composed of one (1) or more components, manufactured under the authority of 42 U.S.C. Section 5401, Federal Manufactured Housing Construction and Safety Standards Act, which bears the seal of the State of Missouri Public Service Commission, U.S. Department of Housing and Urban Development, or its agent, and which, in the traveling mode, is twelve (12) body feet or more in width and forty (40) body feet or more in length, and when erected on site contains nine hundred (900) or more square feet of living area, equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation.

MANUFACTURED HOME PARK — An area with required improvements and utilities for the long-term placement of manufactured homes for dwelling purposes. The site may also include services and facilities for residents of the development.

MANUFACTURED HOME SUBDIVISION — A development containing lots intended for the individual placement of manufactured homes for dwelling purposes.

MARIJUANA or MARIHUANA — Cannabis indica, Cannabis sativa, Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "Marihuana" does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3) on a dry weight basis, or commodities or products manufactured from industrial hemp.

MARIJUANA ACCESSORIES — Means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

MARIJUANA CULTIVATION FACILITY — A facility licensed by the State to acquire, cultivate, process, package, store on-site or off-site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a facility licensed by the State under Article XIV of the Missouri Constitution. A marijuana cultivation facility need not segregate or account for

its marijuana products as either non-medical marijuana or medical marijuana. A marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

MARIJUANA DISPENSARY FACILITY — Means a facility licensed by the State to acquire, process, package, store on-site or off-site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this Chapter to a qualifying patient, a primary caregiver, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

MARIJUANA FACILITY — Means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the State pursuant to this Chapter, but shall not include a medical facility licensed under Section 1 of Article XIV of the Missouri Constitution.

MARIJUANA-INFUSED PRODUCT — Products means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY — Means a facility licensed by the State to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A marijuana infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

MARIJUANA MICROBUSINESS FACILITY — Means a facility licensed by the State as a microbusiness dispensary facility or microbusiness wholesale facility, as defined in this Section.

MARIJUANA TESTING FACILITY — Means a facility certified by the State to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

MICROBUSINESS DISPENSARY FACILITY — Means a facility licensed by the State to acquire, process, package, store on-site or off-site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this Chapter to a consumer, qualifying patient, as that term is defined in Section 1 of Article XIV of the Missouri Constitution, or primary caregiver, as that term is defined in Section 1 of Article XIV of the Missouri Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of Article XIV of the Missouri Constitution and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility.

Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

MICROBUSINESS WHOLESALE FACILITY — Means a facility licensed by the State to acquire,

cultivate, process, package, store on-site or off-site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to two hundred fifty (250) flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

MOBILE FOOD VENDOR — A general classification of several types of mobile restaurants, including, but not limited to, food vending carts, catering trucks and trailers, and mobile food trucks and trailers.

MOBILE GOODS AND SERVICES VENDOR — A general classification of several types of mobile vending units offering non-food-related goods and services, including, but not limited to, dog grooming, clothing, shoes, jewelry, apparel, document shredding, vintage and handmade goods, flowers, farmer's markets, books, and ATM machines.

MOBILE HOME — A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to June 16, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act of 1974. The placement of mobile homes as defined herein within the City of Branson West is prohibited.

MOBILE VENDING UNIT — A term for any type of mobile vendor, such as, but not limited to, catering trucks, food vending carts, mobile food vendors, and mobile goods and services vendors, but not including ice cream vending vehicles.

MODULAR HOME — A dwelling unit built to a nationally recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO), or its successor, consisting of components substantially built and assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. The dwelling unit shall be inspected and certified at the factory that it meets said building construction standard. A modular home shall not have its own running gear and on-site service connections and foundation shall be in accordance with the requirements of the City of Branson West building regulations.

MOTEL — An establishment in which transient accommodations are provided on a daily rate to the general public.

NON-CONFORMING LOT — A lot existing at the effective date of this Chapter (and not created for the purpose of evading the restrictions of this Chapter) that does not meet the minimum area requirement of the zoning district in which it is located.

NON-CONFORMING USE — The use of land or a building, or portion thereof, existing at the effective date of this Chapter, where such use does not conform with the use regulations of the zoning district in which it is located.

OWNER — Means an individual who has a financial (other than a security interest, lien, or encumbrance) or voting interest in ten percent (10%) or greater of a marijuana facility.

PARKING SPACE — A space within a building or a private or public parking area for the parking of one (1) vehicle.

PEDESTRIAN WAY — A specifically paved or marked path for pedestrians.

PLANNED DEVELOPMENT — A tract of land under single ownership, planned and developed as an integral unit, and consisting of a clustered residential development, a residential development of varying housing types and densities, or a combination of residential and non-residential uses of land within a planned development ("PD") district.

PREROLL — Means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

PRIMARY CAREGIVER — A person, twenty-one (21) years of age or older, who is responsible for managing the well-being of a qualified patient, and who is designated on the primary caregiver's application or otherwise identified with the Missouri Department of Health and Senior Services as a qualifying patient's primary caregiver.

PRINCIPAL STRUCTURE — A structure, or group of structures, in which the principal use of the lot on which it is located is conducted.

PUBLIC — Maintained for or used by the people of the City of Branson West on a non-commercial basis.

PUBLIC IMPROVEMENT — The installation, construction, addition or betterment of any new physical development dedicated to the public or intended for public use, such as streets and sidewalks, utilities, drainage facilities, etc.

QUALIFYING PATIENT — A Missouri resident diagnosed with at least one (1) qualifying medical condition as that term is defined, from time to time, by the Missouri Department of Health and Senior Services.

RETIREMENT HOME — A residential facility designed to meet the needs of senior citizens and which may include convalescent care facilities.

SETBACK — The required minimum horizontal distance between the nearest front, side or rear line of every structure and the front line of the lot.

SIGN — Any words, numbers, figures, devices, designs, or trademark by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any public street.

SPECIFIC SEXUAL ACTIVITIES — Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

SPECIFIED ANATOMICAL AREAS —

1. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

STEALTH — Any tower or telecommunications facility which is designed to blend into the surrounding environment.

STORAGE, PERSONAL — A building or buildings, commonly referred to as mini-storage, comprised of individual, self-contained units available on a rental basis for storage of business and household goods.

STORY — That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF — A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.

STREET — A public or private way used or intended to be used for passage or travel by motor vehicles.

STREET, ARTERIAL — A street intended to provide for high-volume, moderate-speed traffic movement through the community and between major activity centers. Access to abutting property is subordinate to the flow of traffic and entrances and exits to the arterial are subject to control.

STREET, COLLECTOR — A street that collects and distributes traffic to and from local streets and arterial streets, and is intended to provide for low to moderate-volume and low-speed, shorter length trips. The functions of traffic movement and property access are balanced.

STREET LINE — A dividing line between a lot, parcel or tract and a contiguous street.

STREET, LOCAL — A street intended to provide access to abutting property and designed for low-volume, low-speed traffic.

STREET WIDTH — The horizontal distance between the outside edges of a street's pavement, including any curbing and guttering, measured at right angles to the street's centerline.

STRUCTURE — Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

SUBSTANCE ABUSE TREATMENT FACILITY — A residential or outpatient facility for the treatment of alcohol and other substance abuse pursuant to Section 89.143, RSMo.

SURVEYOR — A registered land surveyor in the State of Missouri.

TRACT — A lot. The term "*tract*" is used interchangeably with the term "*lot*", particularly in the context of subdivisions, where one (1) "tract" is subdivided into several "lots".

UNDEVELOPED LAND — Land in its natural state before development.

UNDULY BURDENSOME — Means that the measures necessary to comply with the rules or ordinances adopted pursuant to this Chapter subject licensees or potential licensees to such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marijuana facility.

USE — The activity or function that actually takes place or is intended to take place on a lot.

VARIANCE — A grant of permission that permits the recipient to not comply with a specific provision of this Chapter, granted because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the Chapter.

WORKING DAYS — The days of the week, excluding Saturdays, Sundays and recognized holidays, during which normal business is conducted by the City of Branson West.

YARD — An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard or the depth of a front yard or a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT — A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR — A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projection of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

YARD, SIDE — A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof.

ZOO, PRIVATE — Any lot, building, structure, enclosure, or premises whereupon or wherein are kept by any person, corporation or political subdivision two (2) or more wild or non-domestic animals, whether such keeping is for pleasure, profit, breeding or exhibiting, and including places where two (2) or more wild animals or non-domestic animals are boarded, kept for sale or kept for hire.

ARTICLE III
Administration And Review

Section 400.100. Administration and Enforcement Authority. [Ord. No. 1250 §1(301), 10-15-2002]

- A. The Board of Aldermen shall designate an Administrative Official to administer and enforce this Chapter. Unless otherwise provided for in this Chapter, the Administrative Official or his/her duly designated and authorized representative shall have the following responsibilities:
1. Receive applications for zoning district amendments, variances, appeals and conditional use permits; receive applications for permits for construction, erection, alteration, enlargement and removal of buildings, structures and signs; receive applications for certificates of occupancy and other permits as required by this Chapter; and receive applications for proposed amendments to this Chapter.
 2. Conduct inspections of buildings, structures, signs, uses of any premises to determine compliance with the terms of any application, permit or certificate issued under the provisions of this Chapter.
 3. Interpret the provisions of this Chapter in connection with the above prescribed duties.
 4. Maintain records of official actions of the Board of Aldermen, Planning and Zoning Commission, Board of Zoning Adjustment and the functions of City administrative officials related to the administration of this Chapter.
 5. Carry out other such duties as may be prescribed by the Board of Aldermen in administration and enforcement of this Chapter.

Section 400.110. Inspection and Right of Entry. [Ord. No. 1250 §1(302), 10-15-2002]

- A. *Inspections Authorized.* The Administrative Official and his/her duly authorized representatives are authorized to make inspections on all buildings, structures, and premises within the City limits to determine compliance with the provisions of this Chapter. The inspector shall have the authority to enter or conduct such inspection at any reasonable hour.
- B. *Notification Required.* It shall be the responsibility of the developer, owner or person engaged in the construction of any building, structure or premises to obtain all necessary permits and inspections. A minimum of twenty-four (24) hours' notice shall be given to the City prior to the commencement of any activity requiring inspection.

Section 400.120. Enforcement. [Ord. No. 1250 §1(303), 10-15-2002]

- A. *Persons Liable.* Any person, firm or corporation who fails to comply with or violates any of the provisions of this Chapter may be held responsible for the violation and be subject to the penalties and remedies herein provided.
- B. *Stop Order.* Whenever any work is being done or any building or property is being used contrary to the provisions of this Chapter, the inspector may order the work or use stopped and may also revoke any permit that has been issued for said work or use. Any person, firm, partnership or corporation who having been served with a written order by the City to remove or cease any such violation shall be subject to the penalties prescribed herein for each day until the violation is remedied.

C. *Penalties.*

1. Unless otherwise specified in other provisions of this Chapter, violations of this Chapter or failure to comply with any of its requirements shall constitute an offense, punishable by a fine of not less than ten dollars (\$10.00) nor more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues, or by imprisonment for ten (10) days for each and every day such violation continues, or by both such fine and imprisonment in the discretion of the court. However, for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each and every day that such violation continues, or by imprisonment for ten (10) days for each and every day such violation continues, or by both such fine and imprisonment in the discretion of the court.
2. Each day that any such violation continues after written notification by the City, delivered by certified mail, that such violation exists, shall be considered a separate offense for purposes of the penalties and remedies specified herein.

- D. *Civil Enforcement.* Any 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 this Chapter in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). Appropriate actions and proceedings may be taken by law or in equity pursuant to Section 89.120, RSMo., to prevent any violation of these regulations, to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or land, or to prevent any illegal conduct, business, or use in or about such premises, and these remedies shall be in addition to the penalties described above.

Section 400.130. Planning and Zoning Commission. [Ord. No. 1250 §1(304), 10-15-2002]

- A. *Composition Of Commission.* The Planning and Zoning Commission shall be constituted in accordance with the provisions of Sections 89.070 and 89.320, RSMo. The Planning and Zoning Commission shall consist of not more than fifteen (15) nor less than seven (7) members, including:
1. The Mayor, if the Mayor chooses to be a member;
 2. A member of the Board of Aldermen, selected by the Board of Aldermen, if the Board of Aldermen chooses to have a member serve on the Commission; and
 3. Not more than fifteen (15) nor less than five (5) citizens, who shall be residents of the City, appointed by the Mayor and approved by the Board of Aldermen. Commission members shall serve without compensation.
- B. *Period Of Appointment.* The terms of each of the citizen members shall be for four (4) years. Any vacancy in a membership shall be filled for the unexpired term by appointment by the Mayor and approval by the Board of Aldermen. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.
- C. *Officers, Rules And Meetings.*
1. The Commission shall elect a Chair and Secretary from among its citizen members. The term of Chair and Secretary shall be for one (1) year with eligibility for re-election.
 2. The Commission shall adopt rules and regulations governing the procedures and operations of

the Commission, not inconsistent with the provisions of this Chapter.

3. The Commission shall establish a regular meeting schedule and shall meet frequently enough in order to take action in a timely manner on matters brought before the Commission.
4. The Commission shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas and evidence.
5. Minutes shall be kept of all Commission proceedings.
6. All Planning and Zoning Commission meetings shall be open to the public and the agenda for each meeting shall be made available in advance of the meeting as required by law.
7. The Commission may appoint employees or staff necessary for its work and may contract with professional persons for services required to carry out its duties under the provisions of this Chapter, provided that all expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen.

D. *Power And Duties Of Planning And Zoning Commission.* The Planning and Zoning Commission shall have the following powers and duties:

1. Conduct studies and recommend to the Board of Aldermen plans, goals and objectives relating to the growth, development and redevelopment of the City.
2. Prepare and recommend to the Board of Aldermen policies, ordinances and administrative procedures, and other means for carrying out plans for the City in a coordinated and efficient manner.
3. Prepare and recommend to the Board of Aldermen regulations governing the zoning and subdivision of land within the City including, among other things, requirements for the coordinated development of the City. Recommendations may be made for the coordination of streets within subdivisions with other existing or planned streets or with other features of the Comprehensive Plan or official map; for adequate open spaces for traffic, recreation, light and air; for distribution of population and traffic; for requirements as to the extent and manner of installation of all utility facilities; and recommended manner of enforcement. All recommendations shall be in conformity with Chapter 89, RSMo.
4. Make recommendations to the Board of Aldermen concerning zoning amendments, conditional uses, text amendments, and proposed Zoning Map changes.
5. Hold public hearings on applications for zoning amendments (rezonings), text amendments and conditional uses and make recommendations to the Board of Aldermen regarding the approval or disapproval of such zoning amendments, text amendments and conditional uses.
6. Make reports to the Board of Aldermen, as it may deem proper or as requested by the Board of Aldermen, on its investigations, transactions and recommendations, and other reports relative to its prescribed responsibilities and authority.
7. Carry out other such work and activity as may be requested by the Board of Aldermen, pursuant to Chapter 89, RSMo.

Section 400.140. Board of Adjustment. [Ord. No. 1250 §1(305), 10-15-2002]

A. *Composition Of Board Of Adjustment.* The Board of Adjustment shall be constituted in accordance

with the provisions of Section 89.080, RSMo. The Board of Adjustment shall consist of five (5) members, all of who shall be residents of the City appointed by the Mayor and approved by the Board of Aldermen. Three (3) alternate members may be appointed to serve in the absence or disqualification of regular members. Members shall serve without compensation. The Board of Adjustment shall elect a Chair, Vice Chair, and Secretary from its membership.

- B. *Period Of Appointment.* Members and alternates shall be appointed for terms of five (5) years each. Any vacancy in a membership shall be filled for the unexpired term by appointment by the Mayor and approval by the Board of Aldermen. The Board of Aldermen may remove any member for cause stated in writing and after public hearing.
- C. *Board Of Adjustment Quorum.* Four (4) members of the Board shall constitute a quorum. A member who has withdrawn from the proceedings without an excuse, as provided for in Subsection (F), shall be counted as present for purposes of determining a quorum.
- D. *Meetings Of The Board Of Adjustment.*
 - 1. The Board of Adjustment shall adopt rules of procedure in accordance with the provisions of Sections 89.010 to 89.170, RSMo.
 - 2. Meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times as a majority of the Board of Adjustment may determine. Meetings shall be held frequently enough so that applications and appeals may be processed expeditiously.
 - 3. Meetings shall be conducted in accordance with the quasi-judicial procedures as set forth in Section 400.150 and Section 400.160.
 - 4. All meetings of the Board of Adjustment shall be open to the public and the agenda for each meeting shall be made available to the public in advance of the meeting as required by law.
 - 5. The Board shall act by resolution. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question. The minutes shall reflect if a member is absent or fails to vote. All minutes shall be filed with the City Clerk and shall become public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter or by electronic recording and may be transcribed upon request, provided that the cost of such transcription is paid to the City Clerk at the time the request is made.
- E. *Powers And Duties Of Board Of Adjustment.* The Board of Adjustment shall hear and decide:
 - 1. Appeals where it is alleged that there is an error in any order, decision, or interpretation made by an Administrative Official in the enforcement of the provisions of this Chapter, in accordance with the provisions of Section 400.150.
 - 2. Questions involving interpretations of the Zoning Map, including disputed district boundary lines and lot lines.
 - 3. Requests for variances from the strict application of the provisions of this Chapter, in conformance with the provisions of Section 400.160.
 - 4. Any other matter the Board is required to act upon by any other City ordinance.
- F. *Board Of Adjustment Voting.*
 - 1. The concurring vote of four (4) members of the Board shall be necessary to reverse any order,

- requirement, decision or determination of the Administrative Official or to decide in favor of the applicant on any matter upon which it is required to pass including to grant any variance.
2. Failure of a member present at the Board of Adjustment meeting to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection (F)(3) or has been allowed to withdraw in accordance with Subsection (F)(4).
 3. A member shall excuse himself/herself from voting on an issue if any of the following conditions exist:
 - a. The member has direct financial interest in the outcome of the issue, or
 - b. The issue involves the member's own official conduct, or
 - c. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
 - d. A member has such close personal ties to the applicant that the member cannot be expected to exercise sound judgment in the public interest.
 4. A member may be allowed to withdraw from the remainder of a meeting by majority vote of the remaining members present for any good reason other than a desire to avoid voting on matters to be considered at the meeting.

Section 400.150. Appeals. [Ord. No. 1250 §1(306), 10-15-2002]

- A. *Appeal From Administrative Order.* The Board of Adjustment shall 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 the applicable provisions of this Chapter.
- B. *When Appeals May Be Taken.* An appeal may be taken to the Board of Adjustment by any person aggrieved, or by an officer, department, board or agency of the City of Branson West affected by a decision of an Administrative Official. An appeal must be made within fifteen (15) days after the date of the decision or order appealed. Appeals shall be taken by filing with the City Clerk a written notice of appeal specifying the grounds for the appeal. The City Clerk shall enter the date of filing on the notice of appeal and shall transmit to the Chair of the Board of Adjustment the notice of appeal and all papers and materials constituting the record upon which the action appealed from was taken.
- C. *When Appeals To Stay Proceedings.* A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed, that by reason of acts stated in the certificate a stay would, in the opinion of the officer, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a proper court order.
- D. *Hearing On Appeals.* The Board of Adjustment shall hold a public hearing on all appeals. Notice of public hearing shall be made in accordance with the provisions of Section 400.220.
- E. *Board Of Adjustment Decision On Appeal.*
 1. With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, or decision appealed from shall include, so far as practical, a written statement of the specific reasons or findings of fact that support the motion. The concurring vote of four (4) members of

the Board shall be necessary to reverse any order, requirement, or decision, or to decide in favor of the applicant on any matter upon which it is required to pass.

2. Within thirty (30) days after the hearing on an appeal, the Board of Adjustment shall file with the City its findings of fact and decision with respect to the appeal. The City Clerk shall transmit by mail a copy of the decision to the appellant and to each other person who requests in writing to be notified.

Section 400.160. Variances. [Ord. No. 1250 §1(307), 10-15-2002]

- A. *Jurisdiction And Authority.* The Board of Adjustment shall exercise the authority to vary the strict or literal terms of the provisions of this Chapter in accordance with the standards set forth in Subsection (C). A variance is the remedy created by this power and is part of the Board's appellate jurisdiction. It is a discretionary privilege which is granted because strict and literal enforcement of certain provisions of this Chapter would, due to special conditions peculiar to a particular property, result in unusual difficulty or hardship.
- B. *Application For Variance.* An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the City Clerk. The City Clerk shall transmit the application and all papers and materials constituting the record to the Board of Adjustment.
- C. *Hearing On Variances.* The Board of Adjustment shall hold a public hearing on all variance requests. Notice of public hearing shall be made in accordance with the provisions of Section 400.220.
- D. *Authorized Variances.* Variances from the regulations and restrictions contained in this Chapter may be granted by the Board of Adjustment in the following instances:
 1. A variance of the applicable bulk regulations for buildings and structures, including maximum height, lot coverage, floor area ratio, required yard areas and other required open space.
 2. A variance of the applicable minimum requirements for lot size, width and depth and setbacks from lot lines.
 3. A variance of the applicable off-street parking and off-street loading requirements and ratios.
 4. A variance of the applicable open space requirements.
 5. A variance of the landscaping and buffer yard requirements of this Chapter.
- E. *Standards For Grant Of Variance.* The Board of Adjustment may grant a variance if it concludes that strict enforcement of the Chapter would result in practical difficulties or undue hardship for the applicant and, by granting the variance, the spirit of the Chapter will be observed, public safety and welfare will be secured, and substantial justice will be done. The Board of Adjustment may reach these conclusions if it finds in writing:
 1. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in undue hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out;
 2. The conditions of which the applicant complains is one suffered by the applicant, and would not be applicable to other property in the same zoning classification;
 3. The property in question cannot yield a reasonable return or the applicant cannot make reasonable use of his/her property if strict compliance with the regulations is required;

4. The hardship relates to the applicant's land, rather than personal circumstances;
5. The alleged hardship has not been created by any person presently having an interest in the property;
6. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
7. The variance will not nullify the intent and purpose of the Branson West Zoning Regulations and the Branson West Comprehensive Plan.

F. *Board Of Adjustment Decision On Variances.*

1. With respect to variances, the Board of Adjustment shall take a separate vote on each of the seven (7) required findings stated in Subsection (E). The affirmative vote of four (4) members of the Board shall be required on each separate finding. Insofar as is practical, a motion to make an affirmative finding on each of the requirements shall include a written statement of the specific reasons or findings of fact supporting the motion.
2. A motion to deny a variance may be made on the basis that any one (1) or more of the seven (7) requirements set forth in Subsection (E) are not satisfied or that the application is incomplete. Such motion, insofar as is practical, shall include a written statement of the specific reasons or findings of fact that support the motion. A motion to deny a variance is adopted as the Board of Adjustment's decision if supported by more than one (1) affirmative vote.
3. In granting a variance, the Board of Adjustment may impose such reasonable conditions to ensure that the use of the property to which the variance applies will be as compatible as practical with surrounding properties.
4. A variance may be issued for a specified or indefinite duration.
5. The nature of the variance shall be entered upon the permit. All such conditions are enforceable in the same manner as any applicable requirement of this Chapter.

Section 400.170. Burden of Proof in Appeals and Variances. [Ord. No. 1250 §1(308), 10-15-2002]

When an appeal or variance request is taken to the Board of Adjustment in accordance with Section 400.150 or Section 400.160, the Administrative Official shall have the initial burden of presenting to the Board of Adjustment sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant who shall also have the burden of persuasion.

Section 400.180. Limits On Appeals and Variances. [Ord. No. 1250 §1(309), 10-15-2002]

No appeal, request or variance application to the Board of Adjustment shall be allowed with respect to the same parcel of land, building, or structure prior to the expiration of six (6) months from the date of the ruling of the Board unless a substantial change of circumstances or conditions can be demonstrated by the applicant.

Section 400.190. Recordation of Order of The Board of Adjustment. [Ord. No. 1250 §1(310), 10-15-2002]

Whenever the Board of Adjustment shall have acted upon an appeal, request or variance, the Board shall

cause its order granting or denying said appeal or application to be recorded in the records of the Stone County Recorder of Deeds, however, no order shall be recorded until the order has become final by the passage of thirty (30) days from the date said order is filed with the City Clerk without an action being filed in a court of competent jurisdiction challenging the issuance of said order or until a court of competent jurisdiction upholds said order if it is challenged within the thirty (30) day period.

Section 400.200. Judicial Review. [Ord. No. 1250 §1(311), 10-15-2002]

Any person aggrieved by any decision of the Board of Adjustment made under the provisions of this Article may seek judicial review of such decision in accordance with the provisions of Section 89.110, RSMo.

Section 400.210. Amendments. [Ord. No. 1250 §1(312), 10-15-2002]

- A. *Amendments Authorized.* The Board of Aldermen may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the zoning districts or regulations herein or subsequently established. The Board of Aldermen must receive the recommendation and report of the Commission before it may take any such action.
- B. *Initiation Of Amendment.* Amendments may be proposed by the Board of Aldermen, the Planning and Zoning Commission, or by any person owning or having an interest in property in the City of Branson West. If the Board of Aldermen initiates an amendment, the Board's proposal shall be transmitted to the Commission for the Commission's report and recommendation.
- C. *Application For Amendment.* An application for an amendment, along with pertinent data and information as may be required by the Commission, shall be submitted to the Commission at least thirty (30) working days prior to the public hearing to be held by the Commission on the application. Applications for amendments initiated by the Commission or the Board of Aldermen shall be accompanied by a motion of such body pertaining to the proposed amendment.

The application shall be submitted on forms provided by the City Clerk and shall contain the following information, dependent on the type of amendment requested:

- 1. *For changes in the zoning district classification (rezoning).*
 - a. Applicant's name, address, phone number and interest in the property.
 - b. Owner's name, address and phone number, and if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act on the owner's behalf.
 - c. The street address of such property, and if there is no street address, a sufficient description of the location of said property to enable the ordinary person to determine its location.
 - d. Legal description of the property proposed for rezoning.
 - e. The current zoning classification of the property and current use of the property.
 - f. The amendment or zoning classification requested.
 - g. The names and addresses, provided on business size envelopes and on a list, of all property owners within one hundred eighty-five (185) feet of the subject property. The names and addresses shall be compiled from the records of the Stone County Assessor's office.
 - h. Such additional information that the Commission may, by rule, require.

2. *For text amendments.*

- a. The name, address and phone number of the applicant.
- b. The Section of the text of the ordinance proposed to be amended.
- c. The wording of the proposed amendment.
- d. An identification of any property owned, controlled or occupied by the applicant that would be benefited by the proposed amendment.
- e. An explanation of the extent to which other properties in the City that are subject to the regulations proposed to be amended would be affected by the proposed amendment.

D. *Actions By The Commission.*

1. *Public hearing.* The Commission shall hold a public hearing on all proposed changes in zoning district classifications or the text of this Chapter. Notice of public hearing shall be provided in accordance with the requirements of Section 400.220. The applicant or his/her agent shall present evidence to the Commission in regard to the applicant's request for the amendment.
2. *Commission recommendations.* Within thirty (30) days after the public hearing, except when the applicant requests the amendment be tabled, the Commission shall make one (1) of the following recommendations in connection with the proposed change in zoning district classification or the text of this Chapter:
 - a. Recommend against the proposed change in zoning district classification or the text of the Chapter;
 - b. Recommend a change in the zoning district classification or the text of this Chapter;
 - c. Recommend a change in the zoning district classification or the text of this Chapter together with recommendations which, in the judgment of the Commission, will protect adjacent or other affected property and ensure that the proposed amendment is consistent with the intent of this Chapter and the Branson West Comprehensive Plan.
3. *Report of action taken.* The Commission shall make written findings of fact on the proposed amendment and shall submit the same together with its recommendations to the Board of Aldermen. The Commission shall not, however, forward its recommendations to the Board of Aldermen when at the meeting before the Commission the applicant or his/her agent did not appear and present evidence in regard to the applicant's request for the amendment.

E. *Actions Of The Board Of Aldermen.*

1. *Report from Commission.* The Board of Aldermen shall take no action on a proposed amendment until the report and recommendation of the Commission has been submitted. The Board of Aldermen shall not consider any zoning classification for a property in cases which involve a change from an existing zoning classification to another other than the zoning classification requested in the amendment application or the zoning classification expressly stated as considered by the motion of the Commission in its written report to the Board of Aldermen. If the applicant files a written request with the City Clerk prior to the final action of the Board of Aldermen stating that the applicant will pay the fees set forth for a zoning amendment application, then the Board of Aldermen may consider such different zoning classification only after referring the written request to the Commission for new public hearing

and after receipt of the Commission's written report and decision.

2. *Limitations on rezoning applications.* No application for rezoning of any tract, lot or parcel of land shall be allowed prior to the expiration of six (6) months from the time the Board of Aldermen shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel, unless the application previously acted upon was initiated by the Commission or the Board of Aldermen, or unless the applicant can demonstrate substantial change in condition that should warrant consideration of a new application.
3. *Protest petitions.* In case of a protest against a rezoning amendment duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the district proposed to be changed, then the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen shall be required for the amendment to be enacted.

Section 400.220. Notice of Public Hearing. [Ord. No. 1250 §1(313), 10-15-2002]

- A. *Board Of Adjustment Hearings.* Notice of public hearing before the Board of Adjustment on any request, appeal or variance shall be in accordance with the following requirements:
 1. Notice of public hearing shall be given by publication in a newspaper of general circulation in the City of Branson West at least fifteen (15) days prior to said hearing.
 2. Notice of public hearing shall be posted in two (2) conspicuous places on the subject property at least ten (10) days prior to the hearing date.
 3. Notice of public hearing shall be provided by first class mail to the record owners of property within one hundred eighty-five (185) feet of the subject property.
- B. *Planning And Zoning Commission Hearings.*
 1. *Rezoning and conditional use permits.* Notice of public hearing before the Commission on any rezoning application or conditional use permit application shall be in accordance with the following requirements:
 - a. Notice of public hearing shall be given by publication in a newspaper of general circulation in the City of Branson West at least fifteen (15) days prior to said hearing.
 - b. Notice of public hearing shall be posted in two (2) conspicuous places on the subject property at least ten (10) days prior to the hearing date.
 - c. Notice of public hearing shall be provided by first class mail to the record owners of property within one hundred eighty-five (185) feet of the subject property.
 2. *Text amendments.* Notice of public hearing before the Commission on any amendment to the text of this Chapter shall be given by publication of notice in a newspaper of general circulation in the City of Branson West at least fifteen (15) days prior to said hearing.
- C. *Contents Of Public Hearing Notices.* All notices of public hearing required by this Section shall include the following information:
 1. Street address or common description of the subject property.

2. Legal description of the subject property (not required for text amendments).
 3. Concise description of the nature of the request.
 4. Date, time and place of the public hearing.
 5. Place at which further information regarding the request can be obtained.
- D. *Party Responsible For Public Notice.* The City shall be responsible for providing notice of all hearings required pursuant to this Section. Where notice by first class mail to property owners of record is required, the applicant shall provide the City with:
1. A list of said property owners and addresses that has been compiled from the records of the Stone County Assessor's office, and
 2. One (1) addressed and stamped business size envelope for each name on the property owner's list. The applicant shall be responsible for the costs incurred to provide public notice.
- E. *Substantial Compliance Of Public Notice.* With respect to the mailing and posting of notices of public hearing, which are considered directory and not mandatory, substantial compliance with such provisions shall be deemed to constitute proper notice.

Section 400.230. Conditional Uses. [Ord. No. 1250 §1(314), 10-15-2002]

- A. *Purpose.* The conditional use permit procedure is intended to provide the Planning and Zoning Commission and the Board of Aldermen with discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may have the potential for negative or deleterious impact on the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed, located and operated so as to avoid, minimize or mitigate adverse impacts upon the community and other properties in the vicinity. The Board of Aldermen may impose conditions upon such uses and structures that are intended to avoid, minimize or mitigate adverse impacts upon the community and other properties in the vicinity. The Board of Aldermen may deny requests for a conditional use permit when it is evident that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity.
- B. *Conditional Uses Authorized.* The Planning and Zoning Commission may recommend, and the Board of Aldermen may authorize, the establishment of those conditional uses that are expressly permitted as a conditional use in a particular zoning district. No conditional use shall be authorized unless such conditional use to be granted complies with all of the applicable provisions of this Chapter.
- C. *Application For Conditional Use Permit.* An application for conditional use permit containing the following information shall be filed with the City Clerk:
1. Applicant's name and address and legal interest in the property.
 2. The owner's name and address if different than the applicant.
 3. Street address, or common description, and legal description of the property.
 4. Zoning classification and present use of the property.
 5. Description of the proposed conditional use.

6. Statement as to why the proposed use will comply with the applicable standards in Subsection (G) of this Section.
 7. Statement identifying any potentially adverse effects and how the proposed conditional use will be designed, arranged and operated in order to ensure that the conditional use will not cause harm to the community and that the value, use and reasonable enjoyment of property in the vicinity will not be adversely affected.
 8. Site plan in accordance with the requirements of Section 400.260.
 9. Any additional information as may be required in accordance with the requirements of the zoning district in which the conditional use is proposed to be located.
- D. *Commission Action On Conditional Use Permit.*
1. The Commission shall hold a public hearing on an application for conditional use permit. Notice of hearing shall be made in accordance with the provisions of Section 400.220.
 2. Upon conclusion of the public hearing, the Commission shall transmit to the Board of Aldermen its recommendation containing specific findings of fact on the proposed conditional use and any conditions, safeguards and restrictions that the Commission recommends be imposed to ensure compliance with the standards set forth in Subsection (G) to avoid, minimize, or mitigate potentially adverse effect of the conditional use on the community and properties in the vicinity. The record of Commission action shall be sent to the Board of Aldermen within thirty (30) days of the Commissions decision.
- E. *Board Of Aldermen Action On Conditional Use Permit.* The Board of Aldermen may, by ordinance, authorize the issuance of a conditional use permit for such use as recommended by the Commission, or may reverse or modify such decision by a majority vote of the full Board of Aldermen. In authorizing said conditional use permit, the Board of Aldermen may impose additional conditions or restrictions as it may determine necessary to ensure compliance with the standards set forth in Subsection (G) to avoid, minimize, or mitigate potentially adverse effect of the conditional use on the community and properties in the vicinity. All such conditions or restrictions shall be set out in the ordinance approving the conditional use permit.
- F. *Permit Validity Time Period.* Any conditional use permit authorized shall be validated within six (6) months from the date of approval by the Board of Aldermen, or such conditional use permit shall be nullified. The conditional use permit shall be considered validated if a building permit is obtained and the erection or alteration of a structure is started, or if an occupancy permit is obtained and the conditional use is commenced. The Board of Aldermen may grant one (1) additional extension of time not exceeding six (6) months without notice. Requests for time extension shall be made by filing an application with the City Clerk before the expiration date. If the applicant fails to submit the request for time extension within the specified period, an application for conditional use permit shall be filed in accordance with the provisions of Subsection (C) through Subsection (E).
- G. *Conditional Use Standards.* A conditional use permit shall be granted only if evidence is presented at the public hearings that the conditional use will comply, to the extent applicable, with the following standards:
1. The conditional use will be consistent with the policies and intent of the Branson West Zoning Regulations.
 2. The conditional use will not increase flood or water damage hazard to adjoining properties.

3. The conditional use will not generate noise that exceeds the sound levels that are typical of uses permitted in the district.
4. Adequate access roads or entrance and exit drives will be designed and provided to prevent traffic hazards and to minimize traffic congestion at the site.
5. Street right-of-way and pavement width in the vicinity of the conditional use is or will be adequate for traffic reasonably expected to be generated by the proposed use.
6. Glare of stationary or vehicular lights from the conditional use will not adversely affect the character of the neighborhood, and if such lights will be visible from a residential district, measures to shield or direct lights to mitigate glare are proposed.
7. The conditional use will not have any substantial adverse effect upon the use or enjoyment of adjacent and nearby property or conditions affecting the public health, safety and welfare.
8. The conditional use will be designed, constructed and operated so as not to interfere with the development and use of adjacent property in accordance with the applicable zoning district regulations.
9. In the case of existing structures to be converted to a use requiring a conditional use permit, the structure shall meet all fire, health, building, plumbing and electrical requirements of the City of Branson West.
10. The conditional use otherwise complies with all applicable regulations of this Chapter.

H. *Conditional Use Permits For Towers.*

1. *Purpose.* The purpose of these restrictions is to:
 - a. Minimize the adverse effects of towers on aesthetic and property values through careful design, siting and vegetative screening;
 - b. Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
 - c. Lessen traffic impacts on local streets; and
 - d. Maximize use of existing towers to reduce the number of towers needed.
2. *Applicability.* In addition to the provisions and restrictions listed above for a conditional use permit, the following requirements for conditional use permit shall also apply to all zoning districts where towers are permitted as a conditional use and to all zoning districts where towers are permitted as a principal or accessory use where:
 - a. The tower exceeds one hundred (100) feet in height; or
 - b. The tower is on a building, exceeds twenty (20) feet in height, as measured from the top of the building, and the combined height of the building and tower exceeds one hundred (100) feet.
3. *Exemptions.* An antenna and tower for the following uses are exempt from these requirements and are permitted uses in any district if accessory to a permitted use and if they comply with the applicable regulations of the district in which situated:

- a. Ham radios; and
 - b. Citizen band radios.
4. *Approval standards.* All applications for a conditional use permit for a tower shall comply with the following requirements. Site includes all property described by the legal description submitted with the conditional use permit application and may be only part of a larger parcel.
- a. Structures shall be set back from adjoining residential-zoned property, public property or streets sufficient to:
 - (1) Contain on-site substantially all ice-fall or debris from tower failure;
 - (2) Preserve the privacy of adjoining residential-zoned property. The site is of sufficient size to comply with this standard if:
 - (a) Accessory structures comply with the setback standards in the zoning district;
 - (b) The tower base is set back from adjoining residential-zoned property, public property or a street by a distance equal to fifty percent (50%) of the height of the tower up to one hundred (100) feet, plus one (1) foot for each foot over one hundred (100) feet in height, unless the tower is designed for collocation of at least two (2) additional carriers in which case the setbacks for structures in the zoning district where the tower is located shall be complied with, or the distance between the tower base and guy wire anchors, whichever is greater;
 - (c) The tower is set back from adjoining land in other districts by the rear yard setback required in the adjoining district;
 - (d) Guy wire anchors are set back at least twenty-five (25) feet from an adjoining residential-zoned property, public property or a street; and
 - (e) Guy wire anchors are set back at least the rear yard setback from adjoining land in other districts.
 - b. Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located. The tower shall be set back from other on- and off-site towers and supporting structures far enough so one tower will not strike another tower or support structure if a tower or support structure fails.
 - c. The tower shall have the least practicable adverse visual effect on the environment.
 - d. Existing on-site trees and shrubs shall be preserved to the maximum extent practicable.
 - e. Traffic associated with the facility shall not adversely affect adjoining streets. Vehicular access shall be limited to a major street if the site adjoins both a major and local street.
 - f. Adequate off-street parking shall be provided to accommodate workers, employees, invitees, and others who may be on location on account of the location of the tower.
 - g. The applicant shall demonstrate that the planned equipment cannot be accommodated on an existing or approved tower or location.
5. *Application contents.* An application for approval of a conditional use permit for a new tower shall include the following in addition to the application requirements of Subsection (C):

- a. A site plan drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and uses, structures, and land use designations on the site and adjoining parcels;
 - b. A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features; and
 - c. Evidence that the planned transmission facilities cannot be accommodated on an existing or approved tower and that the planned tower cannot be accommodated on an existing or approved tower site. The Commission may consider expert testimony to determine whether other towers or sites could accommodate the planned facilities and whether fees and costs associated with the use of an existing or planned tower or site is reasonable.
6. *Conflict with FCC or FAA regulations.* In the event there is a conflict between these regulations and Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations, the FCC or FAA regulations shall govern.

Section 400.240. Required Permits. [Ord. No. 1250 §1(315), 10-15-2002; Ord. No. 03-2023, 7-11-2023]

- A. *Building Permit.* It shall be unlawful to start the construction of a new building, structure, or sign, or the enlargement or structural alteration of an existing building, structure, or sign, without first applying for and receiving a zoning certificate and a building permit from the City. No building permit shall be issued unless the Building Inspector has reviewed the plot plan or site plan if required, and has certified that such plans are in compliance with all applicable provisions of this Chapter.
- B. *Zoning Certificate.* It is the purpose of the zoning certificate to provide official certification of the zoning of a particular property on the date the zoning certificate is issued. The City Clerk or duly authorized representative shall have the authority to issue zoning certificates.
1. *Application procedure.*
 - a. Applications for zoning certificates shall be submitted in duplicate to the City Clerk. All applications shall be accompanied by a plot plan showing the dimensions of the lot and the placement of the structure on the lot, or if otherwise required by this Chapter, a site plan in accordance with this Article.
 - b. Upon review and approval of the plans, one (1) copy of the plans shall be returned to the applicant along with such zoning certificate as may be granted.
 2. *Effect of issuance.* The issuance of a zoning certificate provides information necessary for the filing and processing of applications for any additional permits and approvals which may be required by the City including, but not limited to, building permit, certificate of occupancy, business license, home occupation, or tower license.
- C. *Certificate Of Occupancy.*
1. *Purpose.* Inspection of completed premises and issuance of a certificate of occupancy shall be required before commencement of use or occupancy to ensure that the premises are in compliance with all applicable provisions of this Chapter. A certificate of occupancy shall be obtained prior to:

- a. The occupancy or use of any building or addition thereto that has been constructed, enlarged, structurally altered or relocated.
 - b. The change of use of any land or structure.
 - c. The establishment of a home occupation unless that home occupation is exclusively "home-based work" as described in the definition of Home Occupation in Section 400.090
2. *Application procedure.* Application for certificate of occupancy shall be submitted to the City Clerk. All applications shall be accompanied by a plot plan containing information as specified in Section 400.250, or if otherwise required by this Chapter, a site plan in accordance with Section 400.260. Following the submission of an application for certificate of occupancy, the inspector shall cause the building or structure to be inspected, if necessary, and shall certify to the City that one (1) of the following actions be taken:
 - a. If all work has been completed and the building, structure or premises is in compliance with all applicable provisions of this Chapter and the provisions of other applicable City codes, the certificate of occupancy shall be approved. The certificate of occupancy shall be issued within five (5) working days of receipt of report from the inspector.
 - b. If all work has not been completed or the structure, building or premises is not in compliance with the applicable provisions of this Chapter and other City codes, written notice shall be made to the applicant informing the reasons why the certificate of occupancy cannot be issued, citing either the City codes or other work that must be completed.

D. *Grading/Excavation Permit.*

1. *Permit required.* A grading permit is required before any person shall engage in any excavation, grading, dislocation or relocation of any material in connection with any construction, development, or alteration of land, structures, utilities or public improvements within the City limits. Any such excavation, grading, dislocation or relocation of material for which a grading permit is required shall be in compliance with the requirements of City Code and the applicable provisions of the City of Branson West Design Standards for Public Improvements.
2. *Exemptions.* The following construction is exempt from the grading permit requirements:
 - a. Grading for single-family or duplex residence construction in platted subdivisions where approved sediment and erosion controls have been constructed.
 - b. Construction sites that have received an individual storm water discharge permit or water quality certification from the Missouri Department of Natural Resources in accordance with the Clean Water Act.
 - c. The following activities, provided they are not located within twenty-five (25) feet of a spring, sinkhole, wetland, or watercourse:
 - (1) Gardening or landscaping normally associated with single-family residences which cover less than one-half ($\frac{1}{2}$) acre.
 - (2) Grading and repair of existing roads or driveways, unless otherwise required by the Branson West Design Standards for Public Improvements.
 - (3) Cleaning and routine maintenance of roadside ditches or utilities.

(4) Utility construction where the actual trench width is two (2) feet or less.

- d. Emergency construction required to repair or replace roads, utilities or other improvements affecting the general health, safety and welfare of the citizens. In such event, the company or utility conducting the emergency repair shall notify the City within twenty-four (24) hours of the repair work.

E. *Sign Permit.*

1. *Sign permit required.* Except as otherwise provided in Article X, Signs, no sign shall be erected, moved, enlarged, illuminated or substantially altered without first obtaining a sign permit for each sign. Sign permits shall not be required for routine maintenance, repainting, or changing the message on a sign.
2. In the case of a lot occupied or intended to be occupied by multiple businesses, such as a shopping center, sign permits shall be issued in the name of the lot owner or authorized agent rather than in the name of the individual business. The City shall be responsible for enforcing only the provisions of this Article, and not the provisions of any private allocation formula, lease or restriction.
3. *Sign permit applications.* Application for a sign permit shall be made to the City of Branson West upon application forms provided by the City. The applicant shall submit all such information necessary to determine compliance with all appropriate regulations and laws of the City of Branson West, including, but not limited to, the following:
 - a. Name, address and business license number of applicant.
 - b. Name and address of sign owner.
 - c. Name and address of the owner and the occupant of the premises where the sign is to be located.
 - d. Legible drawings with description showing precise location of the sign and all other existing signs on the same premise; drawings showing dimensions, construction supports, sizes, materials of the sign, method of attachment and character of structural members to which the sign will be attached.
4. *Issuance of permit, denial or revocation.* Upon review by the Administrative Official, the City shall issue a sign permit when the application therefore has been properly made and the proposed sign complies with all appropriate regulations. The City may suspend, deny or revoke a permit whenever the permit is issued on the basis of misstatement of fact, fraud or non-compliance with this Article. When a sign permit is denied, revoked or suspended, the City shall give written notice to the applicant, along with a written statement of the reason for the denial.

- F. *Utility Installation Permit And Notification.* Unless otherwise required to obtain a grading or excavation permit for the installation of underground telephone, cable, electric or other similar utility service, all utility service providers shall be required to obtain a utility installation permit for installation of said service facilities within the City limits of Branson West. Application for such permit shall be made to the City Clerk and shall require that a minimum of forty-eight (48) hours' notification be given to the City prior to the commencement of installation or construction. However, in the case of emergency repairs necessary to prevent loss or damage to persons or property, the service provider may proceed without a permit, subject to notifying the City within twenty-four (24) hours of such repair work.

Section 400.245. Withholding Certain Permits For Delinquent Parties. [Ord. No. 6-2015, 5-12-2015]**A. Definitions.** For the purposes of this Section, the following terms shall have the following meanings:

APPLICANT — An individual or a corporation, firm, partnership, joint venture, association, organization or entity of any kind, including any shareholder, owner, officer, partner, joint venturer or member of such entity or any other person holding an ownership interest in such entity requesting any City permit, license, franchise or other approval.

RELATED PERSON OR ENTITY —

- (i) A firm, partnership, joint venture, association, organization or entity of any kind in which the applicant holds any stock, title, or other ownership interest of at least twenty percent (20%),
- (ii) A firm, partnership, joint venture, association, organization or entity of any kind which holds any stock, title, or other ownership interest in the applicant of at least twenty percent (20%), or
- (iii) An individual, firm, partnership, joint venture, association, organization or entity of any kind, whose affairs the applicant has the legal or practical ability to direct, either directly or indirectly, whether by contractual agreement, majority ownership interest, any leasehold interest, familial relationship or in any other manner.

RELEVANT LAW —

- (i) Any Statute or regulation of the United States or the State of Missouri,
- (ii) Any ordinance or Code Section of the City, or any rule, regulation, notice, condition, term or order promulgated by any officer or agency of the City under duly vested authority, of the City, or
- (iii) Any final judgment or order of any court of competent jurisdiction, when a Statute, ordinance, Code Section, rule, regulation, notice, condition, term, order or judgment at issue regulates conduct or conditions germane to the issuance of the requested permit or other approval as provided by the applicable building, land development and zoning ordinances of the City.

B. Withholding Acceptance Of Permit Applications. In enforcing or administering the ordinances of the City, no permit or approval relating to building, construction, subdivisions or zoning shall be accepted for processing if submitted by any applicant.

- 1. Who is charged with, or in violation of, any relevant law, or
- 2. Who is related to or associated with a related person or entity who has been given notice of or is charged with, or in violation of, any relevant law, until such time as the applicant or the related person or entity resolves the pending notice of violation or charge or comes into compliance with the relevant law.
- 3. The reviewing or enforcement officer may refuse to accept the refiling of a denied application for one (1) year from the date of the denial unless the officer finds that the application has been substantially revised, or that substantial new facts or change in circumstances warrant reapplication.
- 4. Any aggrieved applicant may appeal the decision of the reviewing or enforcement officer to the

Board of Aldermen within five (5) business days of said decision, which will review the matter at a regularly scheduled meeting of the Board of Aldermen within forty-five (45) days of submittal of the appeal. Notice of appeal shall be delivered to the City Clerk.

5. The Board of Aldermen may reverse or modify the decision of the reviewing or enforcement officer provided the applicant:
 - a. Establishes a good-faith effort to effect compliance with this Section and any relevant law, or if applicable, an inability to do so because of the ownership structure of any pertinent related entity, or
 - b. Establishes that the applicant has not been charged with, or is not in violation of, any relevant law.
- C. Forms. The Board of Aldermen hereby authorizes the City Administrator, City Clerk and City Attorney to revise or prepare application forms, so that an applicant's statement of compliance with governing law is included. In addition, the City Attorney is instructed to prepare a form for applicants to use for giving notice of appeal.

Section 400.250. Plot Plans. [Ord. No. 1250 §1(316), 10-15-2002]

All applications for zoning certificates or certificates of occupancy, with the exception of applications which require a site plan, shall be accompanied by a plot plan, drawn to scale, which shows the following information: Dimensions of the lot to be built upon or used; dimensions of the building or structure to be erected in area and height; and location on the lot; and any other information as may be necessary to determine compliance with the provisions of this Chapter. In addition, all buildings or structures to be erected shall be staked out on the site.

Section 400.260. Site Plan. [Ord. No. 1250 §1(317), 10-15-2002]

- A. *Applicability.* Site plans prepared and approved in accordance with the provisions of this Chapter are required to assist City Administrative Officials in assuring compliance with all applicable requirements of this Chapter and to assist in the review of building permits. Whenever a site plan is required by this Chapter, a building permit shall not be issued until the site plan is approved.
- B. *Developments Requiring A Site Plan.* Unless otherwise exempted by Subsection (C), a site plan is required for permitted and conditional uses in zoning districts as specified in Article V, Zoning District Regulations.
- C. *Exemptions.* The following uses and activities shall be exempt from the requirements of this Section:
 1. Construction of or additions to single-family or duplex dwellings on a lot of record.
 2. Construction of or addition to any permitted accessory use to a single-family or duplex dwelling on a lot of record.
 3. Remodeling of a building or structure if no enlargement or expansion is involved.
 4. Any temporary use permitted by this Chapter.
- D. *Site Plan Application.*
 1. *Minor or major site plan determination.* The site plan application shall be either for minor site plan approval or major site plan approval. A minor site plan shall be required for proposed

development on existing platted lots of record that do not require the extension or construction of public improvements to the site. In all other situations where a site plan is required, a major site plan shall be submitted.

2. *Pre-application conference.* Although not required, it is recommended that the applicant request a pre-application conference with the City to determine that a minor site plan application is appropriate for the proposed development and to assist the applicant in ensuring conformity with the requirements of the site plan application.
3. *Site plan contents.* The site plan submitted should provide sufficient information to determine whether the proposed development is in compliance with these regulations. The site plan shall include the following information:
 - a. *Minor site plan.* Three (3) copies shall be submitted.
 - (1) The name and address of the applicant.
 - (2) The owner's name and address, including trustees, and, if different from the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his/her behalf.
 - (3) Date of application submittal.
 - (4) Street address or common description of the property.
 - (5) The proposed use or uses and a general description of the proposed development.
 - (6) A legal description and a survey, certified by a registered land surveyor, showing property boundary lines and dimensions; and all easements, roadways, rail lines, and public rights-of-way, any part of which cross or are adjacent to, and affect, the subject property; and that all necessary easements can be obtained.
 - (7) An approximate north arrow and scale.
 - (8) The zoning classification and present use, if any, of the subject property.
 - (9) The general location and approximate dimensions of all vehicular and pedestrian circulation elements, including streets, driveways, entrances, curb cuts, parking and loading areas, and sidewalks, including slope and gradient of vehicular elements.
 - (10) The location and size of existing public water and sewer utilities on and adjacent to the site; and location of fire hydrants.
 - (11) The location, designation and total area of all usable open space.
 - (12) Location, size, use and arrangement of all proposed buildings and computations showing height in stories and feet, floor/area ratio, total floor area, total square feet of ground area coverage of proposed and existing buildings which will remain, if any, and building separations.
 - (13) All existing or other drainage facilities, including size and dimensions of flow.
 - (14) The location, size and arrangement of all proposed outdoor signs.
 - (15) A landscaping plan, including bufferyard plan if applicable, in accordance with

Article VIII, Landscaping, Screening and Buffering Requirements.

- (16) A soil erosion control plan for the period during which construction will be taking place and after construction is complete.
 - (17) Any other information that may be required by the City to determine that the application is in compliance with this Chapter.
- b. *Major site plan.* Eight (8) copies shall be submitted.
- (1) The name and address of the applicant.
 - (2) The owner's name and address, including trustees, and, if different from the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his/her behalf.
 - (3) Date of application submittal.
 - (4) Street address or common description of the property.
 - (5) The proposed use or uses and a general description of the proposed development.
 - (6) A legal description and a survey, certified by a registered land surveyor, showing property boundary lines and dimensions; and all easements, roadways, rail lines, and public rights-of-way, any part of which cross or are adjacent to, and affect, the subject property; and that all necessary easements can be obtained.
 - (7) An approximate north arrow and scale.
 - (8) The zoning classification and present use, if any, of the subject property.
 - (9) The general location and approximate dimensions of all vehicular and pedestrian circulation elements, including streets, driveways, entrances, curb cuts, parking and loading areas, and sidewalks, including slope and gradient of vehicular elements.
 - (10) The location and size of existing and proposed public water and sewer utilities on and adjacent to the site; and location of fire hydrants.
 - (11) The location, designation and total area of all usable open space.
 - (12) Location, size, use and arrangement of all proposed buildings and computations showing height in stories and feet, floor/area ratio, total floor area, total square feet of ground area coverage of proposed and existing buildings which will remain, if any, and building separations.
 - (13) All existing and proposed storm sewers or other drainage facilities, including size and dimensions of flow.
 - (14) The location, size and arrangement of all proposed outdoor signs.
 - (15) A landscaping plan, including bufferyard plan if applicable, in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
 - (16) A soil erosion control plan for the period during which construction will be taking place and after construction is complete.

- (17) In the case of any use for which a conditional use permit has been granted, any information necessary to demonstrate compliance with all conditions imposed by the conditional use permit.
- (18) Any other information that may be required by the City to determine that the application is in compliance with this Chapter.

E. *Minor Site Plan Review Process.*

1. The minor site plan application shall be reviewed by the Administrative Official designated by the City within thirty (30) days of application, or such longer time as may be agreed to by the applicant. The City shall review the site plan to determine compliance with the applicable regulations of this Chapter and the standards established in Subsection (H). Upon completion of review, the City shall approve the site plan, approve the site plan subject to specific modifications, or decline to approve the site plan.
2. The City shall return one (1) copy of the site plan to the applicant, indicating the determination made and any modifications necessary. If the City takes no action within the thirty (30) days specified, the site plan shall be deemed to be approved.
3. If the City declines to approve the site plan or if it approves the site plan subject to certain modifications that are not acceptable to the applicant, the applicant may request review and determination by the Planning and Zoning Commission. The applicant shall submit a written request for review by the Commission within fifteen (15) days of decision by the City Administrative Official. The Commission shall have forty-five (45) days from the date of the applicant's request to make a determination. The actions of the Commission shall be final.

F. *Major Site Plan Review Process.*

1. *Commission review.* The Commission shall review all major site plan applications. The application for major site plan review shall be submitted no less than fifteen (15) working days prior to the Commission meeting at which the site plan will be considered. The City Clerk will transmit the site plan to the City Engineer or other Administrative Official for review and recommendations prior to the scheduled Commission meeting.
2. *Commission action on site plan.* The Commission shall review the site plan and shall make its determination based on the standards for site plan review in accordance with Subsection (H). The Commission may approve the site plan, approve the site plan subject to specific modifications, or disapprove the site plan. The Commission shall have sixty (60) days to take action on the site plan. If no action is taken within the sixty (60) day time period, the site plan shall be deemed to be approved. Except where any other provision of this Chapter may require Board of Aldermen review of the site plan, the decision of the Commission is final.

G. *Effect Of Site Plan Approval.* Approval of the site plan, or of the site plan with modifications acceptable to the applicant, shall authorize the continued processing of applications for any further permits which may be required by this Chapter or any other ordinances of the City, including approvals such as a building permit, a certificate of occupancy or a conditional use permit. A site plan approval shall be valid for a period no longer than eighteen (18) months from the date of approval unless a building permit is issued and construction begun within the eighteen (18) month period.

H. *Site Plan Review Standards.* Site plans shall be reviewed and approved unless it is found in writing that:

1. The site plan application indicates violations of any applicable provisions of this Chapter, which the applicant has, after written request, failed or refused to correct.
2. The site plan will result in unauthorized encroachment on an easement, roadway, utility or public or private right-of-way.
3. In the case of a site plan submitted in conjunction with an approved development plan, conditional use permit, planned unit development, or any other specific development standards, the site plan does not adequately meet the specified standards.
4. The proposed site plan does or will create specific drainage or erosion problems.
5. If a bufferyard is required, the bufferyard plan for the site does not, or will not, adequately shield the proposed use from adjacent uses which may not be compatible with the proposed use.
6. The circulation elements of the site plan, including road and pedestrian circulation elements, will create hazards to safety on or off the site, uncoordinated pedestrian or vehicular circulation paths on or off the site, or result in undue interference or inconvenience to vehicular or pedestrian travel.

Section 400.270. Zoning and Subdivision Services Fee Schedule. [Ord. No. 1252 §1, 10-15-2002; Ord. No. 03-2023, 7-11-2023]

A. Fee Schedule.

Type of Application		Processing Fee
Zoning Services		
Zoning application		\$75.00*
Planned development		\$100.00* ***
Conditional use permit		\$100.00*
Text amendments to zoning regulations		\$50.00*
Board of Zoning Adjustment		
	Appeal	\$75.00*
	Variance	\$75.00* **
Site plan review		
	Minor site plan review	\$50.00
	Major site plan review	\$100.00***
Sign permit		\$30.00
Sign permit for banner sign (good for remainder of calendar year)		\$15.00
Temporary use permit		\$30.00
Zoning certificate		\$2.00
Certificate of occupancy		\$2.00

Type of Application		Processing Fee
Subdivision Services		
Vacation of street, alley or subdivision plat		\$100.00**
Minor subdivision plat		\$100.00** ***
Major subdivision		
	Preliminary plat	\$100.00***
	Final plat	\$150.00 per phase** ***
Subdivision plat appeal to Board of Aldermen		\$50.00
Subdivision variance		
	Submitted with preliminary plat	No fee
	Submitted independent of preliminary plat	\$50.00
Subdivision regulations amendment		\$50.00*
Copies of Documents/Regulations		
Zoning regulations		\$15.00
Subdivision regulations		\$5.00
Design standards for public improvements		\$10.00

* Advertising and notification fees for public hearings are extra and will be billed to applicant by the City.

** Recording fees are extra and will be billed to the applicant by the City.

*** Engineering and inspection fees are extra. Applicant is responsible for costs of City engineering review of the plats, construction plans and City inspections. Applicant shall submit five hundred dollars (\$500.00) deposit for engineering review at time of application. If estimated fee is inadequate to cover actual costs, applicant shall pay additional cost for review.

- B. Applicant shall submit five hundred dollars (\$500.00) deposit for inspection services at time of submittal of construction plans. If estimated fee is inadequate to cover actual costs, applicant shall pay additional costs for inspections.
- C. If actual costs for engineering review or inspection services are less than the initial deposits, the remaining balance will be refunded by the City to the applicant.

ARTICLE IV
Zoning Districts And Zoning Map

Section 400.280. Zoning Districts Established. [Ord. No. 1250 §1(401), 10-15-2002]

A. The City of Branson West is hereby divided into zoning districts in order to prevent the overcrowding of the land; to provide adequate light and air; to facilitate adequate provision of facilities for transportation, utilities and other public requirements; to secure public safety; to promote a more compatible relationship of land uses within the City; to promote the orderly development of the City in accordance with the Comprehensive Plan; and to effectuate the use of other accepted purposes of zoning.

B. The City of Branson West is divided into the following categories of zoning districts:

- "A-1"* *Agricultural District.* Primarily undeveloped land usually found on the periphery of the City.
- "R-1"* *Single-Family Residence District.* A zone designed to accommodate single-family residential development at maximum densities of five (5) dwelling units per acre.
- "R-2"* *Two-Family Residence District.* A zone intended to accommodate traditional single-family development and cluster development, as well as two-family housing, at maximum densities of six (6) dwelling units per acre.
- "R-3"* *Multi-Family Residence District.* A zone intended to accommodate a variety of residential development at higher densities, including town houses and multi-family developments, at maximum densities of up to twelve (12) dwelling units per acre.
- "R-MP"* *Manufactured Home Residence District.* A zone designed to accommodate manufactured housing development at maximum densities of up to five (5) dwelling units per acre.
- "C-1"* *Neighborhood Commercial District.* A zone intended to accommodate convenience retail and personal service businesses that offer services and goods that are a frequent or daily necessity for residents of surrounding neighborhoods.
- "C-2"* *General Commercial District.* A zone intended to accommodate office, business and commercial uses that are dependent on high visibility and accessibility from arterial and highway locations to attract customers.
- "I-1"* *Light Industrial District.* A zone designed for the location of industrial activities which do not involve substantial storage of outdoor materials.
- "I-2"* *Heavy Industrial District.* A zone intended to accommodate more intensive industrial uses which may also involve outdoor storage and production of materials.
- "PD"* *Planned Development District.* A zone in which regulations are designed to provide flexibility and innovation in development while ensuring that the uses developed will be compatible with nearby properties and the intent of this Chapter. A planned development district may involve a mix of land uses.

Section 400.290. Official Zoning Map. [Ord. No. 1250 §1(402), 10-15-2002]

- A. There shall be an Official Map known and designated as the City of Branson West Zoning Map, which shall show all the boundaries of all zoning districts within the City limits. This map shall be kept in the Branson West City Hall.
- B. The City of Branson West Zoning Map is incorporated herein by reference. Amendments to this map shall be made in accordance with the procedures set forth in Article III, Administration and Review.
- C. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:
 - 1. District boundaries are either the centerlines of streets or alleys unless otherwise shown.
 - 2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map are bounded approximately by lot lines, said lot lines shall be construed to be the boundaries of the districts unless otherwise indicated.
 - 3. Where the district boundaries follow a railroad right-of-way, creek, stream, or other public way, the district boundaries shall be located at the centerline of said railroad right-of-way, creek, stream or public way.
 - 4. In unsubdivided property, the district boundary lines on the map shall be determined by use of the scale appearing on the map.
 - 5. Any area not shown on the Zoning Map as being included in any district shall be automatically deemed to be included in the "R-1" Residence District.

Section 400.300. Newly Annexed Territory. [Ord. No. 1250 §1(403), 10-15-2002]

Any territory which may be annexed to the City of Branson West after the effective date of this Chapter shall maintain the use classification of Stone County until the Board of Aldermen has the opportunity to classify the territory in accordance with the provisions of this Chapter after its annexation.

ARTICLE V
Zoning District Regulations

Section 400.310. "A-1" Agricultural District. [Ord. No. 1250 §1(501), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023]

- A. *Permitted Uses.* The Agricultural District is intended to provide for the operation of agricultural and related uses in areas where residential and other non-farm development is not imminent. The following uses are permitted in the "A-1" District:
1. Agricultural uses as defined in Section 400.090, provided that any building or enclosure in which farm animals or fowl are kept shall be a distance not less than two hundred (200) feet from any dwelling other than a farm dwelling, and from any lot in any residential district.
 2. Single-family detached dwelling on a lot with an area of at least three (3) acres.
 3. Single-family detached modular dwelling on a lot with an area of at least three (3) acres.
 4. Single-family dwellings existing at the time the district is mapped.
 5. Truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale sale is conducted on the premises.
 6. Kennels, stables and dairies, provided that any building or enclosure in which animals are kept shall be a distance of not less than two hundred (200) feet from any residential district.
 7. Home occupations as permitted pursuant to Article VI, Supplemental Use Regulations.
 8. Public utilities and buildings, transportation, pipeline, and utility easements and rights-of-way, except for office buildings, garages and shops, loading yards and warehouses.
 9. Accessory uses customary to and incidental to permitted agricultural uses, and including roadside stands offering for sale only agricultural products produced on the premises.
 10. Accessory uses customary to and incidental to permitted non-agricultural uses in accordance with the provisions of Article VI, Supplemental Use Regulations.
 11. Temporary uses in accordance with Article VI, Supplemental Use Regulations.
 12. Type I and II wireless facilities in accordance with the provisions of Article VI, Section 400.490.
 13. Public utility water reservoirs, water standpipes, and elevated and ground level storage tanks.
 14. Family day care homes.
 15. Marijuana cultivation facility, which cultivates marijuana outside, inside a completely enclosed facility, greenhouses or combination of these.
- B. *Conditional Uses.* The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.
1. Other towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Article VI, Section 400.490.

2. Cemeteries, adjacent to or in extension of existing cemeteries, provided that any new cemetery shall be located on a tract of not less than ten (10) acres.
3. Group day care homes.

C. *Minimum Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area	
Agricultural uses	20 acres
All other uses	3 acres
Minimum Lot Width	150 feet
Maximum Structure Height	
Primary structure	45 feet
Accessory structure	25 feet
Minimum Yard Requirements	
Front yard setback	25 feet
Rear yard setback	25 feet
Side yard setback	20 feet
Maximum building coverage (including accessory structures)	40 percent

- D. *Land Subdivision.* Divisions of land in the "A-1" Agricultural District may be made only under the minor subdivision provisions of the Branson West Subdivision Regulations.
- E. *Parking Requirements.* Off-street parking and vehicular use areas for non-agricultural uses shall be provided in accordance with Article IX, Parking and Loading Area Requirements.

Section 400.320. "R-1" Single-Family Residence District. [Ord. No. 1250 §1(502), 10-15-2002]

- A. *Permitted Uses.* The "R-1" Single-Family Residence District is intended primarily for single-family detached dwellings at maximum densities of five (5) dwelling units per acre. Other uses necessary to meet educational, governmental, religious, recreation and other neighborhood needs are permitted or allowed as conditional uses subject to restrictions intended to preserve the residential character of the district. The following uses are permitted in the "R-1" District:
1. Single-family detached dwellings, one (1) dwelling per lot.
 2. Single-family detached modular dwellings, one (1) dwelling per lot.
 3. Residential group homes.
 4. Schools, elementary and secondary, or development centers for elementary and secondary school-age children with developmental disabilities or handicaps, on a minimum of five (5) acres of land.
 5. Churches and other places of worship, including parish houses and Sunday schools, but

excluding temporary revivals, rescue missions and overnight shelters, that meet the following requirements:

- a. Frontage on and primary access to an arterial or higher classification street;
 - b. Located on a minimum of two (2) acres of land to provide sufficient space for off-street parking and site design to minimize impact on adjacent residential uses. Churches and other places of worship on less than two (2) acres of land at the time this Chapter is adopted shall be considered conforming uses.
6. Publicly owned or operated parks, playgrounds, recreation facilities, golf courses, and community buildings, all of a non-commercial nature.
 7. Home occupations as permitted pursuant to Article VI, Supplemental Use Regulations.
 8. Family day care homes.
 9. Government buildings of a cultural, service or administrative type, not including repair garages or yards, storage yards or warehouses, provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any residential district.
 10. Public utilities and buildings, transportation, pipeline, and utility easements and rights-of-way, except for office buildings, garages and shops, loading yards and warehouses.
 11. Accessory uses in accordance with Article VI, Supplemental Use Regulations.
 12. Temporary uses as permitted in Article VI, Supplemental Use Regulations.
 13. Type I and II wireless facilities in accordance with the provisions of Article VI, Section 400.490.
- B. *Conditional Uses.* The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.
1. Museums, public art galleries and libraries on a minimum two (2) acres of land.
 2. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions, without frontage on a highway or arterial street. Such uses shall be located on a minimum of two (2) acres of land to provide sufficient area for off-street parking, bufferyards and proper site design to lessen impact on adjacent residential areas. Churches and other places of worship on less than two (2) acres of land at the time of adoption of this Chapter shall be considered conforming uses.
 3. Non-commercial, not-for-profit neighborhood facilities, including indoor and outdoor recreation facilities, operated by a neighborhood or community organization or a property owners association.
 4. Cemeteries on a minimum of ten (10) acres of land.
 5. Country clubs, golf courses, and other private non-commercial recreation areas and facilities, but excluding miniature golf courses or driving ranges. Any principal building or accessory use shall be located not less than one hundred (100) feet from any other lot in any residential district.
 6. Type III, IV, and V wireless telecommunication towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Article VI,

Section 400.490.

C. *Minimum Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area	9,500 square feet
Minimum Lot Width	80 feet
Minimum Lot Depth	100 feet
Maximum Structure Height	
Principal structure	35 feet
Accessory structure	16 feet
Minimum Yard Requirements	
Front yard	25 feet
Rear yard	15 feet
Side yard	15 feet, except that on corner lots, side yard setback shall be 20 feet on the side next to a street
Maximum Building Coverage (including accessory structures)	40 percent
Minimum Open Space	Not less than 30% of total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

D. *Design Requirements.*

1. A site plan meeting the requirements of Article III, Administration and Review, shall be submitted and approved for all uses except single-family detached dwellings.
2. A landscaping plan, including bufferyard plan if applicable, meeting the requirements of Article VIII, Landscaping, Screening and Buffering Requirements, shall be submitted and approved for all non-residential uses.
3. All off-street parking and vehicular use areas permitted for non-residential uses shall be screened from all residential uses in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment, or other equipment incidental to any non-residential use shall be screened from public view.
5. Off-street parking and vehicular use areas shall be provided in accordance with Article IX, Parking and Loading Area Requirements.

Section 400.330. "R-2" Two-Family Residence District. [Ord. No. 1250 §1(503), 10-15-2002]

- A. *Permitted Uses.* The "R-2" Two-Family Residence District is intended to accommodate a variety of single-family and two-family housing types at moderate densities of up to approximately six (6)

dwelling units per acre. The district is also intended to serve as a transition between the less intense "R-1" Single-Family District and the "R-3" Multi-Family Residence District. The following uses are permitted in the "R-2" District:

1. Single-family detached dwellings, one (1) dwelling per lot.
 2. Single-family semi-detached dwellings, such as patio homes, one (1) dwelling per lot.
 3. Single-family detached modular dwellings, one (1) dwelling per lot.
 4. Two-family dwellings.
 5. Family day care homes.
 6. Residential group homes.
 7. Schools, elementary and secondary, or development centers for elementary and secondary school-age children with developmental disabilities or handicaps, on a minimum of five (5) acres of land.
 8. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions and overnight shelters, that meet the following requirements: frontage on and primary access to an arterial or higher classification street, and on a minimum of two (2) acres of land to provide sufficient space for off-street parking and site design to minimize impact on adjacent residential uses. Churches and other places of worship on less than two (2) acres of land at the time this Chapter is adopted shall be considered conforming uses.
 9. Publicly owned or operated parks, playgrounds and community buildings.
 10. Home occupations in accordance with Article VI, Supplemental Use Regulations.
 11. Police and fire stations.
 12. Public utilities and pipelines, utility easements and rights-of-way, except for office buildings, garages and shops, loading yards and warehouses.
 13. Public water reservoirs, water standpipes, and elevated and ground level water storage tanks.
 14. Accessory uses in accordance with Article VI, Supplemental Use Regulations.
 15. Temporary uses in accordance with Article VI, Supplemental Use Regulations.
 16. Type I and II wireless telecommunications facilities in accordance with the provisions of Article VI, Section 400.490.
- B. *Conditional Uses.* The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.
1. Public museums, art galleries and libraries on a minimum two (2) acres of land.
 2. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions, without frontage on a highway or arterial. Such uses shall be located on a minimum of two (2) acres of land to provide sufficient area for off-street parking, bufferyards and proper site design to lessen impact on adjacent residential areas. Churches and other places of worship on less than two (2) acres of land at the time of adoption of this Chapter

shall be considered conforming uses.

3. Non-commercial, not-for-profit neighborhood facilities, including indoor and outdoor recreation facilities, community centers, clubhouses, offices of a property owners association operated by a neighborhood or community organization or a property owners association.
4. Group day care homes.
5. Cemeteries on a minimum of ten (10) acres of land.
6. Type III, IV, and V wireless telecommunication towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Article VI, Section 400.490.

C. Minimum Lot Size, Bulk And Open Space Requirements.

Minimum Lot Area

Single-family dwellings	9,500 square feet
Two-family dwellings	6,000 square feet per dwelling unit
All other permitted uses	9,500 square feet

Minimum Lot Width

Single-family dwellings	80 feet
All other permitted uses	80 feet

Maximum Lot Depth

100 feet

Maximum Structure Height

Principal structure	35 feet
Accessory structure	16 feet

Minimum Yard Requirements

Front yard	25 feet
Rear yard	15 feet
Side yard	15 feet
	On corner lots, side yard setback shall be 20 feet on the side next to a street

**Maximum Building Coverage
(including accessory structures)**

40 percent

D. Design Requirements.

1. A site plan meeting the requirements of Article III, Administration and Review, shall be submitted and approved for all uses except for single-family dwellings.
2. A landscaping plan, including bufferyard plan if applicable, meeting the requirements of Article VIII, Landscaping, Screening and Buffering Requirements, shall be submitted and approved for all uses, except for single-family dwellings.

3. All off-street parking and vehicular use areas permitted for non-residential uses shall be screened from all residential uses in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment, or other equipment incidental to any non-residential use shall be screened from view.
5. Off-street parking and vehicular use areas shall be provided in accordance with Article IX, Parking and Loading Area Requirements.

Section 400.340. "R-3" Multi-Family Residence District. [Ord. No. 1250 §1(504), 10-15-2002]

A. *Permitted Uses.* The "R-3" Multi-Family Residence District is designed for multi-family residential developments at up to nine (9) dwelling units per acre. The following uses are permitted in the "R-3" District:

1. Single-family dwellings existing at the time the district is mapped.
2. Two-family dwellings.
3. Multi-family dwellings.
4. Town houses.
5. Family day care and group day care homes.
6. Custodial group homes and residential group homes.
7. Boarding, rooming and lodging houses.
8. Residential, intermediate and skilled nursing care facilities.
9. Bed and breakfasts.
10. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions and overnight shelters.
11. Schools, elementary and secondary, or development centers for elementary and secondary school-age children with handicaps or developmental disabilities, on a minimum of five (5) acres of land.
12. Public and private parks, playgrounds, community buildings and golf courses, excluding miniature golf courses and driving ranges.
13. Accessory uses in accordance with Article VI, Supplemental Use Regulations.
14. Temporary uses in accordance with Article VI, Supplemental Use Regulations.
15. Home occupations in accordance with Article VI, Supplemental Use Regulations.
16. Public utilities and governmental buildings, including transformer stations, pumping stations, lift stations, water reservoirs, standpipes, elevated and ground level water storage tanks, but excluding office buildings, garages and shops, loading yards and warehouses.
17. Type I and II wireless facilities in accordance with Article VI, Section 400.490.

B. *Conditional Uses.* The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Museums, libraries and art galleries.
2. Cemeteries on a minimum of ten (10) acres of land.
3. Day care centers.
4. Fire stations and Police stations.
5. Type III wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
6. Other towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Article VI, Section 400.490.

C. *Minimum Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area

Two-family dwellings 6,000 square feet per dwelling unit

Multi-family dwellings 4,500 square feet per dwelling unit

All other permitted uses 9,500 square feet

Minimum Lot Width 60 feet

Minimum Lot Depth 100 feet

Maximum Structure Height

Principal structure 45 feet

Accessory structure 16 feet

Minimum Yard Requirements

Front yard 25 feet

Rear yard 15 feet

Side yard 12 feet for two-family dwellings, 15 feet for other uses.
Other corner lots, side yard setback shall be 20 feet on the side next to a street.

**Maximum Building Coverage
(including accessory structures)** 40 percent

D. *Minimum Open Space.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

E. *Design Requirements.*

1. A site plan meeting the requirements of Article III, Administration and Review, shall be

submitted and approved for all uses.

2. A landscaping plan, including bufferyard plan if applicable, meeting the requirements of Article VIII, Landscaping, Screening and Buffering Requirements, shall be submitted and approved for all uses.
3. All off-street parking and vehicular use areas permitted for non-residential uses shall be screened from all residential uses in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment, or other equipment incidental to uses except for two-family dwellings shall be screened from view.
5. Off-street parking and vehicular use areas shall be provided in accordance with Article IX, Parking and Loading Area Requirements.

Section 400.350. "R-MP" Manufactured Home Residence District. [Ord. No. 1250 §1(505), 10-15-2002]

A. *Permitted Uses.* The "R-MP" Manufactured Home Residence District is established for manufactured home parks and manufactured home subdivisions with densities of up to five (5) dwelling units per acre. The following uses are permitted in the "R-MP" District:

1. Single manufactured homes on individual lots.
2. Manufactured home parks.
3. Manufactured home subdivisions.
4. Residential group homes.
5. Family day care homes and group day care homes.
6. Schools, elementary and secondary, or development centers for elementary and secondary school-age children with handicaps or developmental disabilities, on a minimum of five (5) acres of land.
7. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions and overnight shelters, that meet the following requirements: frontage on and primary access to an arterial or higher classification street, and on a minimum of two (2) acres of land to provide sufficient space for off-street parking and site design to minimize impact on adjacent residential uses. Churches and other places of worship on less than two (2) acres of land at the time this Chapter is adopted shall be considered conforming uses.
8. Public utilities and governmental buildings, including transformer stations, pumping stations, lift stations, but excluding office buildings, garages and shops, loading yards and warehouses.
9. Clubhouses associated with any permitted residential use, subject to the requirement that such clubhouses shall be for the use of the residents of the associated residential development and their guests, and shall not be open for general public use.
10. Home occupations in accordance with Article VI, Supplemental Use Regulations.
11. Accessory uses in accordance with Article VI, Supplemental Use Regulations.

12. Temporary uses in accordance with Article VI, Supplemental Use Regulations.
13. Type I and II wireless facilities in accordance with Article VI, Section 400.490.
- B. *Conditional Uses.* Any conditional use that may be allowed in the "R-1" Single-Family Residence District may be allowed in the "R-MP" Residence District subject to the provisions of this Chapter and approval by the Board of Aldermen.
- C. *Use Limitations.* In manufactured home districts, recreational vehicles shall not be occupied as dwellings and manufactured home sales lots shall not be permitted.
- D. *Minimum Area Requirements.* Where the district is established, the minimum area shall be ten (10) acres. The tract shall comprise a single parcel, except where the site is divided by a public street or where the total property includes separate parcels for maintenance and storage facilities and the like. All parcels involved shall be of sufficient size and dimensions to allow for efficient design and management.
- E. *Minimum Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area

Manufactured home park or manufactured home subdivision tract area	10 acres
Manufactured home in manufactured home parks	9,500 square feet per dwelling unit
Manufactured home in a manufactured home subdivision	9,500 square feet per lot for a manufactured home subdivision
All other permitted and conditional uses	9,500 square feet

Minimum Lot Width

Manufactured home park or subdivision tract	200 feet
Manufactured home in manufactured home park or subdivision	80 feet
All other permitted and conditional uses	100 feet

Minimum Lot Depth

Manufactured home park or subdivision tract	200 feet
Manufactured home in manufactured home park or subdivision	100 feet
All other permitted and conditional uses	100 feet

Maximum Structure Height

Principal structure	35 feet
Accessory structure	16 feet

Minimum Yard Requirements

Front yard	25 feet
Rear yard	15 feet

Side yard	40 feet for manufactured home park tract 15 feet for all other uses
Maximum Building Coverage (including accessory structures)	40 percent

F. *Minimum Open Space.* For individual lots in manufactured home subdivisions, not less than thirty percent (30%) of the total lot area shall be devoted to open space including required yards and bufferyards. For manufactured home park developments, not less than twenty percent (20%) of the total area of the development shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

G. *Design Requirements For Manufactured Home Subdivisions.*

1. A site plan meeting the provisions of Article III, Administration and Review, shall be submitted and approved for all uses except single-family manufactured homes on individual lots.
2. A landscaping plan, including bufferyard plan if applicable, meeting the requirements of Article VIII, Landscaping, Screening and Buffering Requirements, shall be submitted and approved for all uses, except single-family manufactured homes on individual lots.
3. All off-street parking and vehicular use areas permitted for non-residential uses shall be screened from all residential uses in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment, or other equipment incidental to uses, except for single-family manufactured homes on individual lots, shall be screened from view.
5. Off-street parking and vehicular use areas shall be provided in accordance with Article IX, Parking and Loading Area Requirements.
6. Manufactured homes sited on an individual lot in a manufactured home subdivision shall be anchored on a permanent foundation. Siding on manufactured homes shall have a similar appearance to site built homes in nearby residential areas and shall have a pitched roof with composition shingles.

H. *Design Requirements For Manufactured Home Parks.*

1. A site plan meeting the provisions of Article III, Administration and Review, shall be submitted and approved.
2. A landscaping plan meeting the requirements of Article VIII, Landscaping, Screening and Buffering Requirements, shall be submitted and approved. The development shall also provide for bufferyard requirements in accordance with the provisions of Article VIII, Landscaping, Screening and Buffering Requirements.
3. All off-street parking and vehicular use areas permitted for non-residential uses shall be screened from all residential uses in accordance with Article IX, Parking and Loading Area Requirements.
4. Refuse storage areas, storage for maintenance, and mechanical, electrical or other equipment incidental to any permitted non-residential use shall be screened from view.

5. Off-street parking and vehicular use areas shall be provided in accordance with Article IX, Parking and Loading Area Requirements. In addition, each manufactured home park shall provide a parking lot for storage of boats, recreational vehicles and trucks that do not exceed one (1) ton capacity.
6. There shall be at least fifteen (15) feet between manufactured homes or any other buildings located in a manufactured housing park.
7. Manufactured homes shall be anchored to a foundation that is similar in appearance to the materials used for permanent foundations. Siding shall be similar in appearance to site built homes in nearby neighborhoods and the manufactured home shall have a pitched composition roof.
8. Every manufactured home shall have direct access to a hard-surfaced driveway or interior street. Interior streets shall be constructed in conformance with the requirements of the City of Branson West Design Standards for Public Improvements.

Section 400.360. "C-1" Neighborhood Commercial District. [Ord. No. 1250 §1(506), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023]

A. *Permitted Uses.* The "C-1" Neighborhood Commercial District is designed to permit small areas of convenience shopping facilities in and near residential neighborhoods. The following uses are permitted in the "C-1" District:

1. Bakeries, delicatessens, and meat markets with on-premise sales.
2. Convenience store, which shall include gasoline sales, but shall not permit repair facilities for motor vehicles.
3. Day care center.
4. Governmental buildings and uses.
5. Laundry and dry cleaning self-service.
6. Residential, intermediate or skilled nursing care facilities.
7. Personal services such as barber or beauty shop, dressmaking, tailoring, shoe repair, household appliance repair, and other similar uses.
8. Police and fire stations.
9. Public or private parks, playgrounds and golf courses, excluding miniature golf and driving ranges.
10. Type I and II wireless telecommunications facilities in accordance with Article VI, Section 400.490.
11. Public utilities and governmental buildings, including transformer stations, pumping stations, lift stations, public water reservoirs, standpipes, and elevated and ground-level water storage tanks, but excluding office buildings, garages and shops, loading yards and warehouses.
12. Accessory uses in accordance with Article VI, Supplemental Use Regulations.
13. Temporary uses in accordance with Article VI, Supplemental Use Regulations.

14. Single-family dwellings existing at the time the district is mapped.
- B. *Conditional Uses.* The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.
1. Type V wireless telecommunications facilities in accordance with Article VI, Section 400.490.
 2. Other towers, exceeding one hundred (100) feet in height, and related facilities, provided the maximum height does not exceed two hundred (200) feet; only one (1) tower is permitted on a lot, and all other provisions of Article VI, Section 400.490 are met.
 3. Marijuana dispensary facilities.
- C. *Use Limitations.*
1. No new residential structures shall be constructed in the "C-1" Neighborhood Commercial District. Existing residential structures may be altered, remodeled or improved subject to the restrictions and regulations applicable to residences in the "R-3" Multi-Family Residence District.
 2. All business, servicing, storage and display of materials and goods, except for off-street parking and loading, shall be conducted within completely enclosed structures.
 3. No manufacturing, processing or treating of products other than that which is clearly incidental and essential to retail business shall be conducted and all such products shall be sold at retail on the premises.
 4. No separate business establishment shall occupy more than five thousand (5,000) square feet of floor space.
 5. No business establishment shall offer goods or services to customers waiting in parked motor vehicles (drive-through).
- D. *Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Maximum Structure Height	
Principal structure	35 feet
Accessory structure	16 feet
Maximum Floor Area Ratio	0.40
Minimum Yard Requirements	
Front yard	40 feet
Rear yard	Twenty percent of the lot depth or 10 feet, whichever is greater, provided that no more than 25 feet shall be required.

Side yard	None, except where a commercial use adjoins a residential use, the setback shall be 15 feet
Maximum Building Coverage (including accessory structures)	40 percent

- E. *Open Space Requirements.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings or structures, parking, loading and other paved areas, and internal streets. Open space shall contain living ground cover.
- F. *Design Requirements.*
1. A site plan meeting the requirements of Article III, Administration and Review, shall be submitted and approved for all uses.
 2. All development shall meet the bufferyard and landscaping requirements in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
 3. All off-street parking, vehicular use and loading areas shall be screened from residential uses in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
 4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment, or other equipment incidental to uses shall be screened from view.
 5. Lighting shall be designed so as to reflect away from adjacent residential districts and shall be in conformance with the requirements of Section 400.460.
 6. Off-street parking, vehicular use areas and loading areas shall be provided in accordance with Article IX, Parking and Loading Area Requirements.

Section 400.370. "C-2" General Commercial District. [Ord. No. 1250 §1(507), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023]

- A. *Permitted Uses.* The "C-2" District is designed for those business and commercial uses that draw their customers from motorists on the highway, or for whom location on a highway or arterial street is necessary. The district also provides for the location of commercial activities that involve outdoor storage of materials and goods. The following uses are permitted in the "C-2" General Commercial District:
1. All uses permitted in the "C-1" Neighborhood Commercial District.
 2. Agricultural implement sales and service.
 3. Arcades and game rooms, bowling alleys, theaters, skating rinks and other such similar places of commercial entertainment.
 4. Banks and financial institutions, including automatic teller machines and drive-through facilities.
 5. Boat sales and rental.
 6. Car wash.

7. Clinics, marijuana dispensary facilities, dental laboratories, and similar medical service facilities.
8. Funeral home.
9. Greenhouse, nursery, or garden stores, on-premises sales permitted.
10. Health and fitness centers, including dance studios.
11. Hardware, home improvement, and builder supply stores.
12. Heating, air-conditioning and plumbing stores.
13. Library, museum, art gallery and similar uses.
14. Liquor store and tavern.
15. Manufactured home sales and rental, but not including the use of a manufactured home as a residence.
16. Monument sales, outside storage permitted.
17. Motels and hotels, when located on a State or Federal highway.
18. New or used automobile, recreational vehicle or motorcycle sales and service facilities, outside storage permitted, but excluding the wrecking of motor vehicles.
19. Offices, clerical, research and services not related to goods and merchandise, such as offices of attorneys, physicians, engineers, accountants, insurance agents, stockbrokers, travel agents, telecommunications and Internet services, and government.
20. Off-street parking facilities.
21. Pest control services.
22. Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.
23. Restaurants, including drive-in facilities.
24. General retail sales and rental of goods, merchandise and equipment.
25. Personal self-service storage facilities, provided that there shall be no outdoor storage.
26. Single-family dwellings existing at the time the district was mapped.
27. Service stations or gas stations, including repair shops.
28. Schools, professional, business and trade.
29. Veterinarian, animal hospital or kennel, provided that no such building, kennel or exercise runway is closer than three hundred (300) feet to the boundary of any residence district.
30. Towers other than wireless facilities, less than one hundred (100) feet in height, and related facilities provided telecommunication towers comply with Article VI, Section 400.490.
31. Type I wireless facilities in accordance with Article VI, Section 400.490.

32. Type III wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
 33. Type IV wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers are set back from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.
 34. Water reservoirs, water standpipes, and elevated and ground level water storage tanks.
 35. Auction sales, flea markets and swap meets.
- B. *Conditional Uses.* The following uses are permitted as conditional uses, subject to the provisions of this Chapter and approval by the Board of Aldermen.
1. Substance abuse treatment facilities.
 2. Rescue missions, overnight shelters, halfway houses.
 3. Recreational vehicle parks.
 4. Zoo, private.
- C. *Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Maximum Structure Height	45 feet
Maximum Floor Area Ratio	1.0
Minimum Yard Requirements	
Front yard	40 feet
Rear yard	None
Side yard	None, except where a commercial use adjoins a residential use, the setback shall be 15 feet
Maximum Building Coverage (including accessory structures)	50 percent

- D. *Open Space Requirements.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings or structures, parking, loading and other paved areas, and internal streets. Open space shall contain living ground cover.
- E. *Design Requirements.*
1. A site plan meeting the requirements of Article III, Administration and Review, shall be submitted and approved for all uses.

2. All development shall meet the bufferyard and landscaping requirements in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
3. All off-street parking, vehicular use and loading areas shall be screened from residential uses in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment, or other equipment incidental to uses shall be screened from view.
5. Lighting shall be designed so as to reflect away from adjacent residential districts and shall be in conformance with the requirements of Section 400.460.
6. All parking and loading areas shall be provided in accordance with the requirements set forth in Article IX, Parking and Loading Area Requirements.
7. All outdoor storage, except the storage of motor vehicles in operating condition, shall be enclosed by screening. Off-street parking and loading spaces and the storage of motor vehicles in operating condition shall be enclosed when such use abuts a residence district or is separated from a residence district by only an alley.

Section 400.380. "I-1" Light Industrial District. [Ord. No. 1250 §1(508), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023]

A. *Purpose.* The "I-1" Light Industrial District is intended to allow for industrial operations and related activities that do not create nuisances and hazards. Industrial operations and activities are permitted provided they are conducted inside a building, although outdoor storage is permitted subject to limitations. The following uses are permitted in the "I-1" District:

1. Accessory uses in accordance with Article VI, Supplemental Use Regulations.
2. Ambulance service offices or garages.
3. Any storage, manufacturing, processing, assembly, packaging, servicing, testing or repair of goods and materials, and business and sales offices accessory thereto.
4. Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as sign shops, janitorial services, packaging or shipping services, printing, publishing, blueprinting, and similar uses.
5. Bakeries.
6. Funeral homes, mortuaries and crematoriums.
7. Governmental buildings and uses.
8. Heating, air-conditioning, and plumbing sales and service.
9. Hardware, home improvement and building supply stores.
10. Heavy machinery and equipment sales, rental and service.
11. Laundry, dry cleaning and carpet cleaning services.
12. Manufactured home sales and rental, but not including the use of a manufactured home as a residence.

13. Pest control services.
 14. Police and fire stations.
 15. Recording studios.
 16. Schools, business, industrial and trade.
 17. Retail sales of products produced by the principal use provided that the gross amount of floor area devoted to sales and display does not exceed twenty-five percent (25%) of the gross floor area of the structure.
 18. Self-storage facilities.
 19. Veterinary clinics, animal hospitals and kennels.
 20. Warehousing, storage and distribution centers.
 21. Type I wireless facilities in accordance with Article VI, Section 400.490.
 22. Type III wireless facilities in accordance with Article, VI Section 400.490, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
 23. Type IV wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers are set back from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.
 24. Towers other than wireless facilities, less than one hundred (100) feet in height, and related facilities in accordance with Article VI, Section 400.490.
 25. Water reservoirs, water standpipes, and elevated and ground level water storage tanks.
 26. Television and radio studios with transmitting facilities.
 27. Marijuana dispensary facilities, marijuana cultivation facilities and marijuana-infused products manufacturing facilities.
- B. *Conditional Uses.* The following uses may be permitted as conditional uses, subject to the provisions of this Chapter and approval by the Board of Aldermen:
1. Motor freight terminals.
 2. Lumber production yards.
- C. *Use Limitations.*
1. There shall be no offensive noise, dust, smoke, odors, heat or glare noticeable at or beyond the property line.
 2. All operations and activities, except off-street parking, loading and storage, shall be conducted wholly inside a building or buildings.
 3. Storage may be maintained outside a building in side yards or rear yards if such storage area is

screened from public streets and from other property, except property located in an "I-2" District. All outdoor storage shall be at least one hundred (100) feet from any residence district.

4. No building shall be used for residential purposes, except that a guard or caretaker employed on the premises, and his/her family, may reside on the premises.

D. *Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Maximum Structure Height	50 feet
Maximum Floor Area Ratio	0.50
Minimum Yard Requirements	
Front yard	25 feet
Rear yard	30 feet
Side yard	20 feet
Maximum Building Coverage (including accessory structures)	50 percent

- E. *Open Space Requirements.* Not less than fifteen percent (15%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings or structures, parking, loading and other paved areas, and internal streets. Open space shall contain living ground cover.

F. *Design Requirements.*

1. A site plan meeting the requirements of Article III, Administration and Review, shall be submitted and approved for all uses.
2. All development shall meet the bufferyard and landscaping requirements in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
3. All off-street parking, vehicular use and loading areas shall be screened from residential uses in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
4. Refuse storage areas and mechanical and electrical equipment shall be screened from view.
5. Lighting shall be designed so as to reflect away from adjacent residential districts and shall be in conformance with the requirements of Section 400.460.
6. All parking and loading areas shall be provided in accordance with the requirements set forth in Article IX, Parking and Loading Area Requirements.

Section 400.390. "I-2" Heavy Industrial District. [Ord. No. 1250 §1(509), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023]

- A. *Purpose.* The "I-2" Heavy Industrial District is the basic manufacturing district for the City of

Branson West. This district is intended to accommodate those heavy industries which cannot entirely eliminate objectionable features and impacts, but which, with reasonable care, will be able to comply with the standards of this district.

B. *Permitted Uses.* The following uses shall be permitted in the "I-2" Heavy Industrial District:

1. Any use permitted in the "I-1" Light Industrial District.
2. Any storage, manufacturing, processing, assembly, packaging, servicing, testing or repair of goods and materials, and business and sales offices accessory thereto, which conforms to the performance standards established in Subsection (D).
3. Battery recycling and reprocessing.
4. Feed stores.
5. Manufacturing and production of paving, roofing and other construction materials using asphaltic and petroleum based coatings and preserving materials.
6. Manufactured and modular home manufacturing.
7. Motor freight terminals.
8. Quarries and central mixing plants for concrete, asphalt and paving materials.
9. Recycling centers.
10. Lumber production yards.
11. Type I wireless facilities in accordance with Article VI, Section 400.490.
12. Type III wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
13. Type IV wireless facilities in accordance with Article VI, Section 400.490, provided wireless towers are set back from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.
14. Towers other than wireless facilities, less than one hundred (100) feet in height, and related facilities.
15. Water reservoirs, water standpipes, and elevated and ground level water storage tanks.
16. Television and radio studios with transmitting facilities.
17. Marijuana dispensary facilities, marijuana cultivation facilities and marijuana-infused products manufacturing facilities.

C. *Conditional Uses.* The following uses may be permitted as conditional uses subject to the provisions of this Chapter and the approval of the Board of Aldermen.

1. Accessory residential structure for a resident watchman and/or caretakers employed on the premises.

2. *Explosives manufacture or storage.* All explosives manufacture or storage shall be subject to the minimum requirements and regulations of the Bureau of Alcohol, Tobacco and Firearms Publication ATFP 5400.7 (6/1990) or any subsequent amendments.
3. Scrap and salvage yards, automobile wrecking yards, provided that no such use shall be located within five hundred (500) feet of any residence district.
4. Refining of petroleum or its product.
5. Acid manufacture, provided that no such facility shall be located within five hundred (500) feet of any residence district.
6. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.
7. Type V wireless facilities in accordance with Article VI, Section 400.490.
8. Towers other than wireless facilities, exceeding one hundred (100) feet height, and related facilities in accordance with Article VI, Section 400.490.

D. *Use Limitations.*

1. No use or operation shall disseminate dust, smoke, fumes, gas, vibration, noxious odors, or glare at or beyond the property line.
2. No use or operation shall produce noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point.
3. No use or operation shall create fire hazards on surrounding property.
4. All operations and activities, except off-street parking, loading and storage, shall be conducted wholly inside a building or buildings, unless the nearest point of such operation or activity is more than two hundred (200) feet from the boundary of any other district, except for the "I-1" District.
5. Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets and other property, except property located in an "I-1" District.
6. All outdoor storage shall be at least two hundred (200) feet from any residence district.
7. All salvage and scrap yards and automobile wrecking yards shall be enclosed by a solid board fence or wall not less than ten (10) feet high of new material and well-maintained.

E. *Lot Size, Bulk And Open Space Requirements.*

Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Maximum Structure Height	50 feet
Maximum Floor Area Ratio	1.5
Minimum Yard Requirements	

Front yard	25 feet
Rear yard	25 feet
Side yard	20 feet, except where abutting a residence district, then 50 feet
Maximum Building Coverage	None

- F. *Open Space Requirements.* Not less than fifteen percent (15%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings or structures, parking, loading and other paved areas, and internal streets. Open space shall contain living ground cover.
- G. *Design Requirements.*
1. A site plan meeting the requirements of Article III, Administration and Review, shall be submitted and approved for all uses.
 2. All development shall meet the bufferyard and landscaping requirements in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
 3. All off-street parking, vehicular use and loading areas shall be provided in accordance with Article IX, Parking and Loading Area Requirements.
 4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment, or other equipment incidental to uses shall be screened from view.
 5. Lighting shall be designed so as to reflect away from adjacent residential districts and shall be in conformance with the requirements of Section 400.460.
 6. All outdoor storage, except the storage of motor vehicles in operating condition, shall be enclosed by screening. Off-street parking and loading spaces, and the storage of motor vehicles in operating condition, shall be enclosed when such use abuts a residence district or is separated from a residence district by only an alley.

Section 400.400. "PD" Planned Development District. [Ord. No. 1250 §1(510), 10-15-2002]

- A. *Purpose.* The purpose of Planned Development Districts is to enable greater flexibility, creativity, and innovation in land development and design than is normally possible under traditional zoning regulations. Planned Development Districts must meet specific criteria to ensure the protection of health, safety, and welfare, and be in accordance with the intent and purposes of the Branson West Comprehensive Plan.

Specifically, it is the purpose of Planned Development Districts to achieve one (1) or more of the following goals:

1. Careful, creative design that is architecturally harmonious and maintains a positive visual impact on the community and that creates a sense of place.
2. More efficient use of land, public services and infrastructure.
3. Preservation and protection of significant natural features such as streams, trees, topographic features, and significant cultural features.

- B. *Authority.* The Board of Aldermen is authorized to establish Planned Development Districts which may differ from the provisions of the other zoning districts of this Chapter, but are congruent with the spirit and intent of this Chapter and the Branson West Comprehensive Plan.
- C. *Planned Development Districts — General Provisions.*
1. Planned Development Districts shall be established on a parcel of sufficient size to be planned and developed. Mixed-Use Planned Development Districts shall be established on a minimum of five (5) acres, and Residential Planned Development Districts shall be established on a minimum of ten (10) acres. The entire tract or parcel of land for the Planned Development District must be held in single ownership, or the application for the Planned Development District must be filed jointly by multiple owners.
 2. All Planned Development Districts shall comply with the following guidelines:
 - a. The Planned Development District should not have an adverse impact on the property value of adjacent land, nor should it hinder the implementation of the Branson West Comprehensive Plan.
 - b. Planned Development Districts must provide for adequate traffic circulation within the development, and must provide adequate connectivity with all modes of the City-wide transportation network.
 - c. No Planned Development District should impose an undue burden on public services, facilities and infrastructure.
 - d. The location of structures, parking areas, walks, lighting, and streets shall be compatible with surrounding land uses; landscaping should be used where there are no structures, parking and loading areas, or accessways.
 - e. A Planned Development District may be developed in phases, provided that no phase or unit of development shall be constructed without proportional development of common open space (if any is to be provided). All public improvements directly related to each phase must be completed at the time the phase is developed and all public improvements serving the entire planned development must be completed in a sequencing that assures full utilization of the planned development and all areas within the development.
 - f. The Commission may modify the period of time for completing the entire development and commencement date for each phase of the planned development if the applicant can show good cause for doing so, provided that in no case shall any extension exceed twelve (12) months.
 - g. The applicant shall provide and record easements and covenants and furnish other guarantees deemed necessary by the Board of Aldermen to assure performance in accordance with the final development plan and to protect the public interest in the event of abandonment before the development's completion.
 - h. Planned Development Districts shall comply with the off-street parking and loading area requirements of Article IX, Parking and Loading Area Requirements of this Chapter.
 - i. Specifications for the design of streets, public utilities, curbs, sidewalks, street lights, public playgrounds and parks, storm water drainage, water supply and distribution, and sanitary sewers and collection shall comply with the City of Branson West Design

Standards for Public Improvements.

- j. The Commission may waive or modify such requirements if the Commission finds that the specifications will not harm the health, safety, and welfare of the residents of Branson West, and that amended specifications would conform to the Branson West Comprehensive Plan and the intent of this Chapter. However, no modification shall:
 - (1) Allow the use of other than public sewers and public water supply.
 - (2) Permit private or gated streets in a Planned Development District.
- 3. The total number of dwelling units in a Planned Development District shall not exceed the maximum number of units allowed in the development's underlying zoning district or districts. The density of dwelling units in a Planned Development District shall also conform with the lot and bulk regulations of this Chapter unless the Commission approves a development plan that includes design and infrastructure elements to accommodate greater densities in localized areas of the development using these guidelines:
 - a. Any reduction in minimum lot size shall be compensated by equivalent common open space in the balance of the development.
 - b. The Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in a particular location.
 - c. The total ground area occupied by buildings and structures shall not exceed thirty-five percent (35%) of the total ground area of the planned development. If previous development in the neighborhood exceeds coverage of thirty-five percent (35%), the coverage area of the Planned Development District may be increased to correspond with that of the neighborhood as a whole.
 - d. Unless a modification to lot and bulk requirements are approved by the Commission, all residential lots in a Planned Development District shall meet the following minimum requirements:
 - (1) Minimum twenty-five (25) foot front yard setback.
 - (2) Minimum fifteen (15) foot rear yard setback.
 - (3) Minimum fifteen (15) foot side yard setbacks.
 - (4) A minimum lot width of eighty (80) feet.
- 4. *Common open space.*
 - a. The amount and location of common open space in a Planned Development District shall be consistent with its declared function in the application.
 - b. The development plan shall include provisions for the ownership and maintenance of common open space as is necessary to ensure its continued care and conservation. The development plan shall also provide for remedial measures that will be available to the City of Branson West should the common open space deteriorate or not be maintained in a manner consistent with the interests of the residents of the Planned Development District or the residents of Branson West.

- c. Adequate safeguards such as recorded covenants shall be provided in the Planned Development District to ensure that no structure is ever constructed in the common open space and to prevent use of the common open space which is inconsistent with the intent of the development plan.
 - (1) The development plan shall specify and identify all facilities and structures to be included in common open space.
 - (2) Any change in the number or type of facilities and structures located in common open space shall constitute a significant change in the planned development plan and shall require public hearing before the Commission, in accordance with the provisions of Article III, Administration and Review, and approval by the Board of Aldermen.

D. *Residential Planned Development Districts.*

- 1. Residential Planned Development Districts include dwelling units in detached, semi-detached, and attached dwelling units, and cultural or recreational uses intended to serve residents of the neighborhood. The purpose of a Residential Planned Development District is to allow for creativity in residential design, allow for a mixture of residential density within the same development, and encourage the conservation of significant natural or cultural features.
- 2. Residential planned developments may be located in the "R-2" and "R-3" Residence Districts and may include any of the permitted and conditional uses allowed in the districts, contingent on the design, intensity, and context of surrounding land uses.
- 3. The highest intensity of residential use in a Residential Planned Development District shall not exceed the highest intensity use allowed in the parcel's underlying zoning district. The Board of Aldermen may, however, allow a higher intensity use than would normally be allowed in the underlying zoning district if the applicant can show that the design of the development will minimize the impact of the greater intensity, and that the greater intensity will not jeopardize the health, safety and welfare of Branson West residents or the provision of public services.

E. *Mixed-Use Planned Development Districts.*

- 1. The purpose of a Mixed-Use Planned Development District is to promote greater convenience and innovative use of land within the same planned development. Mixed-Use Planned Development Districts may include a combination of residential, office, commercial, and light industrial uses. A mixed-use planned development must include a commercial or light industrial use; any development including only residential uses must be developed as a Residential Planned Development District. A Mixed-Use Planned Development District must be located in a "R-2", "R-3", "C-2", or "I-1" zoning district.
- 2. Mixed-Use Planned Development Districts are also subject to the following provisions:
 - a. Screening and buffering in accordance with the provisions of Article VIII, Landscaping Screening and Buffering Requirements may be required between commercial, industrial, and/or residential uses within a Planned Development District or adjacent to the Planned Development District.
 - b. The Board of Aldermen may restrict or require restrictive covenants prohibiting certain uses normally permitted in any of the above districts and their hours of operation if those uses will have an adverse impact on other properties located in or adjacent to the planned development. Considerations for the limitations of such uses include:

- (1) The impact of dust, chemicals, noise, and other pollutants on surrounding properties.
 - (2) The impact of the hours of operation of a use and the enjoyment of surrounding property.
 - (3) The impact of traffic, freight pickup or deliveries, and lighting on surrounding uses.
 - (4) Outdoor storage and the storage or manufacturing of hazardous materials.
- c. Residential uses may share the same multi-story structure with a commercial use, provided that residential dwelling units are limited to the secondary floors of the structure, and that the Board of Aldermen determines that any such an arrangement will not adversely affect the health, safety, and welfare of the residents of any such units.

F. *Preliminary Development Plan — All Planned Development Districts.*

The applicant shall prepare a preliminary development plan for a Planned Development District and submit it to the City Clerk. The applicant shall also submit a preliminary plat concurrent with the preliminary development plan. The application for the preliminary development plan must include the following:

1. Survey of the tract that is to be developed, showing streets, alleys, easements, utility lines, and topographic and physical features.
2. A site plan showing the location and arrangement of existing and proposed structures, proposed traffic circulation within the development, parking and loading areas, ingress and egress points, proposed and existing land uses, zoning districts, proposed lots and blocks, public and common open spaces, parks, playgrounds, school sites, and recreational facilities.
3. A statement that includes the anticipated residential density (when applicable), proposed total gross floor area, and the percentage of the development to be occupied by structures.
4. Preliminary landscaping/bufferyard plan.
5. If the planned development is proposed to be constructed in phases, a proposed and tentative schedule for the development of each phase, indicating the proportion of total public and private open space and the proportion of each type of proposed land use to be constructed during each phase; and the chronology of development to be followed from phase to phase.
6. Evidence that the applicant has sufficient control over the tract of land to effectuate the plan, including a statement of all ownership and beneficial interests in the parcel.
7. A traffic impact analysis of the Planned Development District on traffic circulation and number of trips in the vicinity of the proposed development.
8. A statement showing the relationship of the Planned Development District to the Branson West Comprehensive Plan.
9. In Mixed-Use Planned Development Districts, a statement indicating the types of business and/or industries to be included in the development.
10. If common open space, common recreational facilities, or common public facilities are part of the proposed development, a statement describing the provisions for maintaining common facilities. If a non-governmental authority will be responsible for common areas, copies of that

entity's proposed articles of incorporation or bylaws must be included.

11. Statement of proposed restrictive covenants that are to be recorded with respect to property included in the Planned Development District. The proposed restrictive covenants shall include, at a minimum, the following provisions:
 - a. The developer shall remain responsible for all common areas until at least sixty percent (60%) of all lots are sold.
 - b. The developer may transfer interest in and to the common areas of the planned development after at least sixty percent (60%) of the lots are sold, but said developer shall remain responsible for the common areas until all lots in the development are sold, should the homeowner's association fail to do so.
 - c. There shall be established a homeowner's association, which shall be responsible for the common areas of the planned development.
 - d. The homeowner's association shall establish a Board of Directors and the Board of Directors shall have responsibility of collecting the assessment and maintaining the common areas.
 - e. Responsibility for the planned development's common areas shall include maintenance, repairs, regular mowing, cleanup, and any other action necessary to maintain and keep in proper condition all common areas in the development.
 - f. The homeowner's association shall be required to establish an annual assessment for each lot, which assessment shall be a lien on each lot owner's property, and which accumulatively shall be in sufficient amounts to pay for the costs of all maintenance of the common areas.
 - g. The City shall have the right, but not the duty, to enforce maintenance of the common areas.
 - h. Any proposed dissolution of the homeowner's association shall be subject to the approval of the City and shall include a proposal for continued maintenance of the common areas.

G. Actions Of The Planning Commission.

1. The Commission shall hold a public hearing on the preliminary development plan in accordance with the provisions of Article III, Administration and Review, within sixty (60) days after the preliminary development plan application has been filed with the City Clerk.
2. The Commission shall determine its findings regarding the compliance of the preliminary development plan with the standards in Subsection (C) and Subsection (D), and transmit those findings to the Board of Aldermen and the applicant within thirty (30) days of the public hearing on the preliminary development plan.
3. The Commission shall also submit its recommendations regarding approval, disapproval, approval with amendments, conditions, or restrictions of the preliminary development plan to the Board of Aldermen at the same time that it submits its findings concerning compliance with Subsection (C) and Subsection (D) of this Section.

H. Actions Of The Board Of Aldermen.

1. The Board of Aldermen shall approve, approve with modifications or alterations, or disapprove the preliminary development plan within thirty (30) days after it received the findings and recommendations of the Commission concerning the preliminary development plan.
2. If the preliminary development plan is disapproved, the City shall provide the applicant with a written statement of the reasons for disapproval of the plan.
3. The Board of Aldermen may alter the preliminary development plan, and impose such restrictions and conditions on the planned development as it may deem necessary to ensure that the development will be in harmony with the general purpose and intent of this Chapter and with the Branson West Comprehensive Plan.
4. When the Board of Aldermen alters the preliminary development plan, or imposes any restrictions or conditions on such plan, the applicant shall have fifteen (15) days within which to file an acceptance of such alteration, restriction or condition with the City.
5. When an acceptance is required by this Section, no ordinance approving a preliminary development plan and establishing a planned development district shall be adopted until such acceptance has been filed with the City.

I. *Approval Of Planned Development District.*

1. A Planned Development District shall be considered an amendment to the zoning regulations. Any ordinance approving the planned development shall specify the zoning regulations and restrictions that will apply to the Planned Development District pursuant to the preliminary development plan, and shall set such boundaries on a map that is incorporated and published as a part of such ordinance, with the designation "RPD" for Residential Planned Development Districts and "MPD" for Mixed-Use Planned Development Districts.
2. Any such ordinance shall also specify the conditions and restrictions that have been imposed by the Board of Aldermen on the planned development, and the extent to which the otherwise applicable district regulations have been varied or modified. When the ordinance designates divisible geographic sections of the development that may be developed as a unit, the ordinance shall authorize the Commission to modify the schedule of development to the extent set out in Subsection (C)(2).
3. The City Clerk shall transmit a copy of the ordinance approving and adopting the Planned Development District to the applicant. The Planned Development District will also be noted on the Official Zoning Map maintained at Branson West City Hall.
4. Preliminary approval of a development plan shall not qualify as a final plat of the planned development for recording.
5. A preliminary development plan which has been approved, or approved with modifications which have been accepted by the applicant, shall not be modified, revoked or otherwise impaired, pending the application for approval of a final development plan or plans, by any action of the City without the consent of the applicant. However, such a plan may be modified if the applicant fails to meet time schedules for filing a final development plan, fails to proceed with development in accordance with the plans as approved, or fails to comply with any condition of this Section or any approval granted pursuant to it in any other manner.
6. If no time is specified in the ordinance approving the preliminary development plan, then an application for approval of a final development plan, or of each of its phases, shall be filed

within one (1) year.

7. The preliminary development plan may be revoked if the applicant, after the approval of the preliminary development plan but before the approval of the final development plan:
 - a. Chooses to abandon the development plan and provide written notification to the Commission of such action.
 - b. Fails to file an application(s) for approval of a final plan within the required time period
8. Any portion or total of the planned development not given final approval shall be subject to all provisions of the zoning regulations as amended and any other ordinance as amended that was applicable prior to the approval of the preliminary plan. The Board of Aldermen shall adopt an ordinance repealing the Planned Development District for that portion not given final approval and re-establishing the zoning and other ordinances applicable to the land immediately prior to the Planned Development District. Any such revocation shall be noted on the Official Zoning Map.

J. *Final Development Plan — All Planned Development Districts.*

1. An application for the approval of a final development plan must be filed for all the land in the planned development or one (1) of its phases. Such application shall be filed by the applicant with the City Clerk and shall be in substantial compliance with the preliminary development plan as approved. The final development plan application shall be filed at least fifteen (15) working days prior to the Commission meeting at which the development plan will be considered. The applicant shall not submit a final development plan for approval until the preliminary plat for the development, if applicable, has been approved by the Board of Aldermen. The applicant shall also submit a final plat, if applicable, in conformance with the requirements of the Branson West Subdivision Regulations, concurrent with the final development plan. Substantial compliance of the final development plan with the preliminary development plan shall mean that the final plan does not:
 - a. Vary the proposed gross residential density or intensity of use by more than five percent (5%).
 - b. Increase the floor area of non-residential uses by more than five percent (5%).
 - c. Increase the total ground area covered by buildings more than five percent (5%).
 - d. Involve a reduction of the area set aside for common open space.
2. The application for approval of a final development plan shall include:
 - a. A site plan in conformance with the requirements of Article III, Administration and Review.
 - b. Preliminary building plans, including floor plans and exterior elevations.
 - c. Landscaping and bufferyard plans in accordance with Article VIII, Landscaping, Screening and Buffering Requirements.
 - d. Copies of any easements and restrictive covenants.
 - e. Proof of the establishment and activation of any entity that is to be responsible for the

management and maintenance of any common open space or facilities.

- f. Evidence that no lots, parcels or tracts, or dwelling units in such development have been conveyed or leased prior to the recording of any restrictive covenants applicable to such planned development.
3. The applicant may elect to apply for the final approval of a portion or unit of a phased development, provided that the applicant is in accordance with the schedule approved in the preliminary plan and the time limits in the ordinance adopting the preliminary development plan.
4. The Commission shall recommend approval of the final development plan within thirty (30) working days of the Commission meeting at which the final development plan is considered, if the following conditions are met:
 - a. The final development plan is in substantial compliance with the preliminary development plan.
 - b. The application for final development plan approval has been submitted with all required components to the Commission.
5. In the interest of the public's safety, health and welfare, the Commission may recommend denial of a final development plan that has variations from the preliminary plan but still is in substantial compliance with the preliminary plan.
 - a. The Commission shall notify the applicant in writing of its decision to recommend denial of a final development plan within ten (10) working days of the date of decision. The notice to the applicant shall indicate the reasons for disapproval or why the final development plan is not in substantial compliance with the preliminary development plan.
 - b. The applicant shall have sixty (60) days from the date of the Commission's decision to reapply for approval of the final development plan with a revised version that is in substantial compliance with the preliminary development plan or to request that a public hearing be held before the Commission on the final development plan. Notification of public hearing on a final development plan shall be made in accordance with the provisions of Article III, Administration and Review, for public hearing notifications on rezoning applications.
 - c. If the applicant fails to file within the sixty (60) day period, it will be presumed that the applicant has refused to accept the requirements set forth by the Commission as a condition of approval of the final development plan.
6. The Commission shall transmit its findings and recommendations regarding approval, disapproval, or approval with amendments, conditions or restrictions of the final development plan to the Board of Aldermen within thirty (30) days of its final decision.
7. The Board of Aldermen shall approve, approve with modifications, or disapprove the final development plan. A final development plan, or any unit thereof, that has been approved by the Board of Aldermen shall be so certified by the City Clerk and shall be recorded in the Stone County Registry. No final development plan shall be recorded nor shall any lot be sold or transferred until all public improvements have been installed in accordance with the final development plan and final plat, if applicable.

8. Pending the completion of the planned development within a reasonable time, any approved final development plan, as approved, shall be immune to modification except with the consent of the applicant.
 9. If a final development plan or one (1) of its phases is approved, and the applicant abandons part or all of the development plan and notifies the City in writing; or fails to complete the planned development or one (1) of its phases within a reasonable period of time after final approval has been granted, then no further development shall take place on the property until that property has been reclassified by enactment of a rezoning amendment as prescribed in Article III, Administration and Review.
- K. *Amendments To Planned Development District.* A Planned Development District ordinance or an approved preliminary or final development plan may be amended by the Board of Aldermen, but only after a public hearing on the amendment has been held before the Commission and the Commission has transmitted its finding of fact and recommendations to the Board of Aldermen. The public hearing before the Commission shall be held in accordance with the provisions of Article III, Administration and Review.

ARTICLE VI
Supplemental Use Regulations

Section 400.410. Accessory Uses and Structures. [Ord. No. 1250 §1(601), 10-15-2002; Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023]

- A. *Purpose.* This Section provides for the regulation of accessory uses and structures and lists those common accessory uses and structures that are specifically permitted.
- B. *Definition.* In accordance with Article II, Definitions and Interpretations, an *accessory use or structure*:
1. Is subordinate to and serves a principal use or structure;
 2. Is subordinate in area, extent or purpose to the principal use or structure;
 3. Contributes to the comfort, convenience or necessity of occupants of the principal use or structure;
 4. Is located on the same lot as the principal use or structure served, and shall include all structures or uses whether or not they are permanently affixed to the ground by foundation or otherwise.
- C. *Permitted Accessory Uses And Structures.* Any use or structure that complies with the definition in Subsection (B) may be allowed as an accessory use or structure.
1. Accessory uses and structures include, but are not limited to, the following examples:
 - a. Structures for parking incidental to a permitted use.
 - b. Structures for storage incidental to a permitted use.
 - c. Childrens' playhouses.
 - d. Private swimming pools and spas.
 - e. Guesthouse, without kitchen facilities, or rooms for guests in an accessory building provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units or for permanent occupancy as housekeeping units.
 - f. Greenhouse; provided that any greenhouse used solely for cultivating marijuana for personal use of a qualified patient must comply with the following:
 - (1) Limited in the quantity of medical marijuana plants cultivated therein as determined by the Department of Health and Senior Services;
 - (2) The greenhouse must be designed, constructed, and secured to permit access only by the qualifying patient or primary caregiver;
 - g. Satellite dish antennas.
 - h. Barbecue pits.
 - i. Storage of boats, boat trailers, camping trailers, and recreational vehicles owned and used by the property owner, provided the equipment is not used for living, sleeping or

housekeeping purposes when parked or stored.

- j. Home occupations as permitted in Section 400.430(C).
 - k. Restaurants, drugstores, gift shops, cocktail lounges, newsstands, and other similar uses located in a permitted motel, hotel or office building.
 - l. Employee restaurants and cafeterias when located in a permitted business or manufacturing building.
 - m. Central laundry and washroom facilities, clubhouse, manufactured home park office and maintenance buildings when located in a manufactured home park.
 - n. A day care center located in a permitted business or industrial building providing day care for children of persons employed on the premises.
 - o. A day care center, hourly care center, or preschool located in a church or school.
2. None of the following shall be permitted as an accessory use:
- a. Outdoor storage or overnight parking in a residence district of a commercial truck, van, bus or other vehicle with a gross volume weight of more than two (2) ton. Church and school buses are permitted provided they are parked on church or school property.
 - b. Outdoor storage, except as specifically permitted by the zoning district regulations.
 - c. Modular homes, manufactured or mobile homes, or house trailers used as storage, workshops or accessory buildings. The conversion of such dwelling units or vehicles to a purpose other than for which it is manufactured is prohibited.
 - d. Living quarters in any zoning district other than a residential district unless specifically permitted.
- D. *Use Limitations.* All accessory uses and structures shall comply with the limitations applicable in the zoning district in which they are located. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of construction of the principal structure to which it is accessory.
- E. *Bulk And Setback Regulations.* All accessory structures and uses shall comply with the bulk and setback regulations applicable in the zoning district in which they are located and with the following additional regulations:
- 1. Accessory structures or uses shall be located not less than thirty (30) feet in back of the front building line for the principal structure.
 - 2. Accessory structures or uses shall be set back at least ten (10) feet from the rear lot line.
 - 3. Accessory structures or uses shall be set back at least seven (7) feet from the side yard lot line, except on a corner lot. When the principal use or structure is on a corner lot, the accessory structure or use shall be set back from the side yard lot line adjacent to the side street such a distance so that the same shall not be closer to the side street than one-half ($\frac{1}{2}$) the lot width on which the principal structure is located.
 - 4. No accessory use or structure shall be permitted in any required front yard.

Section 400.420. Temporary Uses. [Ord. No. 1250 §1(602), 10-15-2002]

- A. *Purpose.* This Subsection provides for the regulation of land uses or structures which are in place or needed for only a short period of time.
- B. *General Provisions.*
1. No temporary use or portion of a temporary display or structure shall be located on publicly owned property or right-of-way unless approval has been granted by the City.
 2. Unless otherwise exempted in the following Subsections, a temporary use permit shall be obtained from the City before establishing any temporary use authorized in this Section.
- C. *Temporary Uses Permitted In Every District.* The following temporary uses of land or structures are permitted in every zoning district subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted.
1. Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only for the duration of the project.
 2. Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
 3. Fundraising activities and events, such as craft sales, bazaars and Christmas tree sales, for non-profit organizations such as churches, libraries and schools in the districts where the non-profit organization use is permitted, provided that no more than six (6) such events per calendar year shall be permitted and each event shall not exceed a period of five (5) consecutive days. Christmas tree sales shall be permitted for a period not to exceed thirty (30) consecutive days.
 4. Garage or yard sales, provided that no more than two (2) sales per calendar year shall be permitted and each garage or yard sale shall not exceed a period of three (3) consecutive days.
 5. Temporary wireless facilities towers for special events provided the temporary tower does not exceed sixty (60) feet in height and a permit shall not be issued for a period of time exceeding two (2) days preceding and following the special event. Temporary towers may also be located on the same site as an approved permanent tower during the period that the permanent tower is being constructed.
 6. Festivals sponsored by government or community organizations, subject to the following conditions:
 - a. The event shall not exceed a period of five (5) consecutive days, exclusive of a reasonable time to set up for the event and to clean up after the event.
 - b. Activities, lighting, noise or traffic associated with the festival shall not unreasonably disturb surrounding residential properties.
 - c. The festival sponsor shall be responsible for noise abatement, traffic control and parking, sanitary needs, litter and trash control, cleanup and waste disposal.
 - d. The festival sponsor shall obtain a permit from the City for the event. The festival sponsor shall provide the City with appropriate plans, as may be requested by the City, that the above conditions will be met.

7. A temporary use permit shall be obtained for all temporary uses authorized in this Subsection, except for uses specified in Subsection (C)(3) and Subsection (C)(4).
- D. Temporary Use Permitted In All Commercial And Industrial Districts. The following temporary uses of land or structures are permitted in "C-1," "C-2," "I-1" and "I-2" zoning districts, subject to the limitations in this Subsection and the other applicable regulations in the district or districts in which the temporary use is permitted. The permits required by this Subsection pertain to private entities, not festival put on by charitable organizations which fall under Subsection (C), above. **[Ord. No. 3-2016, 6-21-2016⁷²]**
1. Christmas Tree Sales For A Period Not To Exceed Thirty (30) Days. Display of Christmas trees need not comply with the yard and setback requirements of this Chapter provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets or any sight-triangle required in the City of Branson West Design Standards for Public Improvements.
 2. Short-Term Special Uses.
 - a. Short-term, outdoor special events shall be separated into categories that differentiate between major community events involving multi-day street closures or serving of alcohol outdoors and events that are minor in nature. Application fees shall be paid according to the Schedule of Fees, below. The City Administrator may create an application form that is reasonably calculated to obtain the information needed by the City to determine whether the granting of the permit is in the City's best interest, including a detailed description of the proposed event, starting and ending dates of the event (including periods for staging and tear-down), security, collection and disposal of wastes, lighting and signage, and other public safety issues. The application shall be submitted in complete form at least thirty (30) days in advance of the event (for Minor Events) or at least sixty (60) days in advance of the event (for Major Events), with written consents of property owners or lessees or both.

Major Events. If the outdoor special event involves the multi-day closing of streets, the outdoor sale of alcohol or the use of City real estate, the permit must be issued by the Board of Aldermen, upon review of an application filed at least sixty (60) days in advance of the first day of the event.

Minor Events. The City Administrator may authorize the issuance of special events permits that do not involve multi-day street closings, the use of City property or the sale of alcohol outdoors, such as:

 - (1) Outdoor trade shows.
 - (2) Outdoor entertainment and recreation, including concerts, carnivals, circuses and rides.
 - (3) Expositions, such as car shows, art shows and boat shows.
 - (4) Promotion and sales events, such as sidewalk sales and truckload sales in which the merchandise is not sold by the adjacent merchants who hold regular business licenses.

72. Editor's Note: Per Ord. No. 3-2016 these procedures are in addition to the provisions set out in Sections 605.020, 605.030 and 605.050, relating to temporary business licenses.

- (5) Combinations of any of the above items (1) through (4).
- b. For Major Events or Minor Events, applications for permits may be denied or revoked on the following grounds for an applicant who fails to do any of the following:
 - (1) Provide a completed and signed application at least thirty (30) days in advance of the event (for Minor Events) or at least sixty (60) days in advance of the event (for Major Events), with written consents of property owners or lessees or both.
 - (2) Provide a sufficient traffic control plan appropriate for the size of the event.
 - (3) Provide a plan or evidence of sufficient event staff for crowd control and safety, including access for emergency vehicles and integrity of temporary structures such as tents.
 - (4) Provide a plan or evidence of sufficient sanitation equipment and facilities for the safety and health of the public and animals used in the event.
 - (5) Provide a plan of waste management.
 - (6) Provide adequate on-site or off-site parking, that will allow for safe walking or use of shuttles from parking areas to the event area, without substantial interference with ordinary traffic.
 - (7) Provide evidence of event insurance; if City real estate is to be used, public liability insurance must show the City as an additional insured in whatever amount that the City Administrator, in consultation with the City's insurance advisors, believes is adequate,
 - (8) Obtain all other City permits (for signage and business licenses).
- c. For Major Events or Minor Events, applications for permits shall be denied or revoked if:
 - (1) The event will violate any local, State or Federal law or regulation; or
 - (2) Activities involving crowds do not shut down at 11:00 P.M.; or
 - (3) The resources required to ensure public safety within the special event venue or district will prevent the police, fire or emergency medical service departments from providing reasonable protections to the remainder of the City; or
 - (4) The concentrations of persons, animals, or vehicles within the special event venue or district will unduly interfere with the movement of police, fire, ambulance or other emergency vehicles; or
 - (5) The event will substantially interfere with any other special event for which a permit has been granted, or the combination of events, although they do not interfere, diminishes public safety resources to unacceptable levels in the determination of the City; or
 - (6) The event will interfere with scheduled and unscheduled government functions, including, but not limited to, construction of buildings (public and private), road and utility work, street closures, or any other reason to protect safety, health and the public welfare in the City; or

- (7) The event organizer demonstrates an inability or an unwillingness to conduct an event in compliance with the requirements of the Code, or to comply with a condition to a City permit; or
 - (8) The event organizer conducted a prior special event in a manner that failed to substantially comply with Code requirements.
- d. Fee schedule:

Minor Event Permit	One hundred dollars (\$100.00)
Major Event Permit	Two hundred dollars (\$200.00)

E. *Temporary Uses Permitted In "C-2", "I-1" And "I-2" Districts.* The following temporary uses are permitted in the "C-2", "I-1" and "I-2" zoning districts, subject to the limitations in this Subsection and the other applicable regulations in the district or districts in which the temporary use is permitted:

1. Fireworks stands, subject to the following limitations:

- a. Fireworks stands are required to have a forty (40) foot front setback; a twenty-five (25) foot side setback unless adjoining a commercial or less restrictive district, then ten (10) feet; a twenty-five (25) foot rear setback unless adjoining a commercial or less restrictive district, then ten (10) feet.
- b. The stand must be a minimum of thirty (30) feet from any other building on the same or adjoining lot.
- c. The stand must be at least ten (10) feet from any overhead electric line.
- d. All tents and fireworks stands must be a minimum of one hundred (100) feet from any use involving sale or storage of gasoline, LP gas or any combustible product.
- e. The following requirements shall be met when operating a fireworks stand:
 - (1) Fireworks in open stock may be kept in showcases or counters out of reach of the public without an attendant on duty. Signs reading: "FIREWORKS FOR SALE — NO SMOKING ALLOWED" shall be displayed in the section of the store set aside for the sale of fireworks.
 - (2) All the area within and adjacent to tents or stands shall be maintained clear of grass, shavings or any combustible materials.
 - (3) Minimum aisle width of thirty-six (36) inches, kept free and unobstructed at all times.
 - (4) Minimum exit way of forty-four (44) inches, with a minimum of three (3) exits required.
 - (5) One (1) portable ten (10) pound fire extinguisher per one thousand (1,000) square feet of stand space must be kept on premises at all times.
 - (6) Electrical cords from the meter to the tent must be 12-2 with ground exterior wire.
 - (7) All circuits entering the stand shall be protected by a GFI breaker.

2. The sale of garden bedding plants and flowers, and vegetables and fruits produced in the local area. Such use shall be permitted for a period not to exceed six (6) months in one (1) calendar year, including time to erect and dismantle any temporary greenhouse or stand.
3. All temporary uses allowed under the provisions of this Subsection are required to obtain a permit from the City. The following conditions shall apply to the issuance of permits:
 - a. No more than two (2) permits for a temporary use on the same property shall be issued by the City during any six (6) month period.
 - b. Any temporary structure erected for use under the provisions of this Subsection must be erected in compliance with the City's Building Code.
 - c. No temporary use shall be issued a permit unless the City finds that the applicable conditions of this Subsection have or will be met. The applicant for a temporary use permit shall submit such information or plans as may be required by the City to determine compliance with the foregoing provisions.

Section 400.430. Home Occupations. [Ord. No. 1250 §1(603), 10-15-2002; Ord. No. 03-2023, 7-11-2023]

A. *Authorization.* Any home occupation that is incidental to the principal use of a building as a dwelling unit shall be permitted in any dwelling unit, subject to the provisions of this Section.

B. *Definition.*

HOME OCCUPATION — An activity carried out by a resident conducted in that resident's dwelling or an accessory structure on the same lot or an abutting lot other than "home-based work," which is not prohibited by the City's zoning regulations, described as follows:

- a. Mail order or telephone work.
- b. Service by appointment within the home or accessory structure.
- c. Storage of or use of equipment that does not produce effects outside the home or accessory structure.

In addition, the City does not regulate the hours of operation for "home-based work" or prohibit or require structural modifications for "home-based work," as that term is defined in Section 89.500, RSMo. The City's ordinances may require business licenses for home occupations and home-based work, even if zoning regulations do not apply.

C. *Home Occupations Permitted.* Home occupations include, but are not limited to, the following:

1. Dressmakers, seamstresses, tailors.
2. Artists, sculptors, photographers, authors and composers.
3. Home offices for architects, engineers, lawyers, realtors, insurance agents, brokers, accountants, ministers, priests, rabbis, sales representatives, manufacturers' representatives, home builders, home repair contractors, trash haulers and similar occupations, provided that no retailing and wholesaling of goods and materials are conducted on the premises.
4. Music and art teachers or other tutoring services.

5. Computer programming and data processing.
 6. Mail order and Internet order, not including retail sales from the site.
 7. Telephone answering or similar telecommunication services.
 8. Washing and ironing.
 9. Home crafts, such as model making, weaving, woodworking, ceramics, and similar activities, provided that no machinery or equipment shall be used other than that which would customarily be found in the home, including machinery and equipment that would ordinarily be used in connection with a hobby or avocation not conducted for gain or profit.
 10. "Work at home" activities where employees of a business, located at another site, perform work for the business in their own residences, provided all physical contact between the employee and the business occurs at the place of business, other than the initial installation of any equipment or other work facilities in the employee's residence. The work activities of the employee shall conform to all other requirements of this Section.
- D. *Use Limitations.* In addition to all limitations applicable to the zoning district in which it is located, and subject to the prohibitions of Section 89.500, RSMo., no home occupation shall be permitted unless it complies with the following restrictions:
1. The home occupation shall be conducted entirely within the principal residential structure or in a permitted accessory building.
 2. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
 3. The home occupation shall not involve outdoor storage of materials or equipment.
 4. No more than twenty-five percent (25%) of the gross floor area of the primary residential dwelling may be used for a home occupation.
 5. No stock in trade shall be displayed or sold on the premises.
 6. No manufacturing or processing of any sort shall be done, except as permitted in Subsection (C).
 7. No stock in trade, except articles produced by members of the family residing on the premises, shall be stored on the premises.
 8. No sign shall advertise the presence or conduct of the home occupation.
 9. No person other than an immediate member of the family, related by blood, marriage, adoption or custodial relationship, occupying the dwelling shall be employed in the home occupation.
 10. No mechanical or electrical equipment other than normal domestic or household equipment shall be used.
 11. The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery services, or private vehicles with a gross vehicle weight rating of ten thousand (10,000) pounds or less.
 12. No vehicles shall be parked and no equipment or materials shall be stored on the premises for

trash haulers, homebuilders, home repair contractors and similar occupations.

13. The home occupation shall not produce offensive noise, vibration, illumination, smoke, electrical interference, dust, odors, or heat. Any such condition detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a duplex or multi-family structure, shall constitute a violation of this Section.

14. A business license shall be obtained, if required by other City ordinances.

E. *Particular Home Occupations Prohibited.* The following types of uses and activities shall not be permitted as home occupations unless performed entirely inside the residence or accessory structure, unless otherwise permitted by the zoning district regulations:

1. Animal hospitals, stables or kennels.
2. Auto repairing and painting.
3. Barber and beauty shops, unless specifically permitted by the zoning district regulations.
4. Boarding and lodging houses, unless specifically permitted by the zoning district regulations.
5. Dancing schools and studios.
6. Funeral homes or mortuaries.
7. Furniture repairing and refinishing.
8. Medical offices for doctors, dentists or veterinarians.
9. Nursery schools, day care homes and day care centers, unless specifically permitted by the zoning district regulations.
10. Palm reading or fortunetelling.
11. Photofinishing.
12. Portrait studios.
13. Preparation of food for sale.
14. Radio and television repair shops.
15. Raising animals for sale.
16. Restaurants.
17. Shops contractors and tradesmen, such as electricians, plumbers, and carpenters.
18. Sign painting.

Section 400.440. Exceptions To Height Regulations. [Ord. No. 1250 §1(604), 10-15-2002]

A. The following structures are not subject to the height limitations in this Chapter:

1. When they are an integral part of a building: elevator machinery, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the buildings, and fire or parapet

walls, skylights, towers (excluding radio, television and telecommunications towers), steeples, flagpoles, silos, chimneys, and smokestacks. No space above the height limit shall be used to provide additional floor space for the use being conducted on the premises.

2. When they are a separate structure: water standpipes, water ground storage tanks, or similar structures.

Section 400.450. Supplemental Yard and Open Space Regulations. [Ord. No. 1250 §1(605), 10-15-2002]

A. *Front Yard Regulations.* All property shall have a front yard of not less than prescribed in Article V, Zoning District Regulations, except that the following provisions shall apply:

1. Where the front yard setback of existing buildings on platted lots of record fronting the same street is less than the required front yard specified in this Chapter, any building or structure hereafter erected or structurally altered or enlarged shall conform to the following:
 - a. On interior lots, where the frontage is located between two (2) intersecting streets, the front yard setback line shall be at least the average setback of the two (2) adjacent developed lots fronting the same street.
 - b. On interior lots, where the frontage is located between two (2) intersecting streets and only one (1) adjacent lot is developed, the setback line shall be at least the average between the setback of the existing building and the minimum required front yard setback on the vacant lot.
 - c. On corner lots, where the frontage is located at the intersection of two (2) streets and the zoning district requires a setback, the front yard setback line shall be the average of the adjacent existing building setback and the required minimum setback fronting the same street. However, no structure shall be located in an area formed by a triangle measured twenty-five (25) feet along the right-of-way lines from the intersection of adjacent street right-of-way lines.
2. Where property on one (1) side of the street between two (2) intersecting streets is located in a non-residential district adjacent to a residential district, the front yard setback required in the residential district shall also apply to the non-residential district. This requirement shall apply only to the first one hundred (100) linear feet of frontage zoned non-residential. No parking shall be permitted within the required front yard setback.
3. On culs-de-sac, the front yard setback line shall be located on the lot so that it is parallel to a line drawn tangent to the cul-de-sac right-of-way line at the center of the lot frontage. The front yard setback line shall be located at a distance from the cul-de-sac right-of-way line where the length of the front yard setback line is equal to the minimum lot width required in the zoning district and the resulting front yard setback is at least equal to the minimum required in the zoning district.

B. *Yards Open.* Except as otherwise specified in this Chapter, required yards shall be open and unobstructed to the sky.

C. *Exceptions To Yard Regulations.* The following exceptions shall be permitted to yard and area regulations:

1. *Peculiar shape of yard.* Where the yard regulations cannot reasonably be complied with or their

application determined on lots of peculiar shape, such regulations may be modified or determined by the Board of Adjustment as provided in Article III, Section 400.160.

2. *Variations from major street plan.* Where the Board of Aldermen has adopted right-of-way of greater or lesser width from those established by the City's major street plan, the right-of-way established by the Board of Aldermen shall apply. Such right-of-way width shall be used in determining yard requirements.
 3. *Modification of lot width.* Where an odd-shaped lot has more than the required area for its particular zoning district, the width of such lot may be computed in the most buildable portion having minimum area requirements, provided that it complies with all bulk and open space requirements for the zoning district.
 4. *Parking area in rear yard.* A parking area may occupy a required rear yard or any part thereof, if in conformance with Article IX, Parking and Loading Area Requirements.
 5. *Loading space in rear yard.* A loading space may occupy a required rear yard or any part thereof, if in conformance with Article IX, Parking and Loading Area Requirements.
- D. *Permitted Projections Into Required Yards.* The following projections shall be allowed in a required yard and shall not be considered an obstruction, subject to the restrictions specified:
1. *In all yards.*
 - a. Cornices, eaves, gutters, chimneys, sills, awnings, canopies or other similar architectural features shall not extend or project into a required side yard more than two (2) feet and shall not extend or project into a required front yard or rear yard more than three (3) feet.
 - b. Open, unenclosed fire escapes shall not extend or project into any front, side, or rear yard more than three and one-half (3½) feet.
 - c. Open, unenclosed stairways or balconies, not covered by a roof or canopy, shall not extend or project into a required front yard more than three (3) feet.
 - d. Enclosing open porches, steps, platforms, carports or landing places and outside open stairways which extend into minimum required yards is prohibited.
 - e. A retaining wall or solid masonry wall up to two and one-half (2½) feet high shall be permitted in any required yard.
 - f. Fences or hedges in the front yard shall comply with the requirements of Subsection (E) of this Section.
 - g. Trellises, arbors and statuary.
 - h. Flagpoles.
 - i. Signs pertaining to the sale, lease or rental of the premises on which they are located, when permitted by the provisions of Article X, Signs.
 - j. Filling station pumps provided that they are not less than fifteen (15) feet from all lot lines.
 2. *In any yard except a front yard.*
 - a. Recreational equipment and clotheslines.

- b. Fences not exceeding seven (7) feet in height, subject to the provisions of Subsection (E)(2).
 3. Vision clearance requirements.
 4. *Front yards.*
 - a. *No obstructions in front yards.* On any lot which a front yard is required by this Chapter, no wall, fence, or other structure shall be erected and no hedge, tree, shrub, or other growth or object of any kind shall be maintained in such location within such required front yard so as to obstruct the view, except as permitted by this Subsection and Subsection (E)(2), Sight Triangles.
 - b. *Fences in front yards.*
 - (1) Open fences not exceeding fifteen percent (15%) screening and three and one-half (3½) feet in height above grade shall not be deemed to obstruct the view.

The fences framing, defined as the vertical posts supporting the fence from the ground and no more than two (2) horizontal crossbars between the posts, shall not be included in the calculation of the total square footage of screening provided the framing posts and crossbars do not exceed a four (4) inch width and the posts are spaced at least eight (8) feet apart. If the fencing is placed between brick or stone pillars, these pillars shall be included in the calculation of the total square footage of screening.
 - (2) Questions on yard grade shall be resolved by the City's Administrative Official.
 5. *Sight triangles.* Unless otherwise permitted by this Chapter, no wall, fence, other structure, hedge, tree, shrub, other vegetation, or landscaping materials over two (2) feet in height shall be placed within the sight triangle formed by the intersection of two (2) public streets, as defined in Section 400.790(A), or within the sight triangle formed by the intersection of a public street and a driveway, as defined in Section 400.790(B). However, a single tree having a single trunk shall be allowed in a sight triangle provided the tree is pruned to a height of seven (7) feet above the yard grade.
 6. *When front yard not required.* On any lot on which a front yard is not required by this Chapter, no wall, fence, other structure, hedge, tree, shrub, other vegetation, or landscaping materials over two (2) feet or under seven (7) feet in height above the lowest grade of two (2) or more intersecting streets shall be placed within the street intersection sight triangle, the two (2) sides of which are defined by measuring twice the pavement width of each intersecting street, as classified in the City's major street plan, along its centerline from the center of the intersection.
- E. *Yard Requirements For Open Land.* If a lot is, or will be, occupied by a permitted use without buildings or structures, then the minimum front, side and rear yards that would otherwise be required for such lot shall be provided and maintained unless other provision of this Chapter requires or permits a different minimum front, side or rear yard. Front, side and rear yards shall not be required on lots used for garden purposes without structures, or on lots used for open public recreation areas.

Section 400.455. Marijuana. [Ord. No. 4-2019, 8-13-2019; Ord. No. 01-2023, 2-14-2023]

- A. As used in this Section, marijuana facility means any of the marijuana facilities defined in Section 400.090.

- B. Location. No marijuana facility shall be located within one thousand (1,000) feet of any then-existing elementary or secondary school, daycare or church, as measured by the following methods:
1. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 2. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church.
 3. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

- C. No marijuana facility shall be located within five hundred (500) feet of residential zoned district or a City park.
- D. As used in this Chapter, then-existing elementary or secondary school, daycare facility or church means any such school, daycare facility or church with a written building permit from the City:
1. To be constructed or under construction; or
 2. Completed and in use, at the time the marijuana facility first applies for either a zoning or building permit, whichever occurs first.
- E. Hours Of Operation. The hours of operation, are as follows:
1. Marijuana dispensary facilities may be open from 9:00 A.M. until 8:00 P.M. daily, and not open during other times.
 2. MIP Manufacturing is not regulated by the City.
- F. Prohibition Of Public Consumption. No marijuana or marijuana-infused product may be smoked, ingested, administered, or otherwise consumed in public or on the premises of a marijuana facility, other than in an area designated by the City for consumption of marijuana, if and, unless and until the City has adopted ordinances permitting of consumption of marijuana in public places.
- G. Site Plan Review.
1. Marijuana Cultivation Facilities. Cultivation facilities may cultivate indoor, outdoor, and in a greenhouse, or a combination of any of the three (3).
 - a. Cultivation facilities are limited to a maximum square footage of flowering canopy space or the number of flowering plants, as set forth in 19 CSR 30-95.050.
 - b. Outdoor cultivation facilities must be within a fully secured area enclosed by a razor wire

or other similar security fence in compliance with regulations of the Missouri Department of Health and Senior Services.

- c. Odor control plan must be made in compliance with regulations of the Missouri Department of Health and Senior Services.

H. Enforcement.

1. This Section shall be enforced by the City Administrator or an authorized designee, which may be the City's Police Department.
2. Notice of the provisions of this Section shall be given to all applicants for a business license in the City.
3. Any citizen who desires to register a complaint under this Section may initiate enforcement with the City Administrator or the City Administrator's designee shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Section.
4. An owner, manager, operator, or employee of an area regulated by this Section shall direct a person who is smoking, ingesting, administering or otherwise using marijuana or marijuana-infused products in violation of this Section to refrain from doing so while on the premises. If the person does not stop smoking, ingesting, administering or otherwise using marijuana or the infused products, the owner, manager, operator, or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency.
5. Notwithstanding any other provision of this Section, an employee or private citizen may bring legal action to enforce this Section.
6. In addition to the remedies provided by the provisions of this Section, the City Administrator or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Section may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

I. Violations And Penalties.

1. A person who smokes, ingests, or otherwise consumes marijuana in public or as prohibited by the provisions of this Section shall be guilty of an ordinance violation, punishable by a fine not exceeding five hundred dollars (\$500.00). This Subsection applies only to medical marijuana and is unrelated to recreational sale and use of marijuana under the Missouri penal statute.
2. A person who owns, manages, operates, or otherwise controls a marijuana facility and fails to comply with the provisions of this Section shall be guilty of an infraction, punishable by:
 - a. A fine not exceeding two hundred dollars (\$200.00) for a first violation.
 - b. A fine not exceeding two hundred seventy-five dollars (\$275.00) for a second violation within one (1) year.
 - c. A fine not exceeding three hundred dollars (\$300.00) for a third violation within one (1) year.
 - d. A fine not exceeding four hundred dollars (\$400.00) for each additional violation within one (1) year.

- e. In addition to the fines established by this Section, violation of this Section by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
 - f. **Odor From A Marijuana Facility.** Violation of a Department of Health and Senior Services regulation regarding odor from a marijuana facility is hereby declared to be a public nuisance, which may be abated by the City Administrator by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
 - g. Each day on which a violation of this Section occurs shall be considered a separate and distinct violation.
- J. **Public Education.** The City Administrator or his/her designee shall engage in a continuing program to explain and clarify the purposes and requirements of this Section to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this Section.

Section 400.460. Exterior Lighting Standards. [Ord. No. 1250 §1(606), 10-15-2002]

- A. *Purpose.* This Section provides for the regulation of exterior lighting and glare that may create a safety hazard and nuisance for motor vehicle operators, pedestrians and land uses in the proximity of the light source.
- B. *Light Standards.* Except for the exemptions provided for in Subsection (C), the following standards shall apply to all exterior lighting:
- 1. The light source or luminaire for all exterior lighting shall have a cutoff so that the bare light bulb, lamp or light source is shielded from the direct view of an observer at ground level at a property line adjacent to a public right-of-way or property zoned residential or at the interior bufferyard line if such bufferyard is required.
 - 2. Flickering or flashing lights are prohibited.
- C. *Exemptions.* The following are exempt from the exterior light standards:
- 1. Public street lights, signs, seasonal displays.
 - 2. Due to their limited hours of operation and unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts and other similar public recreation facilities are exempt from the standards in Subsection (B).
 - 3. Safety signal and warning device lighting.

Section 400.470. Animals. [Ord. No. 1250 §1(607), 10-15-2002]

- A. *Household Pets.* Animals which are normally and customarily kept as household pets, as defined in Article II, Definitions and Interpretations, are allowed in any zoning district. Provided however, that no retail or wholesale business will be conducted in conjunction with the keeping of such household pets in any residential district or "C-1" Neighborhood Commercial District.

- B. *Other Animals.* Any animal or fowl other than what may be considered a household pet as defined in Article II, Definitions and Interpretations, shall be regulated to the district in which such use is generally or specifically allowed.

Section 400.480. Adult Entertainment. [Ord. No. 1250 §1(608), 10-15-2002]

- A. *Purpose.* The purpose of these regulations is to protect residential property values by restricting the location of adult entertainment businesses. National studies indicate that such businesses are perceived to have a negative impact on residential property values. Dispersion of adult businesses is required in order to avoid concentration of uses that have a negative impact on adjoining property values.
- B. *Location.* An adult cabaret or adult media store may locate only as conditional uses in the "I-1" and "I-2" zoning districts. Such uses are prohibited within the area circumscribed by a circle that has a radius of five hundred (500) feet from any residential zoning district, school, park, church or public community center. No more than one (1) such use may locate within each one thousand (1,000) feet.
- C. *Distance Measured.* The distance required in Subsection (B) shall be measured by following a straight line, without regard to intervening structures or objects, from the adult cabaret or adult media store to the nearest point of the parcel of property containing a school, park, church, public community center, or a residential zoning district boundary line.

Section 400.490. Telecommunications Facilities. [Ord. No. 1250 §1(609), 10-15-2002]

- A. *Telecommunication Towers.*

1. *Federal jurisdiction.* The Federal Communications Commission (FCC) has exclusive jurisdiction over:
 - a. The regulation of the environmental effects of radio frequency emissions from telecommunications facilities.
 - b. The regulation of radio signal interference among users of the radio frequency spectrum.
2. *Purposes.* The general purpose of this Section is to regulate the placement, construction and modification of towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Branson West. More specifically, the purposes are:
 - a. To direct the location of towers and telecommunication facilities in the City;
 - b. To protect residential areas and land uses from potential adverse impacts of towers and telecommunications facilities;
 - c. To minimize adverse visual impacts of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
 - d. To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
 - e. To avoid potential damage to adjacent properties caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully

designed, constructed, modified, maintained and removed.

- f. To the greatest extent feasible, ensure that towers and telecommunications facilities are compatible with surrounding land uses.
- g. To the greatest extent feasible, ensure that proposed towers and telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.
- h. To create a licensing process that allows the City to more efficiently administer this Section.

3. *Applicability.*

- a. All towers, antenna support structures and telecommunications facilities, any portion of which are located within the City, are subject to this Chapter. All towers within the City at the effective date of this Chapter, or that are annexed at a later date, shall be registered with the City Clerk within sixty (60) days from the effective date, thereof together with the height, width and location thereof and a registration fee established by the Board of Aldermen. Failure to register an existing tower shall raise a presumption that said tower was not a legal non-conforming use on the date of passage of this Chapter. However, this Section shall not apply to tower structures used, or to be used, solely for services provided pursuant to a broadcast radio or television license issued by the Federal Communications Commission or to towers and antennas used for private telecommunications services when the equipment is located on the premises of the entity using said private telecommunication service, or the towers and antennas, support structure or masts are located on the primary business premises of a provider of communications services if used to monitor the providers services and the equipment used by the broadcaster, private telecommunicator or provider is in compliance with any Federal, State or local laws.
- b. Except as provided in this Section, any current legal use being made of an existing tower or antenna support structure on the effective date of this Chapter (herein non-conforming structures) shall be allowed to continue, even if in conflict with the terms of this Chapter.

B. *Definitions.* For the purposes of this Section, the following terms, phrases, words, and their derivations shall have the meaning given herein:

ACT — The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may, from time to time, be amended.

ANTENNA SUPPORT STRUCTURE — Any building or other structure other than a tower that can be used for location of wireless telecommunications facilities.

APPLICANT — Any person that applies for a tower license pursuant to this Chapter.

APPLICATION — The process by which an applicant submits a request and indicates a desire to be granted a license to construct, own or operate a tower within the City. An application includes all written documentation made by an applicant to the City concerning such a request.

CITY — The City of Branson West, a municipal corporation, in the State of Missouri.

COMMUNICATIONS OR TELECOMMUNICATIONS — The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "*information*" means knowledge or intelligence

represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.

FCC — The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

LICENSEE — Any person who has lawfully obtained a tower license pursuant to Subsection (E) of this Section.

PERSON — Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit.

SITE — The actual location of a tower and may be only part of a larger parcel or premise.

STEALTH — Any towers or telecommunications facilities that are designed to blend into the surrounding environment.

TELECOMMUNICATIONS FACILITIES — Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the wireless transmission or reception of wireless telecommunications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure. However, the term "*telecommunications facilities*" shall not include:

- a. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned and used for industrial or commercial purposes;
- b. Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.
- c. Any satellite earth station in excess of two (2) meters in diameter which is utilized for the reception of broadcast television, video or radio signals and which is an ancillary use to a structure on the premises of the holder of the broadcast license.

TOWER — A self-supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunications facilities. The term "*tower*" shall not include amateur radio operator's equipment as licensed by the FCC. The term "*tower*" does not include: utility poles that are utilized for the support of electrical, telephone, cable television, or other similar cables and wires; are located on public rights-of-ways or easements for that purpose; and are a part of a system of such poles throughout the City of Branson West, Missouri.

C. *Permitted, Conditional And Accessory Uses.*

1. *Generally.* The allowable use of towers and placement of telecommunications facilities as either permitted uses or conditional uses in the several zoning districts shall be as set forth herein and in Article V, Zoning District Regulations. Multiple locations may be approved in one (1) application process.
2. Wireless facilities and telecommunications towers shall be of the following types:

Types

- | | |
|-----|--|
| I | Wireless facilities and antennas mounted on buildings or other structures, including existing towers, public buildings and structures, school buildings and structures, and churches. |
| II | Cell towers of a stealth design that are not greater than 60 feet in height, located on the same premise or parcel as public buildings and structures, school buildings and facilities, church buildings and non-commercial, not-for-profit residential neighborhood facilities and approved by ordinance. |
| III | Cell towers of a monopole or stealth design that are less than 100 feet in height. |
| IV | Cell towers of a monopole or stealth design that are more than 100 feet in height. |
| V | Cell towers not of monopole or stealth design, 100 feet or taller and not able to collocate additional facilities. |

In no event shall a licensee be required to allow collocation of facilities if to do so would result in technical interference with the delivery of licensee's service. Failure to permit collocation or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for collocation may result in any enforcement action as permitted in this Section.

3. *Same tower type.* A tower which is modified to accommodate the collocation of additional telecommunications facilities shall be of the same tower type as the existing tower. However, a different type of tower may be permitted by the approval of the City if it is demonstrated that permitting a different tower type will not exceed the height permitted in Subsection (C)(2), and will permit the collocation of more carriers than could be accomplished by the modification of the same tower type as the existing tower.
4. *Movement of tower.* No towers shall be relocated without going through the appropriate permitting and licensing procedure.
5. *Appeal process.* Any applicant who is denied a tower application, or who is determined by the City to be in violation of this Section shall have the right of a hearing before an administrative hearing examiner appointed by the Mayor, and mutually agreeable to the applicant or tower owner. The hearing examiner shall set the hearing date no later than twenty (20) days following the denial of an application, or the determination of a violation, and shall consider, in addition to a determination of whether or not a violation exists or the application was improperly denied, the question of the technical or economic feasibility of compliance with this Section. In the event the hearing examiner finds that the tower was constructed in accordance with setback and other provisions relating to towers designed for collocation, and said tower is not being made available for joint use or collocation as indicated at the time of application, the hearing examiner shall order utilities disconnected until such time as the tower is used jointly for collocation as originally stated in the application. The hearing examiner's final decision shall be subject to review pursuant to Chapter 536, RSMo. Any appeal under said Chapter shall be filed within thirty days (30) from the date of the hearing examiner's decision. Enforcement of the decision of the hearing examiner may be stayed by the posting of a supersedeas bond in an amount

determined by the hearing examiner to be sufficient under the facts of the case to protect the interests of the public and any third (3rd) party in the matter whose rights would be adversely affected by such a stay as demonstrated during any hearing on a request for said bond.

D. *Construction Standards.*

1. *Setbacks.*

a. All towers shall be set back a distance equal to:

- (1) Fifty percent (50%) of the height of the tower up to one hundred (100) feet, plus one (1) foot for each foot over one hundred (100) feet in height; or
- (2) The distance between the tower base and guy wire anchors, whichever is greater, with the guy wire anchors set back at least twenty-five (25) feet from adjoining residential districts, public property or a street or at least the rear yard setback from adjoining land in other districts, unless the tower is designed for collocation.
- (3) In the event a tower is capable of being used for collocation for at least two (2) additional carriers, the setbacks for structures in the zoning district where the tower is located shall be complied with for the tower base and any guy wire anchors.

b. Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.

2. *Structural requirements.* All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the City's Building Code, any applicable State and Federal laws, and other standards outlined in the City Code. A building permit must be obtained before construction may begin.

3. *Separation or buffer requirements.*

a. Towers shall be separated from the types of areas and comply with the minimum standards established in the table set forth below unless:

- (1) Constructed on the same site as another tower designed for the same purpose,
- (2) The second (2nd) tower is permitted by the zoning district, and
- (3) The height of the second (2nd) tower does not exceed the height permitted in the zoning district where the tower is to be located:

Designated Area	Separation Distance
Single-family or two-family residential units in a residential district ¹	300 feet. If the tower ¹ is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant single-family or two-family residentially zoned land which is either platted or has preliminary subdivision plat approval which is not expired.	300 feet. If the tower ¹ is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant unplatted residentially zoned land and residential units in non-residential zoned districts ¹	200 feet or 100% of tower ² , whichever is greater.
Existing multi-family residential units greater than two-family units.	100 feet or 100% height of tower, whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

¹**Includes modular homes and mobile homes used for living purposes. Separation from a unit for purposes of this table is to be measured from the edge of the building or structure itself.**

²Separation measured from the center of the tower to closest building setback line.

- b. The minimum tower separation distances above listed shall be calculated and applied irrespective of City and County jurisdictional boundaries.
- c. Measurement of tower separation distances for the purpose of compliance with this Section shall be measured from the center of a tower to the closest point of a designated area as specified in the above table.
- d. Separation distances from other uses set forth in this Subsection may be reduced for towers designed for the collocation of telecommunications facilities of other carriers by obtaining a conditional use permit which will require demonstrating that the separation distances will:
 - (1) Have the effect of preventing service to an area of the City, or
 - (2) Constitute a barrier to entry into the marketplace by the applicant, or
 - (3) Will constitute a technical or economic hardship on the applicant.

Additionally the applicant must demonstrate that:

- (a) The location, shape, appearance or nature of use of the proposed tower will not

substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located, and that landscaping techniques will be used to screen the tower from any adjacent residential use; and

- (b) The proposed tower will accommodate at least two (2) additional carriers of various telecommunications services.

The Board of Aldermen shall consider information presented by the applicant and determine if a special exception would conflict with the purposes of this Section, would create a blight on adjacent property, or interfere with adjacent uses within the separation area. If the tower requires a use permit, then said showing shall be made to the Planning and Zoning Commission and Board of Aldermen as a part of the conditional use permit process.

- e. Proposed towers must meet the following minimum separation requirements from towers existing at the time a license is granted unless constructed for the purpose of providing collocation capacity on the same site as another tower designed for the same purpose, the second (2nd) tower is permitted by the zoning district, and the height of the second (2nd) tower does not exceed the height permitted in the zoning district where the tower is to be located. However, an exception from separation distances between towers may be obtained from the Board of Aldermen if the applicant can demonstrate that such an exception is necessary for the engineering design of the system the tower is to be a part of, or that no other option is available to provide coverage for the service area. An exception to the separation requirements shall be approved or denied by ordinance.

Proposed Tower Types	Existing Tower Types			
	Lattice or guyed 150 feet in height or greater	Lattice or guyed less than 150 feet in height	Monopole towers 75 feet in height or greater	Monopoles towers less than 75 feet in height
Lattice	3,000 feet	2,500 feet	1,500 feet	750 feet
Guyed	3,000 feet	2,500 feet	1,500 feet	750 feet
Monopole 75 feet in height or greater	1,500 feet	1,500 feet	1,500 feet	750 feet
Monopole less than 75 feet in height	750 feet	750 feet	750 feet	750 feet

For the purpose of this Subsection, the separation distances shall be measured by drawing or following a straight line between the center of the existing tower and the center of the proposed tower.

4. *Method of determining tower height.* The height of the tower shall be measured as follows: the vertical distance between the highest point of the tower and the natural grade below this point.
5. *Illumination.* Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). At time of construction of a tower dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance from the proposed tower that is equal to three (3) times the proposed height of the tower.
6. *Finished color and tower markings.* Towers not requiring FAA painting or marking shall have either a galvanized steel finish or be painted an off-white, light gray, silver or white finish. No commercial signs or advertising shall be allowed on any towers or telecommunications facilities.
7. *Fencing and screening.* Fences must be constructed around or upon parcels containing towers, antenna support structures or telecommunications facilities and shall be constructed in accordance with this Article.
8. *Bufferyard and landscape.* All landscaping on parcels containing towers, antenna support structures or telecommunications facilities shall be in accordance with the applicable bufferyard requirements in the zoning district where the tower, antenna support structure or telecommunications facilities are located. Existing vegetation shall be maintained to the extent possible. However, the City may require additional landscaping if to do so would make the tower, antenna support structure or telecommunications facility more reasonably compatible with the surrounding area. All vegetation used in the landscaping shall be located outside any fenced area.
9. *Security.* All towers must be secured to protect against trespass or unauthorized use of the property, tower or telecommunications facilities.
 - a. If high voltage is necessary for the operation of a tower or telecommunications facilities and it is presented in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every twenty-five (25) feet. The signs shall display in bold letters at least eight (8) inches high the following: "HIGH VOLTAGE — DANGER".
 - b. Identification tags or signs shall be posted on all communications towers and telecommunications facilities in accordance with FCC and OSHA requirements. The tags shall include the FCC tower registration number, the latitude and longitude of the tower, and the name, address, and telephone number of the tower owner. The identification tags shall be posted on the perimeter fence and shall be constructed of durable materials.
10. *Access.* All parcels upon which towers are located must provide adequate on-site parking. Traffic associated with the facility shall not adversely affect traffic on adjacent streets.
11. *Interference with public safety radio services.* In order to ensure that the City's public safety radio services will be free from objectionable technical interference, all applicants requesting a permit to site a tower or telecommunications facilities shall agree:

- a. To demonstrate compliance with good engineering practices;
 - b. To provide the City a copy of all intermodulation studies submitted to the FCC;
 - c. Not to induce objectionable technical interference to the City's public safety radio services;
 - d. To comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other Federal statutory and regulatory requirements relating to radio frequency interference (RFI);
 - e. In the case of co-location of telecommunications facilities either in the same location or on the same tower as the City's, to not cause or permit to be caused by its transmissions or other activities on the premises objectionable technical inference of any kind whatsoever to the broadcasting transmission, reception, or electromagnetic communications of the City;
 - f. To pay for any studies requested by the City to determine if the applicant's telecommunications facilities are causing objectionable technical interference;
 - g. Upon notification by the City, if the operations of the applicant are causing objectionable technical interference, to immediately undertake all steps necessary to determine the cause of and eliminate such interference at the cost of the applicant. If said interference continues for a period in excess of forty-eight (48) hours after notice from the City, the City shall have the right to cause the applicant to cease operating the equipment that is causing the objectionable technical interference or to reduce the power sufficiently to mitigate the objectionable technical interference until the condition causing said interference has abated.
12. *Certifications and inspections.*
- a. All towers shall be certified by a structural engineer to be structurally sound and in conformance with the requirements of the City Building Code and all other construction standards set forth by the City's Code and Federal and State law. For new monopole towers, such certification shall be submitted with an application pursuant to Subsection (E)(4) and every ten (10) years thereafter; for existing monopole towers, or new lattice or guyed towers, such certification shall be submitted within sixty (60) days of the effective date of this Chapter and then every ten (10) years thereafter. The tower owner may be required by the City to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is or has been jeopardized.
 - b. The City and its agents shall have authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the City's Building Code and all other construction standards provided by the City's Code and Federal and State law.
 - c. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the City shall be borne by the tower owner.
13. *Maintenance.*

- a. Licensees shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
 - b. Licensees shall install and maintain towers, telecommunications facilities, wire, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety Code and all FCC, State and local regulations, and in such manner that will not interfere with the use of other property.
 - c. All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
14. *Drainage.* All parcels, upon which towers approved by the City are located, must provide adequate measures to protect against drainage or storm water runoff problems both on site and off site.
15. *Stealth design.* All licensees shall make every reasonable effort to design and construct new towers and telecommunications facilities to blend into the character and environment of the area in which they are located, including the use of camouflage techniques, path array antennas and side-mounting antennas unless such use shall create a hazard for the traveling public or it is not technically feasible to use such design and collocate other facilities on the tower.

E. *Licensing Requirement.*

1. *License required.* No person may own or operate a tower, or place wireless telecommunications facilities on a tower, without first obtaining from the City a license to do so pursuant to this Section (herein referred to as "tower license" or "license"). This requirement applies both to new towers and to existing towers or non-conforming structures on the date of passage of this Chapter. Unless otherwise expressly provided elsewhere in this Section, the license required by this Section is in addition to all other applicable provisions of the zoning district and requirements for a building permit to construct the tower itself. A license may be denied if the applicant is not in compliance with any other provision of the Branson West Zoning Regulations regarding the use or provision of towers, telecommunications services or public property, health or safety. The license required under this Section shall not be in lieu of a license to conduct business in the City of Branson West, Missouri. Owners of existing towers and facilities on such towers shall have six (6) months from passage of this Section to obtain a license as required by this Subsection. A license shall be for a term of not more than five (5) years. A renewal must be made in compliance with this Subsection (E)(1) and an applicant must demonstrate an existing tower or telecommunications facilities are needed and reasonable alternatives will not meet their needs for continued service capability.
2. *Applications for towers.* The following applications shall be submitted for the construction and operation of a tower:
 - a. *License application.* Prior to the construction of any tower, a license application and fee shall be submitted to the City Clerk. This is an initial license application fee and an additional fee shall be due from the applicant should the City's actual costs of review of the application exceed the fee. The City reserves the right to employ an outside consultant to review any application. All tower license applications shall include the following information and documentation:

- (1) The name, address, and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner, and the name, address, telephone number of the owner shall be evidenced in the application. The application shall also contain an affirmative statement indicating that both the owner and applicant are aware of and agree to comply with the provision of Subsection (H) regarding abandonment.
- (2) A statement of whether or not the applicant will be developing the tower for its own use or for the use of others.
 - (a) If for applicants use, the following is required:
 - (i) A description of the use.
 - (ii) A description of the network the proposed tower will be part of.
 - (iii) A description of the technological design proposed and description of alternatives.
 - (iv) Evidence of drive-by tests or other studies relating to the proposed tower which support location on the proposed property.
 - (v) Construction date or schedule.
- (3) The legal description, parcel identification number, and address of the parcel of land upon which the tower is to be situated.
- (4) The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures which are capable of providing a location to construct the telecommunications facilities that are planned to be housed or located on the tower within a three thousand (3,000) foot radius of the proposed new tower site, including City-owned property.
- (5) Written documentation that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on City-owned towers or usable antenna support structures or made diligent, but unsuccessful efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by other persons.
- (6) Written documentation containing the following information:
 - (a) Whether the applicant's telecommunications facilities are technically capable of being installed or collocated on another person's tower or usable antenna support structure.
 - (b) If the applicant asserts that its telecommunications facilities are economically or technically infeasible of being installed or collocated on another person's tower or usable antenna support structure, a written statement from the applicant setting forth the reason(s) why such installation or collocation is technically or economically infeasible. "*Technically infeasible*" for the purpose of this Subsection means that the collocation or installation of applicant's telecommunications facilities on another person's tower or usable antenna support structure would not comply with sound engineering principles, would

materially degrade or unreasonably impair the tower or usable antenna support structure's current or planned use, or interfere operationally with applicant's planned use. "*Economic infeasibility*" for purposes of this Section shall mean that the cost of collocation is not a reasonable business decision from an economic standpoint when all factors are considered.

- (c) If the tower is designed to accommodate one (1) or more additional carriers or capacity for the location of telecommunications facilities other than that of the applicant and, if so, the application shall designate the nature, quality and location of the collocation that will be accommodated.
- (d) An affidavit submitted with written technical evidence from a radio frequency engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within the search area and must be located at the proposed site in order to avoid prohibiting or effectively prohibiting the provision of personal wireless service by the applicant.
- (e) Written technical evidence from a structural engineer that the proposed structure meets the standards set forth in this Section and the applicable requirements of the Building Code of the City.
- (f) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
- (g) Written technical documentation of any Federal Aviation Administration (FAA) approvals and lighting requirements and, if applicable, documentation of approval or denial of dual mode lighting as provided in this Section and a statement whether an FAA "Determination of No Hazard to Aviation" is required by 47 C.F.R. part 17 of the tower. If such a determination is required, no building permit for the tower shall be issued until a copy of the determination is filed with the City.
- (7) A map of the City and the first (1st) half mile of all bordering communities showing the design of the applicant's entire existing or proposed wireless telecommunications network. Such map shall, at minimum, indicate the exact location of all proposed or existing tower and antenna sites, their dimensions, specifications, and signal area coverage.
- (8) A site plan drawn to scale specifying the location of tower(s), its planned height, guy anchors (if any), transmission building(s), all telecommunications facilities, accessories, parking access plans, landscaping plans (specifying size, spacing and plant material proposed), fences and zoning designation of adjacent land.
- (9) The identity of all adjacent property owners.
- (10) A bond or irrevocable letter of credit in an amount determined by the City to ensure that, should the tower be abandoned pursuant to this Section, removal of said tower will be guaranteed, and to insure the tower and property are maintained.

- (11) An applicant shall only be required to maintain one (1) maintenance bond and one (1) removal bond pursuant to Subsection (E)(2)(a)(10) for all of the applicants towers in the City; provided however, the applicant must maintain the initial level of such bonds if drawn upon by the City for any reason.
- (12) Proof of general liability insurance for claims for injury or death and property damage in an amount approved by the City, but not less than three hundred thousand dollars (\$300,000.00) per occurrence for personal injury and three hundred thousand dollars (\$300,000.00) per occurrence for property damage with the City listed as an additional insured.
- (13) An acknowledgment that, by signing a permit application, the applicant agrees to indemnify and hold harmless the City consistent with indemnification language in the application.
- (14) The tower and/or landowner shall promptly notify the City by certified or registered mail of the sale, transfer, or assignment of any tower or telecommunications facility. Each sublease shall be conditioned upon the sublease obtaining the necessary approvals for the subject facility or site from the City prior to siting such facility.

Within forty-five (45) days after a license application for a tower location is filed with the City Clerk, the Planning and Zoning Commission shall determine whether the applicant meets all the requirements of this Section; and, accordingly, shall recommend approval or denial of the application. The forty-five (45) day limit may be extended should the City find it requires additional information or additional study and the applicant agrees to said continuance. The application shall be presented to the Board of Aldermen following Planning and Zoning Commission recommendation. If the application is approved, the City Clerk shall issue the license.

- b. *Conditional use permit application.* If the zoning district in which the tower is proposed to be located requires a conditional use permit, a conditional use permit application shall be submitted to the City.

The Commission shall hold a public hearing on the proposed conditional use and shall transmit its findings and recommendations to the Board of Aldermen. The Board of Aldermen may grant conditional use permit for a tower, upon the applicant's demonstration to the satisfaction of the City that:

- (1) The tower is to be located on a premise or parcel where public buildings, facilities or structures, school buildings or facilities, church buildings or a non-commercial, not-for-profit residential neighborhood facilities are located; and
- (2) The tower height will not exceed sixty (60) feet; and
- (3) The stealth design blends into the surrounding area and the structures existing on the premise where the tower is to be located; and
- (4) The site plan minimizes the impact of the presence of the tower on adjacent uses; and
- (5) If there is to be more than one (1) tower on a premise, the presence of more than one (1) tower structure (if more than one (1) is to be built) on the same site or premise is

a part of the overall stealth design to be utilized on the premise such as, but not limited to, a series of light standards utilized as tower structures; and

- (6) A request for reduction of the separation requirements for towers not located on the same premises is necessary for providing service to an area of the City, the separation requirements constitute a barrier to entry into the marketplace by the applicant, or will constitute a technical or economic hardship on the applicant; and
 - (7) Any light or noise from the tower will not violate light and performance standards of the Branson West Zoning Regulations or other codes of the City; and
 - (8) The landscaping plan minimizes the impact of the tower location on the appearance of the premise or site on which the tower is to be located.
- c. *Applications for wireless facilities on towers.* No person shall construct or maintain a wireless facility on a tower without first obtaining a license from the City for such wireless facilities. An application shall include the name and address of the applicant, a statement by a qualified engineer or other professional that the addition of such wireless facilities meets all conditions of the City Code, the location of the tower and the location on the tower itself where the wireless facilities will be located, the location on the site for any supporting equipment and utility for said wireless facility, and the approximate length of time the applicant plans to use the tower to locate its wireless facilities. The fee for this license shall be renewable every five (5) years in accordance with Subsection (E)(6).
3. *Inspections.* By applying for a permit or use for a tower location, an applicant grants the City authority to enter onto its property to inspect the tower for the purpose of determining whether it complies with the applicable State law and all other construction standards provided by the Code City and Federal law. The City reserves the right to conduct such inspections at any time.
 4. *Filing requirement.* A licensee shall certify in writing that its tower is structurally sound and conforms to the requirements of the applicable State law and all other construction standards set forth by the City Code, Federal and State law every five (5) years by filing by January first (1st) of every fifth (5th) year following the date of the grant of its tower license a sworn statement by the licensee or his/her representative to that effect. Together with this statement, every licensee shall provide a certificate of liability insurance for no less than three hundred thousand dollars (\$300,000.00) coverage for injury to persons or/and an additional three hundred thousand dollars (\$300,000.00) coverage for property as a result of any tower failure or malfunction or defect which lists the City as an additional insured. Licensee shall list City as a party who must be notified should this insurance be canceled or discontinued for any reason thirty (30) days before the expiration of coverage.
 5. *Discontinuance of use.* In the event the licensed use of a tower is discontinued by the licensee, the licensee shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.
 6. *License renewal fee.* On or by January first (1st) of every fifth (5th) year following the granting of an initial tower or wireless telecommunications facilities license for a new or existing tower or facilities placed on a new or existing tower, each licensee shall submit a license renewal fee. In no event shall a license be revoked or considered expired for failure to pay the fee unless the licensee has received at least thirty (30) days' written notice of the proposed action.

F. *Revocation Of License.* The City may at any time revoke a tower license for failure to comply with

the provisions of this Chapter or any other City code or State or Federal law. To properly revoke a tower license, the City must comply with the procedures set forth below:

1. The City Clerk shall provide licensee with written notice of all causes for revocation and the intent to revoke and shall allow licensee sixty (60) days subsequent to receipt of the notice in which to correct the violations or to provide adequate assurance of performance in compliance with this Chapter. Together with the notice required herein, the City Clerk shall provide licensee with written findings of fact which are the basis of the revocation.
 2. The City shall provide the licensee with the right to a public hearing before the hearing examiner appointed for that purpose by the Mayor and mutually agreed to by the parties, which public hearing shall follow the sixty (60) days' notice required herein. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.
 3. After the public hearing, the hearing examiner shall, within thirty (30) days after the public hearing date, issue a written order setting forth his/her findings of fact and conclusions of law forming the basis for his/her decision.
 4. Upon written determination by the hearing examiner to revoke a license, the licensee may appeal the decision to a court of competent jurisdiction pursuant to Chapter 536, RSMo. The hearing examiner may provide for a supersedeas bond in an amount deemed by said examiner to be sufficient to protect the interests of the public, and such third (3rd) parties whose interests were identified during any hearing on such a request to post a bond, to permit the stay of enforcement of any revocation or enforcement action by the City.
 5. Upon satisfactory correction by licensee of the violation upon which said notice was given as determined in the City's sole discretion, the initial notice shall become void.
 6. Upon licensee's failure to correct a violation as found by the hearing examiner, the Mayor or his/her designee may issue an order to disconnect utilities to said tower to any utility company providing same unless a supersedeas bond in an amount determined by the hearing examiner under Section 400.490(C)(5). As long as said bond is in full force and effect, and an appeal is pending under Chapter 536, RSMo., no order to disconnect utilities shall be made. Said order shall not be issued prior to thirty (30) days from the date of the hearing examiner's written determination. Said order shall be served upon the Chief Executive Officer thereof, together with the licensee at the last known address, and have attached to it the findings of the hearing examiner.
- G. *Transfer Of License.* A tower license may not be sold, transferred, leased or assigned to any other person, without the consent of the City, such consent not to be unreasonably withheld.
- H. *Abandonment Of Tower.*
1. In the event the use of any tower has been discontinued for a period of one (1) year, or in the event that a licensee has taken no action within ninety (90) days after the revocation of a tower license pursuant to Subsection (F) to appeal the decision of the hearing examiner or to remedy or correct the violations resulting in the revocation, such tower shall be deemed abandoned.
 2. The City shall provide the tower owner three (3) months' notice and an opportunity to be heard before a hearing examiner appointed by the City Administrator for the purpose, and agreeable to the tower owner if he/she may be located, before initiating such action. After such notice has been provided, the City shall have the authority to initiate proceedings to either acquire the

tower and any appurtenances attached thereto at the then fair market value, to approve the sale of the tower to a third (3rd) party or, in the alternative, order the demolition of the tower and all appurtenances.

3. The City shall provide the tower owner with the right to a public hearing before the hearing examiner, which public hearing shall follow the three (3) month notice required in Subsection (H)(2). All interested parties shall be allowed an opportunity to be heard at the public hearing.
 4. After a public hearing is held pursuant to this Section, the hearing examiner may order the forfeiture to the City or demolition of the tower. The City may draw upon any maintenance bond or performance bond or letter of credit as provided in Subsection (E)(2)(a)(11) to pay for all expenses necessary to acquire or demolish the tower. The tower owner may stay such a draw or enforcement of an order of abandonment if he/she posts a supersedeas bond in an amount set by the hearing examiner sufficient to protect the interests of the public. However, in no event shall the removal of a tower which is determined to create a danger to the public or adjacent property be stayed due to the filing of such a bond.
- I. *Location Of Towers On City-Owned Property.* The City may authorize any person to locate a tower, antenna support structure or telecommunications facilities on publicly-owned property, subject to the application process set forth in Subsection (E)(2), and subject to the terms and conditions of any lease agreement executed between the City and such person.

ARTICLE VII
Non-Conforming Lots, Buildings And Uses

Section 400.500. Purpose. [Ord. No. 1250 §1(701), 10-15-2002]

Under the regulations established by this Chapter, there are existing buildings and uses that could not be built, but that were lawful when built or established prior to the adoption of this Chapter. This Article recognizes the legitimate interests of those who have lawfully established structures or uses which are non-conforming by permitting such non-conformities to be continued. However, non-conformities do adversely affect the orderly development, maintenance, use and taxable value of other property within their vicinity. It is therefore necessary to establish restrictions that are intended to prevent the expansion of such non-conforming buildings and uses and to encourage the eventual conversion of such buildings and uses to conforming buildings and uses.

Section 400.510. Non-Conforming Lots of Record — in Any Residential District. [Ord. No. 1250 §1(702), 10-15-2002]

- A. A single-family detached dwelling may be erected on a lot that is at least forty-five (45) feet in width and that consists entirely of a tract of land that:
1. Has less than the prescribed minimum lot area, width or depth, or all three (3);
 2. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any regulation of the City; and
 3. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by any regulation of the City.
- B. Construction permitted by Subsection (A) shall comply with all of the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which the lot in question is located; provided however, that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable.
1. The dwelling unit shall be placed on the lot so as to provide a yard on each side of the dwelling.
 2. The sum of the widths of the two (2) side yards on each lot shall be not less than the smaller of:
 - a. Twenty-five percent (25%) of the width of the lot, or
 - b. The minimum total for both side yards prescribed by the bulk regulations for said zoning district.
 - c. No side yard shall be less than ten percent (10%) of the width of the lot, and in no case less than three (3) feet.

Section 400.520. Non-Conforming Buildings and Structures. [Ord. No. 1250 §1(703), 10-15-2002]

- A. *Authority To Continue.* Any building or structure which is devoted to a use which is permitted in the zoning district in which it is located, but which does not comply with the applicable bulk regulations, or which is located on a lot which does not comply with the applicable lot size requirements, may be continued so long as it remains otherwise lawful, subjection to the restrictions of Subsections (B)

through (D) of this Section.

- B. *Maintenance, Repair, Remodeling And Structural Alterations.* Any non-conforming building or structure may be maintained, repaired, remodeled or structurally altered, provided that any such maintenance, repair, remodeling or structural alteration shall conform to all requirements of the zoning district in which the building or structure is located and shall not increase the non-conformity of the existing building or structure. For buildings located on a lot that does not comply with the applicable lot size requirements of the zoning district, the side yard requirements shall be determined by Section 400.510(B).
- C. *Expansions Or Enlargement.* A non-conforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made to conform to all the requirements of the zoning district in which the building or structure is located and does not increase the non-conformity of the building or structure. For buildings located on a lot that does not comply with the applicable lot size requirements of the zoning district, the side yard requirements shall be determined by Section 400.510(B).
- D. *Damage Or Destruction.* In the event that any non-conforming building or structure described in Subsection (A) is damaged or partially destroyed, by any means, to the extent of more than seventy-five percent (75%) of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. Structures located on a lot that does not comply with the applicable lot size requirements shall not in any event be required to provide a side yard that exceeds the yard requirements in Section 400.510(B). When a building or structure is damaged to the extent of seventy-five percent (75%) or less, no repairs or restoration shall be made unless a zoning certificate is obtained from the City and restoration is begun within six (6) months after the date of such damage and is diligently pursued to completion.
- E. *Moving.* No building or structure described in Subsection (A) shall be moved in whole or part for any distance whatever, to any other location on the same or any other lot unless the entire building or structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 400.530. Non-Conforming Uses. [Ord. No. 1250 §1(704), 10-15-2002]

- A. *Authority To Continue.* Any lawful existing non-conforming use of part or all of a building or structure or any lawfully existing non-conforming use of land, not involving a building or structure or only involving a building or structure which is accessory to such use of land, may be continued, so long as it is otherwise lawful, subject to the provisions of Subsection (B) through Subsection (G).
- B. *Repairs And Maintenance.*
 - 1. Normal maintenance and incidental repair, replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing may be performed on any building or structure that is devoted in whole or in part to a non-conforming use, provided however, that this Subsection shall not be deemed to authorize any violation of Subsection (C) through Subsection (F) of this Section.
 - 2. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, where such restoration will not be in violation of Subsection (D)

of this Section.

- C. *Remodeling.* No building or structure that is devoted in whole or in part to a non-conforming use shall be remodeled, if structural alteration is required, unless the entire building or structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located.
- D. *Enlargement.* No building or structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner unless such building or structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
- E. *Extension.* A non-conforming use shall not be extended, expanded, enlarged, or increased in intensity; provided however, that the extension of a lawful use to any portion of a lawfully existing non-conforming building or structure shall not be deemed the extension of such non-conforming use.
- F. *Change In Use.*
 - 1. When no structural alterations are made in any building or structure devoted to a non-conforming use, the use of the building or structure may change from one use to another use permitted in the zoning district in which the non-conforming use is allowed, provided that the uses are similar to one another and the proposed use is not more intense in terms of activity, traffic generation and impacts on surrounding property. No building in which a non-conforming use has been changed to a more restrictive use shall again be devoted to a less restrictive use.
 - 2. At such time as any non-conforming use changes to a conforming use allowed in the zoning district in which the property is located, it shall not thereafter be changed backed to a non-conforming use.
- G. *Abandonment Or Discontinuance.* When a non-conforming use of land or of a building or structure is discontinued or abandoned for a period of twelve (12) consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land, building or structure shall comply with the regulations of the zoning district in which it is located.
- H. *Non-Conforming Accessory Uses.* No use which is accessory to a principal non-conforming use shall continue after such principal use ceases or terminates.

Section 400.540. Unlawful Use Not Authorized. [Ord. No. 1250 §1(705), 10-15-2002]

Nothing in this Article shall be interpreted as authority for, or approval of a continuance of the use of a structure or building in violation of the regulations in effect at the time of the effective date of this Article.

Section 400.550. Changes in Districts or Regulations. [Ord. No. 1250 §1(706), 10-15-2002]

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one district to another district of a different classification or when boundaries or districts are changed as a result of annexation of new territory or changes in the regulations or restrictions of the zoning regulations, the foregoing provisions shall also apply to any uses existing therein which may so become non-conforming.

ARTICLE VIII
Landscaping, Screening And Buffering Requirements

Section 400.560. Purpose. [Ord. No. 1250 §1(801), 10-15-2002]

The screening, buffering and landscaping requirements contained in this Article are intended to enhance the visual and environmental image of the City of Branson West through landscaping; protect and enhance property values by promoting quality living and working environments which integrate landscaping as part of the development design; reduce or mitigate the negative effects of air and noise pollution through natural plantings which absorb dust and carbon monoxide, and which screen the glare of lighting; and provide for the use of green buffers and/or structural buffers to reduce the negative impacts of potentially incompatible land uses.

Section 400.570. Applicability. [Ord. No. 1250 §1(802), 10-15-2002]

- A. The requirements of this Article shall apply to all public and private developments approved after the effective date of this Article with the following exceptions:
1. Developments that have been issued a building permit or have received final plat approval prior to the effective date of this Article shall not be subject to the landscaping, screening or buffering requirements.
 2. Individual single-family homes built on existing lots of record or lots platted after the effective date of this Article shall not be subject to the landscaping, buffering or screening requirements.
 3. Single-family subdivisions platted after the effective date of this Article shall not be subject to the landscaping requirements. However, such subdivisions may be subject to the screening and buffering requirements herein.

Section 400.580. Approval Process. [Ord. No. 1250 §1(803), 10-15-2002]

- A. No building permit shall be issued for the improvement of any site, the construction of any building, or the establishment of any use for which a landscaping plan is required until such plan has been submitted and approved by the Administrative Official.
- B. A certificate of occupancy shall not be issued for any building or structure until all screening, buffering and/or landscaping is in place in accordance with the approved landscape plan.
- C. In any case in which a certificate of occupancy is sought during a season of the year which the City determines that weather conditions make it impractical to plant trees, shrubs or other required landscaping, a temporary certificate of occupancy may be issued, provided that the applicant deposits cash in an escrow account in the amount of the estimated cost of such landscaping. Such escrow deposit shall contain the following conditions:
1. The installation of all landscaping required by the landscape plan shall be completed within six (6) months of the date of the application for the temporary certificate of occupancy.
 2. The City shall have the right to draw upon the escrow account to complete said landscaping if the applicant fails to do so.

Section 400.590. Landscape Plans. [Ord. No. 1250 §1(804), 10-15-2002]

- A. Where a site plan is required, the landscape plan may be submitted concurrently with the site plan. The Administrative Official shall review the landscape plan and shall approve it if the plan is in accordance with the requirements of this Article. If the plan is not in accord, a written statement shall be provided to the applicant setting forth the changes necessary to bring the plan into compliance.
- B. Landscape plans shall include the following information:
 - 1. The location of all trees or other vegetation to be preserved.
 - 2. The location of all plant and landscaping materials to be used, including plants, paving or other landscape features.
 - 3. The types of all plant material (canopy, understory, ornamental, evergreen, shrub, etc.) to be used.
 - 4. Common names, quantity, spacing and size of all proposed material at the time of planting.
 - 5. Location and description of other landscaping improvements, such as berms, walls, fences, screens, paved area, street furniture, etc.
 - 6. The name and address of the person responsible for preparation of the landscape plan.
- C. Wherever possible, the landscape plan shall provide for the preservation of existing trees. A landscape plan which includes the clear cutting of existing trees shall be approved only if the developer establishes through convincing evidence that the prohibition of clear cutting would substantially and unreasonably restrict his/her ability to develop the property and the development will not be economically viable unless clear cutting is permitted.

Section 400.600. Landscape Planting Standards. [Ord. No. 1250 §1(805), 10-15-2002]

- A. The following standards and criteria shall apply to landscape materials and installation.
 - 1. *Quality.* All trees and shrubs installed in conformance with this Article shall have well-developed leaders and tops, roots characteristic of the species, shall be fully branched, and shall show evidence of proper pruning. Trees installed shall be number one (1) grade. All plant materials shall be free of insects, diseases or mechanical injury.
 - 2. *Coverage.* Grass, ground cover, or other living landscape material shall be used to cover all open ground. Mulch, bark or other landscaping materials may be incorporated in the landscape plan where appropriate.
 - 3. *Maintenance.* The applicant is required to guarantee the plants for one (1) year or they must be replaced by the owner. Property owners shall maintain all trees and vegetation planted in accordance with this Article.
 - 4. *Shrubs and hedges.* Shrubs shall be a minimum of twelve (12) inches in height when measured immediately upon planting.
 - 5. *Trees.* Trees referred to in this Article shall be of a species common to or adapted to the climate and soil conditions of this area. The selection of trees should take into consideration the ease of maintenance, tolerance of City conditions, and availability from area nurseries. Caliper measurements shall be taken six (6) inches above grade. Trees shall meet the following minimum standards:

- a. Canopy trees shall be deciduous trees that typically have a minimum height of thirty (30) feet at maturity. All canopy trees shall have a caliper width of two and one-half (2½) inches at time of planting.
 - b. Understory trees shall be deciduous trees that typically have a maximum height of less than thirty (30) feet at maturity. All understory trees shall have a caliper width of one and one-half (1½) inches at time of planting and shall be a minimum of six (6) feet in height above the root ball.
 - c. Ornamental trees may be flowering or non-flowering trees. All ornamental trees shall have a caliper width of one and one-half (1½) inches at time of planting or shall be a minimum of five (5) feet in height above the root ball.
 - d. Evergreen or conifer trees typically should have a minimum height of twenty (20) feet at maturity. All evergreen trees shall be at least four (4) feet high at time of planting.
6. *Credit for existing trees.* Any existing trees preserved on a site in required bufferyards may, at the determination of the City, be credited towards meeting the bufferyard requirement of this Article. Any tree for which credit is given shall be in a condition that allows for long-term survival and shall be in a location that conforms to the intent and standards of this Article. Existing trees for which credit is given, but which subsequently die within one (1) year of issuance of certificate of occupancy, shall be replaced with the required number of living trees in accordance with the standards of this Article.

Section 400.610. Landscape Requirements — Commercial and Industrial Areas. [Ord. No. 1250 §1(806), 10-15-2002]

- A. *Applicability.* Developments within commercial and industrial districts shall be landscaped in accordance with the following requirements.
- B. *General Landscaping Requirements.*
1. All developments shall be required to plant one (1) canopy tree per one hundred (100) lineal feet of frontage along the street or streets abutting the property. Such trees shall be planted within a distance of twenty-five (25) feet of the street right-of-way. For lots with less than one hundred (100) feet of frontage, one (1) canopy tree shall be required.
 2. Required trees may be clustered to allow for the most effective use of landscaping. All other areas not covered by buildings, parking and vehicular use areas or other impermeable surfaces shall be landscaped with grass, ground cover or other appropriate landscape treatment.
- C. *Interior Parking And Vehicle Use Area Landscaping Requirements.*
1. For developments containing parking and vehicular use areas totaling more than forty (40) parking spaces, a minimum of five percent (5%) of the parking or vehicular use area shall be landscaped. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. Landscaped areas outside of the parking lot may not be used to meet interior landscaping requirements.
 2. Interior landscaped areas shall be protected from damage by vehicles through appropriate wheel stops or curbs.
 3. Interior landscaping shall contain one (1) canopy or understory tree, or two (2) ornamental trees

for each forty (40) parking spaces or fraction thereof.

4. Interior trees shall be planted within a planting island. Planting islands shall be located so as to best relieve a continuous expanse of paving. Planting islands for canopy trees shall be at least one hundred (100) square feet for each understory tree and at least two hundred (200) square feet for each canopy tree. Islands shall be dimensioned in such a way as to be suitable for planting and to prevent damage to plantings from opening car doors.
5. Areas used for parking or vehicular storage which are located under or within buildings are exempt from the requirements of this Subsection.

Section 400.620. Landscaping Requirements — Residential Areas. [Ord. No. 1250 §1(807), 10-15-2002]

Except where exempt in accordance with Section 400.570, landscaping requirements for residential uses shall be in conformance with the following table:

Residential Type	Minimum Number Canopy or Understory Trees*	Minimum Number Ornamental or Evergreen Trees*
Town houses, two-family, three-family	1 per dwelling	1 per dwelling
Multi-family dwellings	0.5 per dwelling	1 per dwelling

*Total number of trees to be located on lots and in common open space.

Section 400.630. Bufferyard Requirements. [Ord. No. 1250 §1(808), 10-15-2002]

- A. This Section establishes requirements for screening in order to minimize the negative impacts of incompatible land uses on adjoining properties. Whenever the installation of a buffer area is required, the screening requirement shall be in addition to any other applicable landscaping requirements in conformance with this Article.
- B. Screening shall be provided between uses in accordance with the following table:

Proposed Use	Adjacent Existing Use					
	Single-family	2 — 3 family town house	Multi-family	Manufactured Housing Park	Commercial	Industrial
Single-family	(B)	(B)	A	None	B	C
2 — 3 family town house	A	None	A	A	B	C
Multi-family	B	A	None	None	A	C
Manufactured housing park	B	A	A	None	A	C
Commercial	B	B	A	A	None	A

Proposed Use	Adjacent Existing Use					
	Single-family	2 — 3 family town house	Multi-family	Manufactured Housing Park	Commercial	Industrial
Industrial	C	C	C	C	A	None

(B) Buffer required when permitted non-residential uses locate adjacent to existing residential uses.

"A" Bufferyard category required. See Subsection (E) for definition and standards.

- C. The following specific uses will also be required to provide screening. Such developments shall be required to meet bufferyard "C" standards.
1. Kennels, stables, riding academies developed adjacent to residential uses; and
 2. Residential uses developed adjacent to kennels, stables, and riding academies.
- D. When there is an intervening public street with a right-of-way width of at least fifty (50) feet between two (2) zoning districts, a bufferyard in accordance with Subsection (B) shall not be required except where the backs of the buildings of the proposed use face the adjoining zoning district uses.
- E. The developer of the proposed use shall be responsible for providing the screening when required in accordance with Subsection (B) and the following standards:
1. *Bufferyard A.* This screen is intended to partially block visual contact between adjacent uses and to create a strong impression of separation of spaces. The following buffer area and plantings are required per one hundred (100) linear feet. Minimum width of bufferyard area shall be fifteen (15) feet.
 - a. One (1) canopy tree.
 - b. One (1) understory tree.
 - c. Six (6) shrubs.
 2. *Bufferyard B.* This screen is intended to provide more intensive visual block between adjacent uses and to create a stronger sense of separation of spaces. The following buffer area, plantings and/or other structural screening are required per one hundred (100) linear feet. Minimum width of bufferyard area shall be twenty-five (25) feet.
 - a. Two (2) canopy trees.
 - b. Two (2) understory trees.
 - c. Two (2) evergreen trees.
 - d. Fifteen (15) shrubs.
 - e. Six (6) foot solid wood fence, solid masonry/brick wall, or solid evergreen hedge.
 - f. As an option, the requirement for a six (6) foot fence, wall or evergreen hedge may be

replaced with a three (3) foot earthen berm with required plantings and perennial ground cover sown on the berm.

3. *Bufferyard C.* This screen is intended to provide an opaque visual screen that excludes visual contact between adjacent uses and creates a very strong impression of separation. The following buffer area, plantings and/or other structural screen are required per one hundred (100) linear feet. Minimum width of bufferyard area shall be forty (40) feet.
 - a. Three (3) canopy trees.
 - b. Three (3) understory trees.
 - c. Four (4) evergreen trees.
 - d. Fifteen (15) shrubs.
 - e. Six (6) foot solid wood fence, solid masonry/brick wall, or solid evergreen hedge.
 - f. As an option, the requirement for a six (6) foot fence, wall or evergreen hedge may be replaced with a three (3) foot earthen berm with required plantings and perennial groundcover sown on the berm.
- F. Maintenance of the bufferyard/screening shall be the responsibility of the following:
 1. The owner of the property on which the screening is located. If this option is chosen, it shall be so stated as a deed restriction placed on the property.
 2. A homeowner's association with the authority to collect dues in an amount sufficient to provide for such required maintenance. If this option is chosen, a copy of the homeowner's association bylaws must be filed with the Planning and Zoning Commission at the time of subdivision plat approval.

Section 400.640. Substitution of Smaller/Fewer Plantings. [Ord. No. 1250 §1(809), 10-15-2002]

The number and size of plantings required by this Article may be reduced upon the approval of the Administrative Official where the applicant establishes that the location of driveways, or the physical characteristics of the property would not allow the plantings required.

ARTICLE IX
Parking And Loading Area Requirements

Section 400.650. General Requirements. [Ord. No. 1250 §1(901), 10-15-2002]

- A. All developments in all districts shall provide sufficient off-street parking spaces to accommodate vehicles that are likely to be attracted to the development.
- B. All parking spaces required herein shall be located on the same lot with the principal building or use served, except as provided in this Article. If the off-street parking spaces required by this Article cannot reasonably be provided on the lot on which the principal use is located, such parking space may be provided on a lot within two hundred (200) feet of the principal use or building. The principal use shall be permitted to continue only as long as its parking requirements are met.
- C. Whenever a building constructed or a use established after the effective date of this Chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Chapter is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- D. All required off-street parking shall be provided on a paved surface impervious to water.
- E. Off-street parking facilities shall comply with the requirements of the Americans with Disabilities Act.
- F. Where fractional spaces result in computation of parking space requirements, the parking spaces required shall be computed to the nearest whole number.
- G. The parking space requirement for a use not specifically listed in this Section shall be the same as required for a use of similar nature as determined by the Commission.
- H. No motor vehicle or trailer shall be parked in the required front yard of a lot or tract of land in any residential district or a lot or tract of land used for residential purposes in any other district except in a driveway leading to a required off-street parking space.

Section 400.660. Minimum Number of Off-Street Parking Spaces Required. [Ord. No. 1250 §1(902), 10-15-2002]

Land Use	Parking Space Requirement
Residential Uses	
Single-family dwellings	2 spaces per dwelling
Two-family dwellings	2 spaces per dwelling
Multi-family dwellings	1.5 spaces per dwelling unit with ground floor entry and living space; 1 space per dwelling unit for multi-family units limited to the elderly; all other multi-family require 1 space per bedroom in each unit plus 1 additional space per unit in the development

Land Use	Parking Space Requirement
Rooming house	2 spaces, plus 1 space per bedroom
Bed and breakfast, hotel, motel	1 space for each room to be rented plus additional space for restaurant or other facilities, in accordance with other Sections of this table
Home occupations	1 space in addition to the spaces required for the residence
Commercial Uses	
Animal hospitals and veterinary clinics	1 space per 300 square feet of gross floor area
Appliance, furniture, general discount, wholesale stores	1 space per 400 square feet of gross floor area
Banks and similar institutions, including drive-up facilities	1 space per 200 square feet of gross floor area. Drive-up windows shall have 3 queuing spaces in addition to 1 space at the service window. The number of queuing spaces may be reduced by 20% for each additional window; however, at least 2 queuing spaces are required at each window
Business or professional offices, except medical offices	1 space per 300 square feet of gross floor area
Bowling alleys	1 space per 200 square feet of gross floor area.
Car wash	2 spaces for drying and cleaning purposes per stall plus two 2 reservoir spaces in front of each stall
Convenience and miscellaneous sales	1 space per 200 square feet of gross floor area. Service areas at gas pumps shall not count as parking spaces
Dry cleaners	1 space per 250 square feet of gross floor area
Funeral homes and mortuaries	1 space for every 4 seats, plus 1 space for each employee
Greenhouses	1 space per 200 square feet of gross floor area
Medical and dental offices/clinics	1 space per 250 square feet of gross floor area
Motor vehicle, manufactured home and trailer sales and rental	1 space for each 400 square feet of enclosed building floor area, plus 1 space per 3,000 square feet of open sales lot area
Open air markets	1 space per 1,000 square feet of area used for display, storage or sales
Restaurants, bars	1 space for every 3 fixed seats; 1 space for every 2 employees on the largest shift
Service stations	2 spaces for each gas pump plus 3 spaces for each grease rack
Stadiums and movie theaters	1 space for every 3 seats
Storage and parking	1 space for every 2 employees on the largest shift but not less than 1 space per 5,000 square feet of area devoted to storage (inside or outside)
Vehicle repair, body work	1 space per 200 square feet of gross floor area

Land Use

Mixed uses

Manufacturing

Salvage yards

Truck terminals

Warehouse and storage

Wholesale establishments

Institutional and Recreational Uses

Churches

Day care center

Education (pre-school and elementary
grades K — 8)

Education (grades 9 — 12)

Emergency services

Golf courses

Hospitals

Libraries, museums, art galleries

Nursing or rest homes, convalescent
centers and similar facilities**Parking Space Requirement**Spaces required shall equal the sum of the various uses
computed separately**Industrial Uses**2 spaces for each 3 employees on the largest shift and 1
space for each company vehicle

1 space per 200 square feet of gross floor area

2 spaces for each 3 employees plus 1 space for each truck
or semi-trailer kept on the premises1 space for each employee plus 1 space for each company
vehicle2 spaces for each 3 employees, plus 1 space for each 800
square feet of building floor area in excess of 4,000 square
feet, plus 1 space for each company vehicle

1 space for every 4 seats in the principal place of assembly

1 space for each employee plus 1 space for each 5 children.

1 space for each staff member and employee plus 2 spaces
per classroom1 space for each staff member and employee plus 5 spaces
per classroom

1 space per 200 square feet of gross floor area

2 spaces for each hole plus 1 space for each employee on
the maximum shift; if the course also includes a restaurant/
lounge facility add 1 space per 100 square feet of gross
floor area2 spaces per bed for inpatient care facilities and 1 space per
250 square feet of gross floor area for outpatient facilities

1 space per 300 square feet of gross floor area

1 space for each 3 beds plus 1 space for each 2 employees
on the largest shift**Section 400.670. Joint Use of Parking Facilities. [Ord. No. 1250 §1(903), 10-15-2002]**

A. Joint use of parking facilities shall be permitted subject to the following:

1. Up to fifty percent (50%) of the parking spaces required for theaters, public buildings, bowling alleys, nightclubs, cafes and up to one hundred percent (100%) of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed herein.
2. Where such parking spaces are provided collectively or used jointly by two (2) or more

buildings or establishments, the required spaces shall be located within two hundred (200) feet of any use to be served by the parking space.

3. In any case where the required parking spaces are collectively or jointly provided and used, a written agreement assuring the retention of the parking spaces for such use shall be drawn and executed by the parties concerned, approved as to form by the City, and shall be filed with the application for a building permit.

Section 400.680. Parking Space Dimensions and Design Requirements. [Ord. No. 1250 §1(904), 10-15-2002]

- A. Minimum dimensions for parking spaces according to the angle of parking shall conform to the requirements in the following table:

Parking Space Features	Parking Angle			
	45 degree	60 degree	90 degree	Parallel
Width of parking space	12 feet	10 feet	9 feet	9 feet
Length of parking space	19 feet	19 feet	19 feet	23 feet
Width of driveway aisle, one-way traffic	13 feet	18 feet	24 feet	12 feet
Width of driveway aisle, two-way traffic	21 feet	23 feet	24 feet	19 feet
Width of access driveway	18 feet	14 feet	14 feet	14 feet

- B. Parking areas shall be designed so that vehicles may exit without backing onto a public street. This requirement does not apply to driveways that provide parking space for single-family and two-family dwellings, although backing onto an arterial street is discouraged.
- C. Parking areas shall allow for reasonable access and movement by emergency, sanitation and other public service vehicles.
- D. Parking spaces in commercial, industrial, institutional and public parking lots shall be clearly marked with painted lines or dividers.

Section 400.690. Loading and Unloading Areas. [Ord. No. 1250 §1(905), 10-15-2002]

- A. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, funeral home, or any other similar use, involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain off-street loading spaces on the site in accordance with the following:
 1. Within any "C-1" zoning district, one (1) loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof.
 2. Within any "I-1" or "I-2" zoning district, one (1) loading space for each fifteen thousand (15,000) feet of gross floor area or fraction thereof.
 3. Loading space area shall have a minimum dimension of fourteen (14) feet by seventy (70) feet

with an overhead clearance of fifteen (15) feet from the street grade.

4. No area allocated to loading and unloading facilities may be used to satisfy the requirements for off-street parking, nor shall any portion of any off-street parking area be used to meet the requirements for loading and unloading.

ARTICLE X

Signs

Section 400.700. Purpose. [Ord. No. 1250 §1(1000), 10-15-2002]

This Article establishes standards for the erection and maintenance of signs in order to protect the safety of persons and property; to promote the efficient communication of information; to protect the public welfare; and to preserve and enhance the visual character and economy of the City of Branson West. Except as otherwise provided, no sign shall be erected, moved, enlarged, illuminated, or substantially altered except in accordance with the provisions of this Article.

Section 400.710. Definitions. [Ord. No. 1250 §1(1001), 10-15-2002; Ord. No. 03-2023, 7-11-2023]

Unless otherwise provided, the words and phrases defined in this Section shall have the meanings indicated when used in this Article:

BANNER SIGN — A sign made of a flexible lightweight material, not exceeding twenty-four (24) square feet in area, including "feather" signs and pennants.

SIGN — Any words, numbers, figures, devices, designs, or trademark by which anything is made known, such as are used to designate an individual, a form, profession, business, or a commodity and which are visible from any public street.

SIGN, ATTACHED — Any sign substantially and permanently attached to, applied on, structurally connected to, painted on, etched on, or supported by any part of a building.

SIGN, DETACHED (FREESTANDING) — Any sign other than an attached sign, and including any inoperable vehicle or any trailer located for the primary purpose of advertising.

SIGN, OFF-PREMISES (BILLBOARD) — A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold or offered at a location other than the premises on which said sign is located.

SIGN, ON-PREMISES — A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold or offered at the location where the sign is located.

SIGN, PORTABLE — Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported from one place to another, including, but not limited to, signs designed to be transported on wheels; menu and sandwich board signs; balloons or other inflatable figures and umbrellas used as signs.

SIGN, ROOF — Any sign erected and constructed wholly one (1) and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN, VEHICULAR — Any sign permanently attached to a motor vehicle.

Section 400.720. General Provisions. [Ord. No. 1250 §1(1002), 10-15-2002]

A. The following provisions shall apply to all signs in the City:

1. *Prohibited signs.* The following signs are specifically prohibited.

a. Signs which advertise or promote unlawful activity.

b. Signs which may be confused with a traffic control signal, sign or device, the light of an

emergency or road equipment vehicle, or any other governmental agency sign.

- c. Signs which hide from view any traffic or street sign, signal or similar traffic control or directional sign.
 - d. Portable signs, except as specifically allowed as a temporary sign in Section 400.730. Unless otherwise allowed under the provisions of this Article, all portable signs located in any district in the City of Branson West shall be removed within five hundred forty (540) days after the effective date of this Article.
2. *Sign illumination.* All illuminated signs shall be designed, constructed and located to eliminate or minimize glare. Such signs shall not increase the lighting intensity upon adjoining properties and shall not cause glare on roadways that creates a safety hazard for motorists.
 3. *Signs painted on building walls.* Signs painted on building walls are prohibited in all districts except for directional and informational signs.
 4. *Sign condition.* All signs, including supports, braces, and anchors, shall be kept in good repair. Unsafe signs in danger of falling or breaking apart shall be removed or repaired by the sign owner. All signs shall be installed and maintained in accordance with the building codes of the City of Branson West.

Section 400.730. Sign Permits. [Ord. No. 1250 §1(1003), 10-15-2002; Ord. No. 40-2007 §§1 — 2, 7-10-2007; Ord. No. 03-2023, 7-11-2023]

- A. *Sign Permits Required.* Except as otherwise provided in Subsection (B), no sign shall be erected, moved, enlarged, illuminated, or substantially altered without first obtaining a sign permit for each sign from the City. Repainting or changing the message on a sign shall not be considered a substantial alteration and shall not require a sign permit. Applications for sign permits shall be in conformity with the sign permit requirements of Article III, Administration and Review.
- B. *Signs Not Requiring A Permit.* The following signs shall not require a sign permit, but must be in conformance with all other provisions of this Article. Such signs are allowed in addition to all other signs allowed by this Article:
 1. *Address numbers and name plates.* Address numbers and unlighted name plates not exceeding three (3) square feet in area per dwelling unit or business. Such signs must be attached to the principal structure, be parallel with the wall to which it is attached, and no part of said sign may extend into any required yard setback.
 2. (Reserved)
 3. *Construction site signs.* Construction site identification signs, exceeding no more than one (1) sign per site, with such sign exceeding no more than thirty-two (32) square feet in area.
 4. *Directional signs.* Signs directing and guiding traffic on private property that do not exceed one and one-half (1½) square feet each and that contain no advertising.
 5. *Flags.* National, State, and municipal flags, or the official flag of any other public or private entity, shall be exempt from permit requirements and shall not be considered banner signs.
 6. *Governmental signs.* Signs erected by, or on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and information signs, traffic and

directional signs, or regulatory signs.

7. *Neighborhood identification signs.* Neighborhood identification signs such as a masonry wall, landscaping or other similar materials that are combined to display neighborhood identification. The message of such signs shall display only the name of the neighborhood, tract or district.
8. *Non-commercial signs.* Signs proclaiming religious, political, or other non-commercial messages that do not exceed sixteen (16) square feet in area per side of sign and that are not internally illuminated.
9. *Official signs.* Official signs of a non-commercial nature erected by public utilities.
10. *Real estate sale or lease signs.* Detached or attached, non-illuminated, temporary on-premise signs pertaining to the sale or lease of the premise. Such sign in residence districts shall not exceed twelve (12) square feet in area per side of sign. In commercial and industrial districts, such sign shall not exceed thirty-two (32) square feet in area per side of sign. Such signs shall be removed within fourteen (14) days of sale or lease of the premises.
11. *Temporary special event signs.* Temporary signs not exceeding thirty-two (32) square feet in area per side of sign, erected to advertise a special event of a civic, educational, philanthropic, religious, political or similar nature. Such signs may be erected no sooner than one (1) month before the event and shall be removed no later than fourteen (14) days after the event.
12. *Vehicular signs.* Signs painted on or permanently attached to vehicles. Vehicular signs may not contain flashing or blinking lights, nor any animation.
13. *Window signs.* Any sign, symbol, or picture designed to provide information about a business, activity, service or event that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Window signs shall not exceed fifty percent (50%) of the glass.

Section 400.740. Signs Permitted in "A-1", "R-1", "R-2" and "R-MP" Districts. [Ord. No. 1250 §1(1004), 10-15-2002]

- A. The following provisions apply to all signs in the "A-1" Agriculture District and the "R-1", "R-2" and "R-MP" residence districts:
 1. Dwellings located in the "A-1" agriculture and "R-1", "R-2" and "R-MP" residence districts may use any non-business sign as described in Section 400.730(B), but no other signs are allowed.
 2. Only on-premise signs are allowed.
 3. Each premise in an agricultural district or a "R-1", "R-2" or "R-MP" residence district containing a multi-family use, permitted non-residential use, or legal non-conforming use is allowed the following attached and detached signs:
 - a. *Attached signs.* One (1) wall sign is permitted that contains the name and logo of the business or establishment. The total area of all wall signs shall not exceed one-half ($\frac{1}{2}$) square foot per lineal foot of the wall length.
 - b. *Detached signs.* One (1) detached sign is permitted. No detached sign shall exceed sixteen (16) square feet in area per side of sign or be more than eight (8) feet in height above the street grade.

Section 400.750. Signs Permitted in "R-3" Residence Districts. [Ord. No. 1250 §1(1005), 10-15-2002]

A. The following signs are permitted in the "R-3" Multi-Family Residence District:

1. Single-family and two-family dwellings may use any non-business sign as described in Section 400.730(B), but no other signs are allowed.
2. Only on-premise signs are allowed.
3. Each premise in the "R-3" residence district containing a multi-family use, permitted non-residential use, or legal non-conforming use is allowed the following attached and detached signs:
 - a. *Attached signs.* One (1) wall sign is permitted that contains the name and logo of the business or establishment. The total effective area of all wall signs shall not exceed one (1) square foot per lineal foot of the wall length.
 - b. *Detached signs.* One (1) detached sign is permitted. No detached sign shall exceed sixteen (16) square feet in area per side of sign or be more than fifteen (15) feet in height above the street grade.

Section 400.760. Off-Premise Signs (Billboards). [Ord. No. 1250 §1(1006), 10-15-2002]

Off-premise signs (billboards) shall be permitted only in the "C-2" commercial district and in the "I-1" and "I-2" industrial districts. In no case may a single side of such sign exceed eight hundred (800) square feet in surface area. Any off-premise sign shall be located a distance of at least five hundred (500) feet from any other off-premise sign.

Section 400.770. Legal Non-Conforming Signs. [Ord. No. 1250 §1(1007), 10-15-2002]

- A. Any sign lawfully erected before the effective date of this Article, but which does not comply with the requirements and restrictions of this Article, shall be considered a legal, non-conforming sign and may be continued subject to the provisions of this Section.
- B. A non-conforming sign shall not be expanded in size or effective area, or altered in any manner so as to increase the degree of non-conformity. Illumination shall not be added to any non-conforming sign.
- C. A non-conforming sign shall not be moved or replaced except to bring the sign into complete conformance with this Article.
- D. Except for safety requirements, a non-conforming sign shall not be structurally altered so as to prolong the life of the sign. Non-conforming signs may be repaired so long as the cost of materials and labor for such work does not exceed within any twelve (12) month period fifty percent (50%) of the value (tax value if listed for tax purposes) of the sign.
- E. If a non-conforming sign is destroyed, it may not be repaired, reconstructed or replaced except in conformity with the provisions of this Article. A non-conforming sign is considered "destroyed" if damaged to an extent where the cost of materials and labor to restore the sign or replace it with an equivalent sign exceeds seventy-five percent (75%) of the value (tax value if listed for tax purposes) of the damaged sign.
- F. Abandoned or discontinued non-conforming signs shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having

control over the sign. A sign shall be considered abandoned or discontinued if:

1. For a period of six (6) consecutive months the sign advertises a service, product or activity that is no longer operating, being conducted or offered.
2. For a period of twelve (12) consecutive months the sign is blank or is maintained without an advertising message. For purposes of this Section, a sign is considered blank if:
 - a. The advertising message displayed becomes illegible in whole or substantial part.
 - b. The message on the sign contains no advertising other than the name, address, telephone number or other identification of the sign owner or message intended solely to advertise the sign for rent or sale.

Section 400.780. Calculating Sign Surface Area. [Ord. No. 1250 §1(1008), 10-15-2002; Ord. No. 03-2023, 7-11-2023]

- A. For the purpose of calculating the number of signs and surface area of signs in accordance with the provisions of this Article, the following shall apply:
1. A sign shall be considered a single display containing elements related, organized and composed to form a unit. Where information is displayed in a random manner without any organized relationship, each element shall be considered a single sign.
 2. Two-sided and multi-sided signs shall be considered as one (1) sign, provided that:
 - a. The distance between the backs of each face of a two-sided sign does not exceed three (3) feet.
 - b. The distance between the backs of a "V" (multi-sided) type sign does not exceed five (5) feet.
 3. The sign surface area shall be calculated by adding the entire area within a single, continuous perimeter, enclosing the writing, emblem or other display, together with the material forming the background of the sign, but excluding supporting framework or bracing that is incidental to the sign. If a sign consists of more than one (1) section or unit, all of the area, including the spacing between units, shall be included in the calculation of the sign surface area.
 4. The sign surface area of two-sided or multi-sided signs shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one (1) time from one (1) vantage point. The following shall apply:
 - a. The surface area of a two-sided, back-to-back sign shall be calculated by totaling the area of only one (1) side of the sign, as long as the distance between the backs of the signs does not exceed three (3) feet.
 - b. The surface area of a double-faced sign constructed in the form of a "V" shall be calculated by totaling the area of the largest side, as long as the angle of the "V" does not exceed thirty degrees (30°) and the distance between the backs of the signs does not exceed five (5) feet.
 - c. The area of banner signs that are not rectangular shall be computed by measuring the area of a rectangle that is as wide as the maximum width of the sign and as long as the maximum length of the sign, disregarding poles and ropes or other attachments.

Section 400.790. Sight Triangles. [Ord. No. 1250 §1(1009), 10-15-2002]

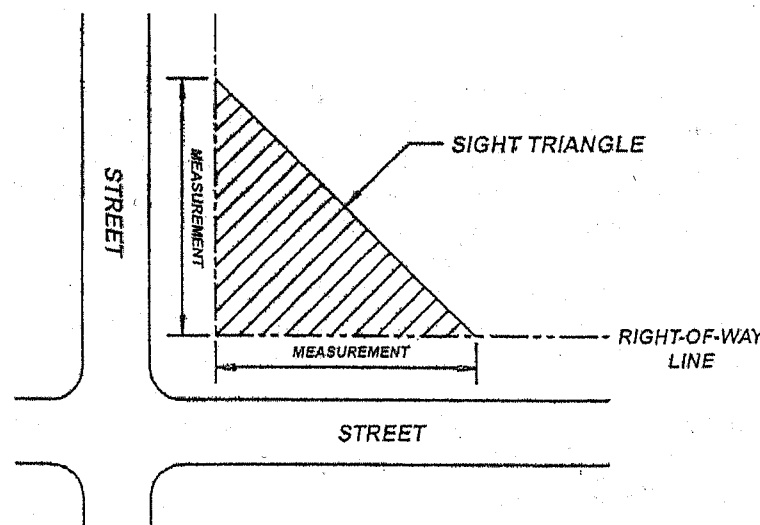
- A. *Signs At Street Intersections.* Street intersection sight triangles shall reflect the street classification as established in the Branson West Comprehensive Plan. Minimum requirements for sight triangles shall be in accordance with the following table. The sight triangle shall be measured along the right-of-way as illustrated in Figure 1009.1. The City may require additional triangle area for clear sight and safety as may be warranted by special condition or the recommendation of the Administrative Official.

Signs may be erected in the street intersection sight triangles. However, any such sign must be at least ten (10) feet above street grade except for supports, which may not exceed one (1) foot in width or diameter or be spaced less than ten (10) feet apart from any other stationary object.

Street Sight Triangle Requirements			
Intersecting Street	Highway and Arterial	Collector	Local Residential
Highway and arterial	A	B	B
Collector	B	C	C
Local residential	B	C	C

Key:
A: 100 feet by 100 feet sight triangle
B: 30 feet by 30 feet sight triangle
C: 10 feet by 10 feet sight triangle

Figure 1009.1 Sight Triangles for Street Intersections



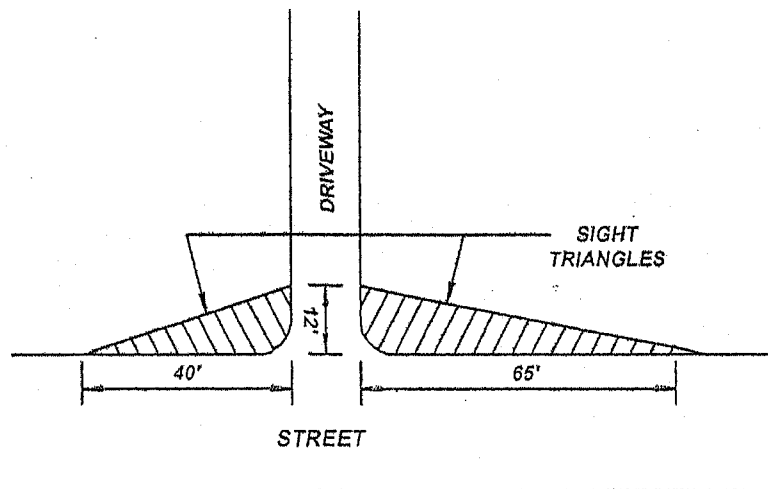
- B. *Signs At Street/Driveway Intersections.*

- Signs may be erected in the street/driveway sight triangles. However, any such sign shall be at least ten (10) feet above street grade except for supports, which may not exceed one (1) foot in width or diameter or be spaced less than ten (10) feet apart from any other stationary object.

2. Figure 1009.2 illustrates the measurement of a street/driveway sight triangle. A street/driveway sight triangle shall be measured as follows:

A triangle formed by the intersection of a public street and a driveway where the triangle area is that area encompassed within two (2) intersecting lines formed by the edge of the pavement, curb, roadway, or projection thereof and extending forty (40) feet down the street from the right edge of the driveway when standing in the driveway facing the street, and extending twelve (12) feet from the edge of the street extending up the driveway pavement, and a third (3rd) imaginary line connecting the other two (2) lines without overlaying the pavement. On the left side of the driveway, the triangle is determined by measuring sixty-five (65) feet down the street pavement from the edge of the driveway and measuring twelve (12) feet down the driveway pavement from the edge of the street, and an imaginary third (3rd) line connecting the other two (2) lines without overlaying the pavement.

Figure 1009.2 Sight Triangles for Street/Driveway Intersections



Section 400.800. Location, Setback and Height Requirements. [Ord. No. 1250 §1(1010), 10-15-2002; Ord. No. 03-2023, 7-11-2023]

- A. No sign or supporting structure, other than a government sign, shall be located in or over any public property or right-of-way, unless the sign is attached to a structural element of a building and permission has been obtained from the City.
- B. Wall signs attached to a building shall not extend past the edge of the wall. A wall sign is a sign in a parallel plane to and attached upon a structure's wall.
- C. Projecting signs shall have a minimum clearance of ten (10) feet above the highest level of the ground under the sign at the sign's lowest point. A projecting sign is a sign that is attached to and projects from the building surface or face.
- D. Freestanding signs shall meet the minimum setback requirements as established in the following

table:

Street Classification	Minimum Setback
Highway and arterial	15 feet
Collector	10 feet
Local residential	10 feet

- E. Banner signs may be displayed only during the business hours of the business being advertised for a duration not more than sixty (60) days per calendar year per permit in increments of not less than three (3) days. Any portion of a day that a banner sign is displayed shall count as a full day. A permit shall be tied to a particular business location. No more than two (2) banner signs shall be displayed at the same time for the same permit holder, and banner signs may not be closer than fifty (50) feet to one another, including banner signs on adjacent properties for other businesses.

Section 400.810. Sign Permits and Inspection. [Ord. No. 1250 §1(1011), 10-15-2002]

Except as otherwise provided in this Article, no sign shall be erected, moved, enlarged, illuminated, or substantially altered without first obtaining a sign permit for each sign in conformance with the requirements of Article III, Administration and Review. Repainting or changing the message on a sign shall not be considered a substantial alteration and shall not require a sign permit.

ARTICLE XI
Design Standards For Public Improvements

PART 1
General Requirements

Section 400.820. Short Title. [Ord. No. 1250, 10-15-2002]

This Article shall be known and may be cited as the City of Branson West Design Standards for Public Improvements.

Section 400.830. Purpose. [Ord. No. 1250, 10-15-2002]

- A. The regulations and provisions contained in the City of Branson West Design Standards for Public Improvements are adopted for the following purposes:
1. To protect and provide for the public health, safety and general welfare of the City of Branson West, Missouri.
 2. To provide for adequate transportation and circulation throughout the City of Branson West and to ensure the adequate provision of water, sewer and other public utilities and services.
 3. To prevent the pollution of water resources, to protect from flooding and other dangers and to ensure the adequacy of drainage facilities.
 4. To preserve and protect the value of land and buildings through minimizing land development conflicts and encouraging reasonable standards of subdivision design and the provision of public improvements.

Section 400.840. Jurisdiction. [Ord. No. 1250, 10-15-2002]

This Article shall apply to all land and infrastructure improvements within the corporate boundaries of the City of Branson West, Missouri, and such other areas outside the corporate boundaries which may contract with the City of Branson West for the provision of services.

Section 400.850. Effective Date. [Ord. No. 1250, 10-15-2002]

This Article shall be in full force and effect from and after passage.

Section 400.860. Interpretations, Conflict And Separability. [Ord. No. 1250, 10-15-2002]

- A. The provisions of this Article shall be considered to be the minimum requirements for the protection of the public health, safety, and general welfare. Where conditions imposed by any provision of this Article are either more restrictive or less restrictive than conditions imposed by any other provision of this Article or other applicable law, ordinance, rule or regulation, the regulations which are more restrictive and which impose a higher standard shall govern.
- B. The provisions of this Article are separable. If any section, sentence, clause or phrase of this Article is for any reason held to be invalid by a court of competent jurisdiction, the decision shall not affect the remaining portions of this Article. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Article to a particular property, such judgment shall not affect the application of said provision to any other property.
- C. The developer has full responsibility for ensuring that all requirements of these Regulations are met.

Section 400.870. Appeals. [Ord. No. 1250, 10-15-2002]

Where disagreements may arise over the interpretation of the requirements set forth herein by the applicant, appeals may be made to the Branson West Board of Aldermen upon written request, in accordance with the requirements of the City of Branson West Subdivision Regulations.

Section 400.880. Variances. [Ord. No. 1250, 10-15-2002]

In the event that compliance with the standards and criteria set forth herein is not practical or feasible, and that reasonable alternative measures can be proposed, application for a variance can be made. Requests for variances shall be made in writing and shall be considered in accordance with the procedures set forth in the City of Branson West Subdivision Regulations.

Section 400.890. Engineering Drawing Standards. [Ord. No. 1250, 10-15-2002]

- A. All engineering drawings shall be of uniform size twenty-four (24) by thirty-six (36) inches. Consultants shall have their own title block. The registration seal of the responsible engineer shall be placed in a convenient place on each sheet of plans.
- B. Whenever possible, engineering design plans and profiles shall be drawn to a standard scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical. Drainage area maps, construction details and cross section or contour maps shall be drawn to a suitable scale.
- C. Elevations on profiles and sections or as indicated on plans shall be U.S.G.S. datum. At least three (3) permanent bench marks in the vicinity of each project shall be noted on the first drawing of each project and their location and elevation shall be clearly defined.
- D. The top of each plan shall be either north or east, and a north arrow should be used. The stationing on street plans and profiles may be either from the left to right or from right to left, but on drainage plans the stationing shall always begin at the low point.
- E. When more than one (1) drawing is involved in one (1) project, an overlap of not less than one hundred (100) feet should be provided. Each project shall show at least fifty (50) feet of topography on each side. All existing topography and any proposed changes, including utilities, telephone installations and so forth shall be shown on the plans and profile.
- F. Revisions to drawings shall be indicated above the title block and shall show the nature of the revision and the date made.
- G. Plans shall make consistent use of standard symbols throughout the plan set. The cover sheet shall include a legend of all symbols used. Symbols shall not duplicate and shall be clear on their indication. Topography for which symbols are not standardized shall be indicated and named on plans and profiles. In utilizing symbols for engineering design plans, all existing utilities, telephone installations, storm sewers, pavements, curbs, inlets and culverts and so forth shall be shown with a broken line; proposed facilities with a solid line; land, lot, and property lines to be shown with a slightly lighter solid line. Easements shall be shown and, if known, the book and page number of the recording.
- H. It shall be understood that the requirements outlined in these standards are only minimum requirements. When unusual subsoil or drainage conditions are suspected, an investigation should be made and a special design prepared in line with good engineering practice.
- I. Each plan should indicate the owner or subdivider for whom improvements are to be constructed.

J. Lot lines and dimensions shall be shown where applicable.

Section 400.900. Submission Of Engineering Design Plans. [Ord. No. 1250, 10-15-2002]

Three (3) sets of the engineering design plans shall be submitted to the City. After approval by the City, one (1) set of the engineering design plans will be retained by the contractor on the job site.

Section 400.910. Pre-Construction Conference. [Ord. No. 1250, 10-15-2002]

Prior to the commencement of any construction or installation of any infrastructure improvements required pursuant to the provisions of the City of Branson West Subdivision Regulations, the Branson West Zoning Regulations, or this Article, a pre-construction conference shall be held with the developer, the contractor(s) responsible for installation of the infrastructure improvement, the City Administrator, the City Engineer or other such City personnel as so deemed necessary by the City. The developer or developer's agent shall be responsible for contacting the City to schedule the pre-construction conference. The City shall notify the parties of the date, time and place of the pre-construction conference. The pre-construction conference shall be held to ensure that all applicable provisions of this Article or other applicable law, rule, or regulation have or will be met, that all applicable permits have been obtained, and that any questions regarding the scheduling of construction and installation of improvements are resolved.

Section 400.920. Inspection Requirements. [Ord. No. 1250, 10-15-2002]

- A. Periodic inspections shall be required during construction work. These inspection requirements are outlined in the individual standards for streets, sidewalks, drainage or other public improvements.
- B. The developer shall provide inspection services for all improvements that will be dedicated to the City of Branson West and all storm water facilities improvements. Inspections shall be performed by or under the direct supervision of the developer's engineer who shall be registered in the State of Missouri. Inspections shall be of sufficient frequency to enable the developer's engineer to provide to the City of Branson West a sealed certification that the improvements were constructed in accordance with the approved engineering design plans, or in accordance with approved As-Built plans.
- C. The developer shall also submit copies of field inspection reports and testing results in sufficient detail to record the history of the entire installation, testing and deviations from the approved engineering design plans. These reports shall bear the seal of an engineer registered in the State of Missouri.
- D. These inspections, reports and certifications shall be the financial responsibility of the developer. In no case shall the presence of City personnel during any part of the construction and testing constitute acceptance by the City of Branson West or a substitute for on-site observation by the developer's engineer.
- E. Unless otherwise specified in any of the regulations contained in this Article, the developer shall notify the City a minimum of twenty-four (24) hours prior to any testing of public improvements. If the City requests to be present during any phase of construction and testing and is not notified by the developer, the developer shall uncover concealed work or retest any materials or systems for the City's personnel to observe.
- F. The developer shall deliver three (3) sets of As-Built plans to the City. These plans shall include all improvements that will be dedicated to the City and all storm water facilities improvements. The developer shall also submit these drawings in an electronic format acceptable to the City.

PART 2
Sanitary Sewer Systems

Section 400.930. General Requirements. [Ord. No. 1250, 10-15-2002]

- A. All development shall be provided with an approved system for wastewater disposal in accordance with this Article and subsequent Sections of this Part.
- B. All sanitary sewer installations, extensions, pump stations, appurtenances, and all collection and treatment systems shall be designed and constructed in accordance with the most current regulations of the Missouri Department of Natural Resources' rules, regulations, and Statutes of the State of Missouri.

Section 400.940. Materials. [Ord. No. 1250, 10-15-2002]

- A. Gravity Sewer Pipe. Gravity Sewer Pipe shall be PVC pipe conforming to the following specifications:

- 1. PVC pipe shall be solid wall meeting the requirements of ASTM D3034, latest revision, with wall thickness SDR35 for sizes eight (8) inches through fifteen (15) inches; and meeting ASTM F-679 for eighteen (18) inches and larger. Pipe shall be extruded with one (1) end to serve as a spigot end and the other as a bell end, with a gasket groove molded inside for retention of a rubber gasket used in making the joint. Standard laying lengths shall be twelve and one-half (12.5) feet or twenty (20) feet.

- a. Drop Impact Test. Pipe shall withstand, without failure at seventy-three degrees Fahrenheit (73° F.), an impact of a falling missile (twenty (20) pounds Tup A) at the following levels, in accordance with ASTM D2444 latest revision:

Nom. Size in Inches	Ft-Lbs.
8	210
10	220
12	220
15	220

- b. Pipe Stiffness. Minimum pipe stiffness (F/deltaSD-y) at five percent (5%) deflection shall be forty-six (46) PSI for all sizes when tested in accordance with ASTM D2412, latest revision.
- c. Flattening. There shall be no evidence of splitting, cracking, or breaking when a specimen of pipe, six-inches long, is flattened between parallel plates in a suitable press until the distance between the plates is forty percent (40%) of the outside diameter of the pipe. The rate of loading shall be uniform and such that the compression is completed within two to five minutes.
- 2. Minimum Pipe Diameter. All gravity sewer mains shall have a minimum diameter of eight (8) inches.

- B. Pressure Sewer Pipe. Pipe for pressure sewers shall be either PVC or ductile iron.

1. PVC pipe for pressure sewer lines shall be solid wall meeting the requirements of ASTM D2241, latest revision, with wall thickness SDR 21 (Class 200). Pipe shall have an integral bell with a locked-in, solid cross section elastomeric gasket that meets the requirements of ASTM F477, latest revision. Provisions must be made for contraction and expansion at each rubber ring bell and spigot joint. Pipe shall be made from clean, virgin, NSF approved PVC material conforming to ASTM D1784, latest revision.
 - a. SDR 21 pipe shall be suitable for use at maximum hydrostatic pressures of two hundred (200) PSI at seventy-three degrees Fahrenheit (73° F.)
 - b. Physical And Chemical Tests. Pipe shall meet the following physical and chemical test requirements. All physical and chemical tests shall be conducted at seventy-three degrees Fahrenheit (73° F.) \pm three and six-tenths degrees Fahrenheit (3.6° F.)

Test	ASTM Ref.	Requirements
Quick Burst Test	D1599	630 PSI applied in 60 to 70 sec.
Sustained Pressure Test	D1598	1,000 hrs. @ 420 PSI
Acetone Immersion Test	D2152	No visible spalling or cracking after 20 minutes
Vise Test	—	No splitting or shattering when compressed 60% in 2 to 5 minutes

2. Ductile iron pipe for pressure sewer lines shall be pressure class 350 and shall conform to the latest revision of ANSI A21.51 - (AWWA C151) Standard for Ductile Iron Pipe Centrifugally Cast in Metal Molds or Sand Lined Molds, for Water or Other Liquids. The pipe shall be standard asphaltic varnish coated on the outside. Pipe shall be cement mortar lined in conformance with ANSI A21.4-90 - (AWWA C104) unless specified otherwise.
 - a. Joints for ductile iron pipe that is to be buried shall be a push-on type. The push-on type joints consisting of a single neoprene gasket, which are acceptable, are "Tyton" as manufactured and licensed by the U.S. Pipe and Foundry Company; "Fastite" as manufactured and licensed by the American Cast Iron Pipe Company; and "Bell-Tite" as manufactured and licensed by James B. Clow and Son, Inc. All required joint material, including the neoprene gasket and the lubricant, shall be furnished with the pipe.
- C. Pressure Sewer Fittings. Fittings for pressure sewer lines larger than four (4) inches in diameter shall be mechanical joint of either gray iron or ductile iron, and shall conform to the requirements of ANSI/AWWA C110/A21.10-93 or C153/A21.53-94. All fittings shall be coated and lined in the same manner as the pipe. All mechanical fittings shall be pressure class 350 ductile iron. Fittings shall be standard asphaltic varnish coated on the outside. Fittings shall be cement mortar lined in conformance with ANSI A21.4-80 (AWWA C104). Mechanical joint and push-on joint gaskets shall meet all applicable requirements of ANSI 21.11-85 (AWWA C111).
 1. Fittings for pressure sewer lines four (4) inches in diameter and smaller shall be of the same material as that of pipe.
- D. Precast Manholes And Manhole Drops.
 1. Materials.

- a. Portland Cement. Shall conform to ASTM C150, latest revision, Type I, II, or V.
 - b. Concrete Reinforcement. Shall be reinforcing bars conforming to ASTM 615, Grade 60.
 - c. Aggregate. Shall conform to ASTM C33, latest revision, for coarse and fine aggregate.
 - d. Mortar. Shall conform to ASTM C270, latest revision, Type M.
 - e. Water. Mixing water shall be clean and potable.
 - f. Dampproofing. Shall conform to Koppers Specifications for Coal Tar Bitumastic Super Service Black or an approved alternate.
 - g. Joint Sealant. Shall meet AASHTO Specification M-198, and shall be suitable for application in vertical and horizontal joints. Sealant shall be as manufactured by Hamilton-Kent, Ram-Nek, or approved equal.
 - h. Manhole Pipe Connectors. Shall be a resilient connector designed to make a watertight seal between the precast manhole and sewer pipe, conforming to the requirements of ASTM C923, latest revision. Connectors shall be SD-LOK, as manufactured by SD-LOK Products, Inc., or approved equal.
 - i. Grout. Grout shall be a pre-mixed, packaged, non-ferrous, aggregate non-shrink grout. Grout shall be SEALTIGHT 588 Grout, as produced by W.R. Meadows, or approved equal.
 - j. Manhole Castings. All castings shall be made of clean, even grain, tough gray cast iron. The casting shall be smooth, true to pattern, and free from projections, sand holes, warp, and other defects that would interfere with the use of, or impair the serviceability of the casting. All castings shall be well cleaned before enamel coating is applied. The iron used for these castings shall conform to ASTM A48, latest revision, for Class 30 gray iron. The "B" test bar (one and two-tenths (1.2) inches diameter by twenty-one inches (21) long) shall be used to prove the quality of iron used. Manhole frames and covers shall be designed for heavy duty service. Cover shall be solid with two (2) pick holes and the total weight of the unit shall be four hundred (400) pounds minimum.
 - k. Manhole Steps. Manhole steps shall be copolymer polypropylene plastic steps with one-half (1/2) inch grade 60 steel reinforcement as manufactured by M.A. Industries, Inc., Model PSI-PF, or polyethylene steps with three-fourth (3/4) inch O.D. 6351-T6 aluminum tubing as manufactured by MSU Mississauga Ltd., Model 360, or approved equal.
 - l. Manhole Drops. Shall be provided for a sewer entering a manhole twenty-four (24) inches or more above the manhole invert. Type A drops, constructed of SDR-35 PVC pipe, shall be provided for all drops of two feet up to eight (8) feet. Type B drops, constructed of Class 50 ductile iron pipe, shall be provided for all drops greater than eight (8) feet.
2. Fabrication And Construction Requirements.
 - a. Fabrication And Manufacturing. Precast reinforced concrete manholes shall be manufactured to requirements of ASTM C478, latest revision and shall be of the type, size, and configuration shown on the drawings. Manhole tops shall be of the eccentric type. The minimum allowable wall thickness shall be determined by the manhole depth as below:

Manhole Depth	Minimum Wall Thickness
0 to 16 feet	1/12 of internal diameter
16 feet or greater	1/12 of internal diameter + 1"

Minimum internal diameter of any manhole section shall be four (4) feet. Dampproofing shall be factory applied on all interior and exterior surfaces except to the interior surface of the bottom section. Dampproofing shall be field applied to the interior surface of the bottom section after base and fillet have been placed. Dampproofing system shall be Koppers Coal Tar Bitumastic Super Service Black or an approved alternate, applied to manufacturer's specifications. Two (2) coats, each of minimum fourteen (14) mils dry thickness, shall be applied. A seventy-five-volt maximum wet sponge detector shall be employed to check for holidays in the dried finish film. Manhole access opening shall be twenty-two (22) inches diameter, minimum.

b. Construction.

- (1) Joints in the precast concrete manhole shall be set in a pre-molded mastic material or a rubber gasket to produce an absolutely watertight joint under full hydrostatic head conditions.
- (2) Bases shall be six (6) inches thick precast flat bases, with inverts constructed in the field, or shall be a precast bottom with precast integral bottom.
- (3) Precast riser sections shall be set plumb and oriented with manhole steps and access opening to match the detailed drawings designations.
- (4) Inlet and outlet pipes shall extend through the walls of the structures a sufficient distance beyond the outside surface to allow for connections, and shall extend six (6) inches beyond the inside surface of the wall. The new manhole shall be cleaned of silt, debris, or other foreign matter prior to acceptance.
- (5) Openings in manhole sections for inlet and outlet pipes shall be formed at the factory, and shall utilize cast-in-place manhole pipe connector gaskets.
- (6) Invert channels shall be smooth and semi-circular in shape conforming to the inside of the adjacent pipe line sections with change in flow direction made by a smooth curve of as large a radius as the manhole size will permit, and changes in the size and grade of the channels being made gradually and evenly. Manhole floor shall rise a minimum of one (1) inch per foot from side of channel to wall.
- (7) All lifting holes shall be thoroughly wetted and completely filled with non-shrinking grout to form a watertight seal.
- (8) All castings, frames, and covers shall be set true to line and to correct elevation upon a mastic gasket. Frames and covers shall have true common bearing surfaces, such that the covers will seat firmly without rocking or shifting.
- (9) Manholes shall not leak more than one and fourteen-hundredths (1.14) gallons per day per vertical foot of manhole under a full hydrostatic head.

- (10) The drop pipe in manhole drops shall be constructed using standard pipe sections and fittings to enter at the bottom of the manhole and also continue the incoming line in a straight line to enter the manhole at a higher elevation, all as shown on the detailed drawings.
3. Inspection And Rejection. The quality of materials, the process of manufacture, and the finished manhole sections shall be subject to inspection and approval by the City. Manhole sections shall be subject to rejection for failure to conform to any of the specified requirements. In addition, individual sections may be rejected because of any of the following:
- Fractures or cracks passing through the wall.
 - Defects that indicate imperfect proportioning, mixing, and molding.
 - Surface defects indicating honeycombed or open texture.
 - Damaged or cracked ends where such damage would prevent making a satisfactory joint.
 - Any continuous crack having a surface width of one-hundredths (0.01) inch or more and extending for a length of four (4) inches or more.

E. Pipe Bedding Material.

1. Granular Stone. Granular stone pipe bedding material shall be crushed limestone consisting of aggregate particles meeting the requirements of ASTM C-33, latest revision, gradation 67, one (1) inch to No. 8 size as follows:

Sieve Size	Percent Passing
1"	100
3/4"	90-100
3/8"	20-55
No. 4	0-10
No. 8	0-5

- F. Steel Casing Pipe. Steel pipe for casing at highway and railroad crossings shall conform to AWWA C200-91.

Section 400.950. Installation Procedures. [Ord. No. 1250, 10-15-2002]

A. Trenching, Bedding, Backfilling, And Compacting.

1. Materials.
- Earth Backfill. Earth backfill shall be earth previously excavated from the trench, free from perishable matter, frozen soil, stone over four (4) inches in its largest dimension, and other matter liable to become unstable when saturated with water and compacted.
 - Select Backfill. Where previously excavated earth is determined to be unsuitable for backfill, suitable material from an approved source shall be obtained.

2. Construction.

a. Trench Excavation (Gravity Sewer Lines).

- (1) All trench excavation shall be made with a sufficient working space to permit the placement, inspection, and completion of all work contemplated in the contract. Excavated material that is unsuitable for backfill, and all boulders exposed by trenching shall be removed from the work area. Trenches shall be excavated in accordance with the standard detail for trench width relative to trench depth.
- (2) Trenches shall be excavated to six (6) inches below established flow lines to provide clearance for the pipe bell and not less than four (4) inches of granular stone bedding material. Should the trench be excavated more than six (6) inches below the flowline, only granular stone bedding material shall be used to establish flow line grade.
- (3) In all cases, trench excavation shall be continuous from the ground surface to the established trench depth. Materials excavated shall be stockpiled at the sides of the trench and within established area limits to minimize inconvenience to the public, and damage to vegetation and structures in the area.
- (4) When unstable ground is encountered, the trenching shall be carried out utilizing trench shoring, bracing, and shields to prevent cave-ins.
- (5) Trench width from six (6) inches below the bottom of the pipe to six (6) inches above the pipe joint shall be held to twenty-four (24) inches minimum, or one and four-tenths (1.4) times the pipe O.D., plus twelve (12) inches. Trench width above these levels may be wider to accommodate shoring, bracing, and shields, but shall be kept within practical limits.

b. Trench Excavation (Pressure Sewer Lines).

- (1) Trench Depth. Trenches shall be cut as deep as necessary on either side of natural depressions, ditches, waterways, etc., to provide for not less than thirty-six (36) inches of cover over the top of the pipe. Depth of cover shall be measured from the outside top of the pipe vertically to the original ground surface or pavement surface. Mounding over the trench to attain the specified cover shall not be permitted. Trenches shall be cut to prevent high spots that could lead to "air binding" of the line. Trenches shall be excavated to four (4) inches below the bottom of the pipe to provide clearance for not less than four (4) inches of pipe bedding material. The maximum degree of deflection, either vertical or horizontal, shall not cause a pipe joint's annular clearance in the bell to be less than one-fourth (1/4) inch at its closest point. In case the trench be excavated at any place more than four (4) inches below grade, it shall be filled to the design grade with approved bedding material. In all cases, trench excavation shall be continuous from the ground surface to the established trench depth. Gutters and ditches shall be kept clear, or other satisfactory provisions shall be made to facilitate drainage. Ground adjacent to a trench shall be graded to prevent water from flowing into the trench. Provisions shall be made for the continuous flow of all waterways, ditches, drains, or sewers encountered during construction. All ditches and waterways shall be restored to their original conditions as soon as possible.
- (2) Trench Width. The width of the trench, as dug, from the trench bottom to the top of

the pipe, shall not exceed the outside diameter of the pipe bell or socket plus twelve (12) inches, or twenty-four (24) inches, whichever is greater. Trench width above the top of the pipe shall be as required by field conditions to prevent sliding and caving of the excavation.

3. **Sheeting, Shoring, Or Bracing.** Sheeting, shoring, or bracing shall be placed wherever necessary for the proper preserving of any excavation, embankment, or structure. Where the ground is of such a character or other conditions are such as to render it necessary, the sheeting shall be closely driven and to such depth below the lowest point of the final excavation as may be required. Shore up, protect, and insure from injury all buildings, retaining walls, piers and footings, storm sewers, sanitary sewers, gas lines, water lines, fences, curbs, trees, or other property liable to be injured during the process of the work. Sheeting, shoring, and bracing shall be provided, installed, and maintained to protect the excavation and insure open trench operations.
4. **Placement Of Bedding Material.**
 - a. **Granular Stone Pipe Bedding.** Granular stone shall be placed in the trench and shaped to provide uniform support for the bottom quadrant of the pipe barrel. The bedding shall be not less than four (4) inches in thickness. Following placement of the pipe, the trench shall be filled with granular stone bedding material to a minimum compacted depth of six (6) inches above the pipe barrel.
5. **Backfilling.** Material used for backfilling of trenches shall be free from perishable matter and from other material liable to become unstable when saturated with water after having been compacted. No frozen material shall be used in backfill. Care shall be taken to prevent damage to the pipe and structures. Special precautions shall be taken in backfilling over pipes. No backfill shall be placed over any portion of pipes and/or joints not inspected by the City Engineer. The bedding material shall be brought to a depth of at least six (6) inches over the top of the pipe bell, with this material carefully deposited in uniform layers not exceeding six (6) inches in depth, and each layer carefully and solidly tamped with mechanical tampers in such a manner as to avoid damage to pipe or disturbing completed work. Unless noted otherwise on the drawings, backfilling for the remainder of the trench shall be previously excavated gravel, sand, or earth, and shall contain no stone over four (1) inches in its largest dimensions. Stones smaller than that size may be used in proportion not exceeding one (1) part of stone and three (3) parts of earth in any place. This backfilling shall be deposited and spread in layers and solidly tamped. Except as specified for roadway crossings, trench backfill shall be compacted to eighty percent (80%) of the maximum density at optimum moisture. As the trenches are backfilled, remove all surplus material and regrade the surface, leaving it in good order. The trenches shall be filled to the ground surface elevation which previously existed.
6. **New Manhole Over An Existing Line.** Construction of a new manhole over an existing line shall be accomplished by blocking or plugging flow from the first manhole upstream of the proposed manhole location, removing two (2) joints from the existing sewer at the location of the new manhole, installing the new manhole, and replacing the removed joints of sewer pipe. This procedure will enable the new manhole to be fabricated with flexible pipe connector gaskets. Temporary pumping of flow from the plugged upstream manhole to the downstream manhole shall be provided by the Contractor as necessary, to prevent raw sewage discharges.
7. **Connections To Existing Manholes.** Existing manholes used for connecting new sewer lines to the existing sewerage system will have the invert chipped out and grouted back with non-shrink

grout as required to facilitate the uninterrupted sewage flow from the new connection. All new pipe to existing manhole connections shall be made with flexible connector gaskets, such as INSERTSD-LOK connectors, as manufactured by SD-LOK Products, Inc. Upon completion of the new connection, the entire manhole shall be vacuum tested in accordance with Section 102-3 TESTING.

8. Aerial Crossings. If permitted, aerial crossings shall comply in all respects with 10 CSR 20-8.120 (10) of DNR's Design Guide for Waste Treatment Design.

B. Installation.

1. Pipe Installation.

- a. General. Only workers competent at laying pipe shall be employed on this phase of the work, and complete suitable equipment necessary for the execution of same is required. Any incompetency observed must be removed, and where improper equipment or lack of same appears to be impairing the quality or speed of the work, such adjustment in same shall be made.
- b. Handling Of Materials. The pipe, fittings and valves shall be placed in the trench with care. Under no circumstances shall pipe or other materials be dropped or dumped into the trench. If plastic pipe is used, the pipe shall be snaked into the trench, either employing the natural snaking tendency of some plastic pipe or the pipe shall be laid from one (1) side to the other on alternate lengths.
- c. Pipe Cleaning During Laying Operations. The pipe, if furnished from the factory with dust covers over the ends, shall be examined carefully during laying operations to insure that such covers are not lost inside the pipe. At the termination of pipe laying, the open end of the pipeline shall be closed off by a suitable cover until laying operations are resumed. No pipe shall be placed in the trench unless it is intended to make the joint to the pipeline at that time.
- d. Inspection Of Materials During Construction. Any materials not meeting the specifications, or obviously faulty material, shall be rejected and removed from the job site.
- e. Joining Pipe. In joining sections of pipe, the installer shall use good working practices. All pipe ends shall be cleaned thoroughly inside and out before application of lubricant. The recommendations of the manufacturer of the pipe shall be followed closely in joining this type of pipe. Care shall be taken in lowering pipe into the trench in order that a tensile stress is not created that would cause partial or complete separation of the joints. Concrete thrust blocks shall be installed on pressure sewer line construction at all bends, tees, crosses, and reducers.
- f. Breaks In Pipe And Joints. Breaks in the pipe or joints shall be repaired.
- g. Slope And Alignment. Gravity sewers shall be laid with uniform slope between manholes. Gravity sewer lines twenty-four (24) inches in diameter or less shall be laid with straight alignment between manholes. Alignment shall be checked by laser beam or lamping.
- h. Bedding Of Plastic Pipe. The Contractor shall bed the pipe in accordance with the requirements of Section 203-1, Trenching, Backfilling, and Compacting.

- i. **Avoidance Of Unnecessary Bends.** Excessive bends in the alignment of pressure sewer lines will not be permitted. Where obviously required, sweep ells shall be used in making connections between two (2) sections having differing alignment. Standard ninety degree (90°) elbows are not to be used, except in confined locations.
 2. **Anchorage Of Pressure Sewer Line Bends, Tees, And Plugs.** All tees, plugs, caps, and bends exceeding twenty-two and one-half (22-1/2)± shall be squarely anchored by suitable thrust concrete backing. Such concrete backing shall be so placed that the pipe or fitting joints will be accessible for repair. The concrete shall be of 1:3:5 mix and shall be placed between solid ground and the fitting to be anchored. The area of the bearing on the pipe and the ground in each instance shall be a minimum of four (4) square feet.
 3. **Separation Of Sewer And Water Lines.**
 - a. **Horizontal Separation.** When sanitary sewers are to be laid parallel to existing potable water lines, it will be necessary to maintain at least ten (10) feet horizontal separation between the sewer and water lines. The distance shall be measured between outside edge of lines. In cases where it is not practical to maintain this specified separation, the City may allow installation of a sewer line closer to a water line, provided that the water main is located in a separate trench or on an undisturbed earth shelf located on one (1) side of the sewer at such an elevation that the bottom of the water main is at least eighteen (18) inches above the top of the sewer.
 - b. **Vertical Separation (Crossings).** Sewer lines crossing water mains shall be laid to provide a minimum vertical distance of eighteen (18) inches between the outside of the water main and the outside of the sewer. This separation shall be provided whether the water main is above or below the sewer. The crossing shall be constructed such that the sewer joints will be equidistant and as far as possible from the water main joints. Where a water main crosses under a sewer, adequate structural support shall be provided for the sewer to prevent damage to the water main.
 - c. **Special Conditions.** When it is impossible to obtain the horizontal and vertical separations specified herein, the sewer shall be designed and constructed equal to water pipe. The sewer pipe shall be pressure tested in accordance with Subsection (C)(6) of this Section of this specification.
 4. **Stream Crossings.** Stream crossings with sewer lines requiring special construction shall be installed as shown on the standard details.
- C. **Testing.**
 1. **Gravity Sewer Testing.**
 - a. **General.** All completed gravity sewers shall require pneumatic or hydrostatic testing for the purpose of locating potential infiltration and/or exfiltration within the system. Sewer service lateral lines shall be excluded from testing requirements.
 - b. **Pneumatic Testing Procedure.** Performance of low pressure air testing on all sections of completed sewer eight (8) inch through and including twenty-four (24) inch diameters, shall be conducted in the presence of the City Engineer. It will be the responsibility of the Contractor to furnish and operate equipment capable of making the required tests. Pneumatic plugs shall be utilized to isolate sewer sections for testing. Plugs shall have a

sealing length equal to or greater than the diameter of the pipe to be inspected. Pneumatic plugs shall resist internal test pressure without requiring external bracing or blocking. All air used shall pass through a single control panel and three individual hoses shall be used for connections from the control panel to: 1) pneumatic plugs for inflation; 2) sealed line for introducing the low pressure air; and 3) to the sealed line for continually monitoring the air pressure rise in the sealed line. Equipment shall be Cherne Air-Loc equipment or approved equal. Testing methods and air leakage rates shall conform to ASTM F1417, latest revision, as a minimum. Otherwise, the following procedures shall be followed:

- c. **Pipe Above Groundwater Table.** All pneumatic plugs shall be seal-tested before being used in the actual test installation. One (1) length of pipe shall be laid on the ground and sealed at both ends with the pneumatic plugs to be checked. Air shall be introduced into the plugs to twenty-five (25) psig. The sealed pipe shall be pressurized to five (5) psig. The plugs shall hold against this pressure without bracing and without movement of the plugs of the pipe. After a manhole to manhole reach of pipe has been backfilled and cleaned and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to twenty-five (25) psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches four (4) psig greater than the average back pressure of any groundwater that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize. After the stabilization period (three and five-tenths (3.5) psig minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed "Acceptable" if the time required in minutes for the pressure to decrease from three and five-tenths (3.5) to two and five-tenths (2.5) psig shall not be less than the time shown for the given diameters in the following table:

Pipe Diameter in Inches	Minimum Time (min., sec.)	Max. Length (ft.) for Min. Time	Time (sec.) for Longer Length (L)
4	3:46	597	0.380 L
6	5:40	398	0.854 L
8	7:34	298	1.520 L
10	9:26	239	2.374 L
12	11:20	199	3.418 L
15	14:10	159	5.342 L
18	17:00	133	7.692L
21	19:50	114	10.470 L
24	22:40	99	13.674 L
27	25:30	88	17.306 L
30	28:20	80	21.366 L
33	31:10	72	25.852 L
36	34:00	66	30.768 L

- d. **Pipe Below Groundwater Table.** In areas where groundwater is known to exist, install a one-half (1/2) inch diameter capped pipe nipple, approximately ten (10) inches long, through the manhole wall on top of one (1) of the sewer lines entering the manhole. This shall be done at the time the sewer line is installed. Immediately prior to the performance of the test, the groundwater shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground to clear it, and then connecting a clear plastic tube to the nipple. The hose shall be held vertically and a measurement of the height in feet of water over the invert of the pipe shall be taken after the water has stopped rising in this plastic tube. The height in feet shall be divided by two and three-tenths (2.3) to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is eleven and one-half (11 1/2) feet, then the added pressure will be five (5) psig. This increases the three and five-tenths (3.5) psig to eight and five-tenths (8.5) psig, and the two and five-tenths (2.5) psig to seven and five-tenths (7.5) psig. The allowable drop of one (1) pound and the timing remain the same.)
 - e. **Other Pipe Materials.** Low pressure air testing of sewer lines constructed with vitrified clay pipe or reinforced concrete pipe shall be as specified above, except that the minimum specified times required for a one (1.0) psig pressure drop shall be as called for in ASTM C828, latest revision (vitrified clay pipe sewer lines), or ASTM C924, latest revision (concrete pipe sewer lines).
2. **Testing Of Manholes.** Make either hydrostatic or vacuum infiltration/exfiltration tests of all manholes in the presence of the City, to demonstrate that the manholes are free of leaks.
- a. **Hydrostatic Testing.** Where the top of the sewer is below water level, a one-half (1/2) inch galvanized pipe nipple is to be cast into each manhole wall and capped on the inside. The pipe nipple is to be located at the top of the inside bore of sewer pipe. All tests are to be conducted in the following manner:
 - (1) Test plugs are to be placed in the end of each sewer pipe on the downstream and upstream side of each manhole and inflated to a maximum pressure of sixteen (16) psig. Plugs are to be thoroughly blocked to prevent them from blowing out. The manhole is to be filled with water to a level four and one-half (4 1/2) feet above the groundwater level or seven (7) feet above the pipe invert, whichever is higher. Ten (10) minutes shall then be allowed for absorption, after which the water level shall be brought back to the test elevation.
 - (2) The specified head shall be maintained on the manhole for a period of eight (8) hours. Sufficient water shall be added to maintain this level. All water added shall be metered to within one-tenth (0.1) of a gallon and recorded. The maximum allowable leakage shall be as specified herein.
 - b. **Vacuum Testing.** Vacuum testing, performed in accordance with this specification, shall be allowed as a substitute for hydrostatic testing of manholes.
 - (1) The vacuum "test head" assembly shall be placed inside the frame of the manhole cover, in order to include in the test the seal between the frame and the manhole cone section, slab, or adjusting rings.
 - (2) Plugs shall be placed at least eight (8) inches inside all pipes entering the manhole. Location of plugs shall be such that when inflated, they are past the gasket seal or joint of the manhole and sewer pipe. All plugs shall be braced sufficiently to prevent

the plug or pipe from becoming dislodged and drawn into the manhole.

- (3) A vacuum of at least ten and one-half (10 1/2) inches mercury shall be drawn on the manhole. The valve on the vacuum line to the manhole shall be closed, and the vacuum line disconnected. The vacuum within the manhole shall then be adjusted to ten (10) inches to mercury by opening the vacuum line valve.
- (4) A liquid-filled pressure gauge having a face of three and one-half (3 1/2) inches and reading from zero (0) to thirty (30) inches of mercury shall be utilized.
- (5) The time for the vacuum reading to drop from ten (10) inches of mercury to nine (9) inches of mercury must be equal to or less than the following values in order for the manhole to be considered as passing the vacuum test.

Manhole Depth	Time (minutes)
10 feet or less	2.0
10.1 feet to 15 feet	2.5
15.1 feet to 25 feet	3.0

- (6) If vacuum drops less than one (1) inch mercury within the test time, the manhole is considered acceptable and passes the test. If manhole fails and leaks, the contractor shall make the needed repairs and test again until satisfactory results are obtained. Test may be done before backfilling, but shall be repeated after backfill.
 - (7) All safety procedures, placing of plugs, and bracing, labor, and other work required for testing will be the responsibility of the contractor.
3. Infiltration/Exfiltration Allowance. Infiltration or exfiltration for sewers eight (8) inch through twenty-four (24) inch diameter shall not exceed two hundred (200) gallons per inch of pipe diameter per mile per day for any section of sewer. Infiltration or exfiltration for sewers greater than thirty (30) inch diameter shall not exceed six thousand (6,000) gallons per day per mile of pipe. Infiltration or exfiltration for manholes shall not exceed one and fourteen-hundredths (1.14) gallons per day per vertical foot of manhole.
 4. Infiltration/Exfiltration Elimination. The Contractor shall locate all sources of infiltration and exfiltration in the sewer lines, manholes, and appurtenances, and shall correct deficiencies and eliminate infiltration/exfiltration sources in a manner approved by the City Engineer. All sections of sewer line, manholes, and appurtenances shall be re-tested after corrections are finalized.
 5. Deflection Test. The rules of the Department of Natural Resources, State of Missouri, ten (10) CSR 20-8.120 (G)5, state that a deflection test shall be performed on all flexible pipe not less than thirty (30) days after the placement of final backfill. The deflection test shall consist of hand-pulling a rigid ball or mandrel through the installed pipe in the presence of the City Engineer. The rigid ball or mandrel shall have a diameter equal to ninety-five percent (95%) of the inside diameter of the pipe. If the rigid ball or mandrel fails to pull through the pipe, the section being tested fails the test and will be replaced.
 6. Pressure Sewer Testing.

- a. All piping that is to convey liquid under pressure shall be hydrostatically tested in conformance with Section 4 of ANSI/AWWA C600-93. Testing shall include both a "pressure test" of at least two (2) hours duration for the purpose of blowing defective joints, and a "leakage test" to determine actual loss of water from the system. The use of compressed air for testing pipe shall not be permitted. During the pressure test, the piping shall be subjected to a hydrostatic pressure of one hundred (100) psi.
 - b. Adequately plug and brace, as necessary, the ends of the pressure sewer, whether they be at the lift station or at the discharge manhole, to allow for the hydrostatic testing.
7. **Certifications And Acceptance Of Tests.** All acceptance tests for sewer lines (gravity and pressure) and manholes shall be conducted in the presence of the "certifying engineer" or his/her representative. The "certifying engineer" is the engineer who will make written certification to both the City and the Missouri Department of Natural Resources that the sewer line has been built in accordance with approved plans and specifications, and that the sewer line has passed all acceptance tests.

D. Roadway Surface Replacement.

1. All roadway surfaces removed during sewer line construction shall be replaced with the same type of surface as existed prior to construction. The Contractor shall be responsible for determining the nature and thickness of all pavement and surfacings to be cut and replaced, including any base courses. Concrete pavement, asphaltic pavement, macadam pavements, crushed stone, and any type of roadway surface, whether public or private, which is cut or damaged during construction of the project shall be replaced to conform to the lines and grades of the original roadway surface, and shall be of a quality, thickness, and appearance equal to or better than that of the roadway as it existed prior to construction.
2. Existing paving shall be cut vertically and horizontally to straight lines. The trench shall be backfilled with granular stone material compacted to ninety-five percent (95%) of maximum density, to an elevation level with the existing riding surface of the roadway. This level shall be maintained by the Contractor until all secondary settling has occurred. Any crushed stone required to maintain the trenches in a suitable condition for traffic during this period shall be furnished at the Contractor's expense. When the trench has been properly backfilled and has settled sufficiently to permit final repairs, roadway surfacing shall be applied according to this specification. At the time of final repairs, the Contractor shall remove sufficient material to allow placement of roadway surfacing to the thicknesses specified below.
 - a. Granular stone shall meet the gradation requirements specified in Section 400.940(E).
3. **Asphaltic Concrete.** Asphaltic concrete roadway surfaces of a thickness greater than four (4) inches shall be replaced with a concrete base of eight (8) inches thickness and two (2) inches of asphaltic concrete. Edges of the existing pavement at the trench shall be trimmed vertically to produce a neat even edge. The base surface and vertical edge shall be sprayed with a prime coat of Grade RC-250 liquid asphalt heated to no less than one hundred thirty degrees Fahrenheit (130° F.), at a rate of fifteen-hundredths (0.15) gallons per square yard. This primer shall be applied only when the base and existing pavement are free of moisture. The asphaltic concrete shall be hot mixed in an approved plant and delivered to the work Fahrenheit area in dump trucks at a minimum temperature of two hundred seventy-five degrees Fahrenheit (275° F.). The asphaltic concrete shall be placed and then rolled while hot with an approved five (5) ton steel wheel roller to the same thickness as the existing pavement. In no case shall the total compacted thickness of a layer be less than two (2) inches or greater than four (4) inches. No traffic shall

be permitted on the finished pavement until it has cooled to atmospheric temperature. Concrete used for base beneath asphalt shall have a minimum twenty-eight-day compressive strength three thousand (3,000) psi.

4. Crushed Stone. Trenching along or across unpaved roadways, including county roads, and city streets, as well as dirt, or gravel shoulders of paved streets, roads, or highways, shall be backfilled with granular stone material in compliance with these specifications. The trench shall be backfilled to a level with the existing riding surface of the roadway. When the trench has been properly backfilled and has settled sufficiently to permit final repairs, the backfill shall be removed as necessary for crushed stone surfacing. The crushed stone shall be rolled and thoroughly compacted in layers to a minimum finished thickness of six (6) inches.
5. Concrete. Concrete surfaces, including private drives, shall be replaced with concrete surfacing equal to the thickness of existing pavement, plus a minimum of two (2) inches. Concrete shall have a minimum twenty-eight-day compressive strength of three thousand (3,000) psi.
6. Chip And Seal Asphalt Paving. The area to be repaired shall be bladed to eliminate minor depressions and humps. Following the blading operation, the surface shall be thoroughly cleaned and swept to remove all mud, matted earth, dust, and other foreign material. A prime coat of liquid asphalt shall be applied at the rate of thirty-hundredths (0.30) gallons per square yard at a minimum temperature of one hundred twenty degrees Fahrenheit (120° F.) for asphalt grade CRS-2. On the primed base, a course of aggregate shall be spread at the rate of twenty-five (25) pounds per square yard. This stone shall be roller compacted from sides to center with a steel wheeled roller weighing a minimum of five (5) tons. Immediately following the compaction of the first course of asphalt and aggregate, a second course, identical to the first shall be applied. The finish surface shall be swept to remove any loose stones. No traffic shall be allowed on the finished surface until it has cooled to atmospheric temperature.

E. Clean-Up.

1. After completion of any portion of work, the construction area shall be cleaned of all surplus material, earth, rubbish, etc., and left in as near the original state as possible. All ditches and drainage shall be restored to their original condition.
2. All grassed areas shall be seeded, fertilized, and mulched as required to restore the area to a condition equal to that which existed prior to construction.

F. Highway And Railroad Crossings. Where designated on the approved design drawings, underground highway and railroad crossings shall be installed. Such installations shall be accomplished by tunneling, boring, or jacking methods. Each method shall provide for removal of earth and rock encountered during installation of the carrier and casing pipes. Where jacking or tunneling are utilized, the annular space between the casing and earth shall be pressure grouted with neat cement grout.

1. Highway crossings shall be made in strict compliance with Missouri Department of Transportation requirements. No highway crossings shall be installed without the Contractor first obtaining all necessary permits from the Missouri Department of Transportation.
2. Railroad crossings shall be made in strict compliance with railroad company requirements. No railroad crossings shall be made without the Contractor first obtaining all necessary permits from the railroad company.

3. The Contractor shall insure that traffic interruptions are minimized during the underground excavation operations. After the operation is completed, the Contractor shall slide the sewer pipe in place. After the pipe is in place, the annular space between the casing and carrier pipe shall be backfilled with sand, pea gravel, or by spacers approved for use in bracing the carrier pipe against uplift. Once the carrier pipe has been fixed, the annular space at each end of the casing pipe shall be sealed with sand bags or approved casing seals.
4. The Contractor shall take precautions to insure that the sewer pipe is on line and grade following the installation operation.

PART 3
Water Systems

Section 400.960. General Requirements. [Ord. No. 1250, 10-15-2002]

- A. All development shall be provided with an approved system of potable water in accordance with this Part.
- B. All water main lines, extensions and appurtenances thereto shall be designed and constructed in accordance with the most current regulation of the Missouri Department of Natural Resources' rules, regulations, and Statutes of the State of Missouri.
- C. In addition to the rules, regulations and State Statutes as specified in Subsection (B), above, conformance with the following standards, specifications and design guidelines is required.

Section 400.970. Materials. [Ord. No. 1250, 10-15-2002]

- A. Water Distribution Line. Water Distribution Line shall be PVC or ductile iron pipe meeting the following specifications:
 - 1. PVC pipe shall be solid wall meeting the requirements of ASTM D2241, latest revision, with wall thickness SDR 21 (Class 200), as called for on the drawings. All pipe must bear the National Sanitation Foundation seal for potable water pipe. Pipe shall have an integral bell with a locked-in, solid cross section elastomeric gasket that meets the requirements of ASTM F477, latest revision. Provisions must be made for contraction and expansion at each rubber ring bell and spigot joint. Pipe shall be made from clean, virgin, NSF approved PVC material conforming to ASTM D1784, latest revision.
 - a. SDR 21 PVC pipe shall be suitable for use at maximum hydrostatic pressures of two hundred (200) PSI at 73EF.
 - b. Physical And Chemical Tests. Pipe shall meet the following physical and chemical test requirements. All physical and chemical tests shall be conducted at 73EF "3.6EF:

Test	ASTM Ref.	Requirements
Quick Burst Test	D1599	630 PSI applied in 60 to 70 sec.
Sustained Pressure Test	D1598	1,000 hrs. @ 420 PSI
Acetone Immersion Test	D2152	No visible spalling or cracking after 20 minutes
Vise Test	—	No splitting or shattering when compressed 60% in 2 to 5 minutes

- 2. Ductile iron pipe shall be pressure class 350 and shall conform to the latest revision of ANSI A21.51 - (AWWA C151) Standard for Ductile Iron Pipe Centrifugally Cast in Metal Molds or Sand Lined Molds, for Water or Other Liquids. The pipe shall be standard asphaltic varnish coated on the outside. Pipe shall be cement mortar lined in conformance with ANSI A21.4-90 (AWWA C104) unless specified otherwise.

- a. Joints for ductile iron pipe that is to be buried shall be push-on type consisting of a single neoprene gasket which are acceptable are "Tyton" as manufactured and licensed by the U.S. Pipe and Foundry Company; "Fastite" as manufactured and licensed by the American Cast Iron Pipe Company; and "Bell-Tite" as manufactured and licensed by James B. Clow and Son, Inc. All required joint materials including the neoprene gasket and the lubricant shall be furnished with the pipe.
 3. Water Line Fittings. Fittings to be used with water distribution lines larger than four (4) inches in diameter shall be either gray iron or ductile iron, and shall conform to the requirements of ANSI/AWWA C110/A21.10-93 or C153/A21.53-94. All mechanical joint fittings shall be pressure class 350 ductile iron. Fittings shall be standard asphaltic varnish coated on the outside. Fittings shall be cement mortar lined in conformance with ANSI A21.4-80 (AWWA C104). Fittings shall be mechanical joint or push-on joint and shall meet all applicable requirements of ANSI 21.11-85 (AWWA C111).
 - a. Fittings for water distribution lines four (4) inches in diameter and smaller shall be of the same material as that of the pipe.
- B. Water Service Line And Appurtenances. Water service line shall be solvent weld PVC pipe, or copper tubing meeting the following specifications:
 1. PVC pipe for water service lines shall be solvent weld PVC pressure pipe, Schedule 80, meeting the requirements of ASTM D1785, latest revision. All pipe shall bear the National Sanitation Foundation seal for potable water pipe. Pipe shall be made from clean, virgin, NSF approved material conforming to ASTM D1784, latest revision. All connections shall be joined by primer and PVC solvent cement conforming to ASTM D2564, latest revision.
 2. Copper tubing shall be Type K conforming to ASTM B88, latest revision.
 3. Service Saddles. Shall be a hinged type suitable for installation on PVC pipe. The strap and body shall be 85-5-5 brass alloy conforming to ASTM-B-62 and AWWA C800. The gasket shall be of BunSD-N rubber to provide a leakproof installation. The tap shall be three-fourth (3/4) inch minimum with AWWA standard thread.
 4. Corporation stops shall be designed and manufactured to conform to AWWA Standard C800-84, and shall be designed to withstand working pressures up to two hundred fifty (250) PSI.
 - a. Inlet. Shall be AWWA standard thread.
 - b. Outlet. Shall be pack joint outlet.
 5. Water Service Meters And Appurtenances.
 - a. Water Meters. Shall be purchased from the City.
 - b. Coppersettters. Shall be provided for each water service meter. Coppersettters shall have a brace eye for installation of a cross-brace. Coppersettters shall have pack joint inlet and outlet service line connections compatible for the size and type of water service line. An inverted key valve with padlock wings shall be provided at the meter inlet, and a dual angle check valve shall be provided at the meter outlet.
 - c. Meter Pits And Covers. Meter pits shall be ribbed and of Type 1, Grade 2 PVC conforming

to ASTM D1784, latest revision. Pit shall be minimum twenty-four (24) inches diameter by thirty (30) inches deep. Flat meter pit covers of cast iron and of the size required to fit the meter pits shall be provided. Covers shall be stamped "Water Meter."

C. Valves And Hydrants.

1. Gate Valve And Box.

- a. All gate valves shall be iron body, non-rising stem with O-ring gaskets. The valves shall be equipped with a two (2) inch square operating nut.
- b. Gate valves shall conform to AWWA C500-93 (Metal Seated Gate Valves) or AWWA C509-94 (Resilient Seated Gate Valves) for design working water pressures of two hundred (200) psig for valves twelve (12) inches NPS in diameter or smaller, and one hundred fifty (150) psig for valves with diameter sixteen (16) inches NPS and larger.
- c. Valve Boxes. Valve boxes shall be required for all buried valves, and shall be cast iron. The valve box shall have a round top with open base. A top cover will be provided, marked "water." The valve box shall be of the two (2) piece screw type with top piece capable of adjustment to final grade.

2. Fire Hydrants And Appurtenances.

a. Materials.

- (1) Gate Valve And Box. Shall be located adjacent to each fire hydrant for isolation of the hydrant for repairs. Gate valves and boxes shall be as specified in Subsection (A), Gate Valve and Box.
- (2) Fire Hydrants. Shall meet or exceed requirements set forth in AWWA Standard C502-94 or latest revision. Hydrants shall be dry barrel traffic model with break flange construction. Outlets shall be three-way and as required for the Fire Department's pumper and/or hose sizes and threads. Operating nut shall also be of the type in use by the City. Contractor shall be solely responsible for insuring compatibility of City's equipment and hydrants. Inlet shall be mechanical joint type and main valve size shall be five and one-fourth (5 1/4) inch.

D. Pipe Bedding Material.

1. Granular Stone. Granular stone pipe bedding material shall be crushed limestone consisting of aggregate particles meeting the requirements of ASTM C-33, latest revision, gradation 67, one (1) inch to No. 8 size as follows:

Sieve Size	Percent Passing
1"	100
3/4"	90-100
3/8"	20-55
No. 4	0-10
No. 8	0-5

2. Sand. All sand used for bedding shall be clean, graded from fine to coarse, not lumpy or frozen, and free from slag, cinders, ashes, rubbish, or other material that, in the opinion of the Engineer, is objectionable or deleterious. It should not contain a total of more than ten percent (10%) by weight, of loam and clay, and all material must be capable of being passed through a three-fourth (3/4) inch sieve. Not more than five percent (5%) shall remain on a No. 4 sieve.
- E. Steel Casing Pipe. Steel pipe for casing at highway and railroad crossings shall conform to AWWA C209-91.

Section 400.980. Installation Procedures. [Ord. No. 1250, 10-15-2002]

A. Trenching, Bedding, Backfilling, And Compacting.

1. Trench Excavation.

- a. Trench Depth. Trenches shall be cut as deep as necessary on either side of natural depressions, ditches, waterways, etc. to provide for not less than thirty-six (36) inches of cover over the top of the pipe. Depth of cover shall be measured from the outside top of the pipe vertically to the original ground surface or pavement surface. Mounding over the trench to attain the specified cover shall not be permitted. Trenches shall be cut to prevent high spots that could lead to "air binding" of the water line. Trenches shall be excavated to four (4) inches below the bottom of the pipe to provide clearance for not less than four (4) inches of pipe bedding material. The maximum degree of deflection, either vertical or horizontal, shall not cause a pipe joint's annular clearance in the bell to be less than one-fourth (1/4) inch at its closest point. In case the trench be excavated at any place more than four (4) inches below grade, it shall be filled to the design grade with approved bedding material. Trench excavation shall, in all cases, be continuous from the ground surface to the established trench depth. Gutters and ditches shall be kept clear, or other satisfactory provisions shall be made to facilitate drainage. Ground adjacent to trench shall be graded to prevent water from flowing into the trench. Provisions shall be made for the continuous flow of all waterways, ditches, drains, or sewers encountered during construction. All ditches and waterways shall be restored to their original conditions as soon as possible.
 - b. Trench Width. The width of the trench, as dug, from the trench bottom to the top of the pipe, shall not exceed the outside diameter of the pipe bell or socket plus twelve (12) inches, or twenty-four (24) inches, whichever is greater. Trench width above the top of the pipe shall be as required by field conditions to prevent sliding and caving of the excavation.
2. Sheeting, Shoring, Or Bracing. Sheeting, shoring, or bracing shall be placed wherever necessary for the proper preserving of any excavation, embankment, or structure. Where the ground is of such a character or other conditions are such as to render it necessary, the sheeting shall be closely driven and to such depth below the lowest point of the final excavation as may be required. Shore up, protect, and insure from injury all buildings, retaining walls, piers and footings, storm sewers, sanitary sewers, gas lines, water lines, fences, curbs, trees, or other property liable to be injured during the process of the work. Sheeting, shoring, and bracing shall be provided, installed, and maintained to protect the excavation and insure open trench operations.
3. Placement Of Bedding Material.
 - a. Granular Stone Pipe Bedding. Granular stone shall be placed in the trench and shaped to

provide uniform support for the bottom quadrant of the pipe barrel. The bedding shall be not less than four (4) inches in thickness. Following placement of the pipe, the trench shall be filled with granular stone bedding material to a minimum compacted depth of six (6) inches above the pipe barrel.

- b. Sand Pipe Bedding. Sand shall be shaped and placed similar to the granular stone specified above.
4. Backfilling.
- a. Material used for backfilling of trenches shall be free from perishable matter and from other material liable to become unstable when saturated with water after having been compacted. No frozen material shall be used in backfill. Care shall be taken to prevent damage to the pipe and structures. Special precautions shall be taken in backfilling over pipes. No backfill shall be placed over any portion of pipes and/or joints not inspected by the City Engineer. The bedding material shall be brought to a depth of at least six (6) inches over the top of the pipe bell, with this material carefully deposited in uniform layers not exceeding six (6) inches in depth, and each layer carefully and solidly tamped with mechanical tampers in such a manner as to avoid damage to pipe or disturbing completed work. Unless noted otherwise on the drawings, backfilling for the remainder of the trench shall be previously excavated gravel, sand, or earth, and shall contain no stone over ten (10) inches in its largest dimensions. Stones smaller than that size may be used in proportion not exceeding one (1) part of stone and three (3) parts of earth in any place. This backfilling shall be deposited and spread in layers and solidly tamped. Except as specified for roadway crossings, trench backfill shall be compacted to eighty percent (80%) of the maximum density at optimum moisture. As the trenches are backfilled, remove all surplus material and regrade the surface, leaving it in good order. The trenches shall be filled to the ground surface elevation which previously existed.

B. Installation.

1. Pipe Installation.

- a. General. Only workers competent at laying pipe shall be employed on this phase of the work, and complete suitable equipment necessary for the execution of same is required. Any incompetency observed must be removed, and where improper equipment or lack of same appears to be impairing the quality or speed of the work, such adjustment in same shall be made.
- b. The pipe, fittings and valves shall be placed in the trench with care. Under no circumstances shall pipe or other materials be dropped or dumped into the trench. If plastic pipe is used, the pipe shall be snaked into the trench, either employing the natural snaking tendency of some plastic pipe or the pipe shall be laid from one (1) side to the other on alternate lengths.
- c. Pipe Cleaning During Laying Operations. The pipe, if furnished from the factory with dust covers over the ends, shall be examined carefully during laying operations to insure that such covers are not lost inside the pipe. At the termination of pipe laying, the open end of the pipeline shall be closed off by a suitable cover until laying operations are resumed. No pipe shall be placed in the trench unless it is intended to make the joint to the pipeline at that time.

- d. **Inspection Of Materials During Construction.** Any materials not meeting the specifications, or obviously faulty material, shall be rejected and removed from the job site.
 - e. **Joining Pipe.** In joining sections of pipe, the installer shall use good working practices. All pipe ends shall be cleaned thoroughly inside and out before application of lubricant. The recommendations of the manufacturer of the pipe shall be followed closely in joining this type of pipe. Care shall be taken in lowering pipe into the trench in order that a tensile stress is not created that would cause partial or complete separation of the joints. Concrete thrust blocks shall be installed at all bends, tees, crosses, and reducers.
 - f. **Breaks In Pipe And Joints.** Breaks in the pipe or joints shall be repaired.
 - g. **Bedding Of Plastic Pipe.** The Contractor shall bed the pipe in accordance with the requirements of Subsection (A), Trenching, Backfilling, and Compacting.
 - h. **Allowance For Expansion.** Expansion and contraction of PVC pipe is relatively great. Snake the pipe in the trench or allow in other ways for some expansion or contraction of the pipe.
 - i. **Avoidance Of Unnecessary Bends.** Excessive bends in the alignment of the pipe will not be permitted. Where obviously required, sweep ells shall be used in making connections between two (2) sections having differing alignment. Standard ninety degree (90°) elbows are not to be used, except in confined locations.
2. **Anchorage Of Bends, Tees, And Plugs.** All tees, plugs, caps, and bends exceeding twenty-two and one-half (22 1/2) inches shall be squarely anchored by suitable thrust concrete backing. Such concrete backing shall be so placed that the pipe or fitting joints will be accessible for repair. The concrete shall be of 1:3:5 mix and shall be placed between solid ground and the fitting to be anchored. The area of the bearing on the pipe and the ground in each instance shall be a minimum of four (4) square feet.
3. **Water Mains Near Sewers.**
- a. **Horizontal Separation.** A water main shall be laid at least ten (10) feet horizontally from any existing or proposed drain or sewer line. Should local conditions prevent a lateral separation of ten (10) feet, a water main may be laid closer than ten (10) feet to a storm or sanitary sewer line, provided that the water main is laid in a separate trench or on an undisturbed earth shelf located on one (1) side of the sewer line and at such an elevation that the bottom of the water main is at least eighteen (18) inches above the top of the sewer line. When it is impossible to obtain vertical or horizontal separation, the sewer line must be relaid and constructed equal to the water line pipe, and should be pressure-tested to assure water tightness before backfilling.
 - b. **Vertical Separation.** Where water mains must cross over sewers, storm drains, or sanitary sewers, the water main must be laid at such an elevation that the bottom of the water main is at least eighteen (18) inches above the top of the sewer, and a full length of water main pipe must be centered over the sewer to be crossed so that the joints will be equally distant from the sewer and as remote there from as possible. This vertical separation must be maintained for that portion of the water main located within ten (10) feet horizontally of any sewer or sewer line that it crosses, said ten (10) feet to be measured as the normal distance from the water main to the sewer.

- c. Unusual Conditions. Where it is necessary for the water main to pass under a sewer line, the water main must be laid with ductile iron pipe which must extend on each side of the crossing until the normal distance from the water main to the sewer is at least ten (10) feet. In making such crossings, a full length of pipe must be centered over or under the sewer to be crossed so that the joints will be equally distant from the sewer and as remote there from as possible. The sewer line must also be constructed of cast iron pipe with mechanical, compression, or leaded joints until the normal distance from the sewer to the water main is at least ten (10) feet. Where a water main must cross under a sanitary sewer, a vertical separation of at least eighteen (18) inches between the bottom of the sewer line and the top of the water main must be maintained with adequate support for the larger size sewer lines to prevent them from settling or their breaking the water main. Where these conditions cannot be met, the Missouri Department of Natural Resources shall be consulted as to the precautions to be taken to protect the public water supply.
 - d. No water pipe shall pass through or come into contact with any part of a sewer manhole.
 - 4. Water Mains Near Other Utilities. Water mains shall be located at least ten (10) feet horizontally from any existing or proposed oil and gas lines, and buried electric lines. In cases where the specified separation of ten (10) feet cannot practically be maintained, the City may allow deviation on a case-by-case basis, if supported by data from the design engineer. Such deviation may allow installation of the water line closer to existing or proposed utilities, provided that the water line is in a separate trench. Under no circumstances, however, shall a water line be installed closer than twelve (12) inches to other existing or proposed utilities.
- C. Testing, Flushing, And Disinfecting.
- 1. Testing. Installed water lines shall be hydrostatically tested. The test shall be conducted with all meter settings in place and the angle valve closed. Prior to conducting the test, the water line and fittings shall be backfilled. All air shall be expelled from the pipeline prior to the test by use of air release valves, hydrants, or taps. Taps shall be plugged after testing is completed. The test procedure shall be as specified below:
 - a. Test pressure shall be the design working pressure at the low point of the test section. Gauge readings of pressure shall be taken at low points of the test section to insure test pressures do not exceed the allowable pressure rating of the pipe. The test section shall be pressurized for twenty-four (24) hours.
 - b. The pipeline shall be pressurized using a hand or motor-operated pump equipped with a shut-off valve, pressure relief valve, and a gauge located to read the line pressure when the pump valve is closed.
 - c. At the end of the twenty-four-hour test period, water shall be pumped into the system to bring the pipeline back up to the test pressure. The volume of water required shall be measured with an approved meter or by pumping from a calibrated vessel. The pipe or installation shall not be accepted unless or until the leakage determined under pressure is less than ten (10) gallons per inch of pipe diameter per mile of pipe over the twenty-four-hour period.
 - d. The following table presents the allowable leakage per foot of pipe per twenty-four-hour period.

Allowable Leakage		Allowable Leakage	
Pipe Dia. Inches	Gal/Ft./24 Hrs.	Pipe Dia. Inches	Gal/Ft./24 Hrs.
1	0019	6	0114
2	0038	8	0152
3	0057	10	0189
4	0076	12	0227

- e. Any test section not meeting the requirements of this specification shall be repaired and retested until the test requirements are satisfied. Defective pipe, valves, fittings, hydrants, or other appurtenances shall be removed and replaced.
 - f. The pressure test shall be performed in the presence of the City Engineer or his/her representative. A written report shall be made by the installer during the test showing the test section, test pressure, test results, and other pertinent data.
2. Flushing And Disinfecting. The completed water distribution system shall be flushed and disinfected in accordance with AWWA C651-86. The "Continuous-Feed Method" shall be utilized. This method is summarized below:
- a. Calcium hypochlorite granules shall be placed in pipe sections during construction. Granules shall be placed at upstream end of the first section of pipe, at the upstream end of each branch main, and at five-hundred (500) foot intervals. One-half (1/2) ounce of calcium hypochlorite granules shall be placed at the locations specified. Calcium hypochlorite granules shall not be placed within solvent weld PVC pipe or in screwed joint steel pipe.
 - b. Prior to disinfection, the completed water line shall be filled and flushed. All air shall be expelled from the pipeline as described in Subsection (C)(1) of this specification. The flushing velocity shall not be less than two and five-tenths (2.5) feet per second (fps). The following table shows the approximate rates of flow required to produce a velocity of two and five-tenths (2.5) fps in pipes of various diameters:

Pipe Diameter Inches	Approx. Flow Req'd to Produce 2.5 fps, GPM	Pipe Diameter Inches	Approx. Flow Req'd. to Produce 2.5 fps, GPM
1	10	6	230
2	30	8	390
3	65	10	620
4	105	12	890

- c. Potable water from an approved source shall be introduced into the water line at a constant, measured rate. At a point no more than ten (10) feet downstream from the beginning of the new water line, water entering the line shall receive a dose of one percent (1%) chlorine/water solution, fed at a rate such that the water shall have not less than twenty-five (25) mg/l free chlorine. Measure the chlorine concentration at regular intervals using

appropriate chlorine test kits. The following table shows the gallons of one percent (1%) chlorine/water solution required per one hundred (100) feet of pipe to produce a twenty-five (25) mg/l concentration in the pipeline:

Pipe Diameter Inches	Gallons of 1% Solution Req'd. per 100 Ft. of Pipe	Pipe Diameter Inches	Gallons of 1% Solution Req'd. per 100 Ft. of Pipe
1	0.01	6	0.38
2	0.05	8	0.65
3	0.11	10	1.02
4	0.18	12	1.46

- d. Approximately one (1) pound of liquid chlorine (one hundred percent (100%) available chlorine) is required for twelve (12) gallons of water to produce a one percent (1%) solution. Approximately one (1) pound of calcium hypochlorite (HTH) is required per eight (8) gallons of water to produce a one percent (1%) solution.
- e. The chlorinated water shall be allowed to stand in the new water line for at least twenty-four (24) hours, during which time all valves and hydrants shall be operated. At the end of the twenty-four-hour period, water in all portions of the line shall have a residual of not less than ten (10) mg/l free chlorine. If a concentration less than ten (10) mg/l is found after the twenty-four-hour period, the entire disinfection procedure shall be repeated by the Contractor at his/her expense.
- f. Upon satisfactory completion of the disinfection procedure, the heavily chlorinated water shall be flushed from the system until the chlorine concentration throughout the entire system is no higher than one (1) mg/l or the chlorine concentration of the water source.
- g. After final flushing and filling of the system and prior to placing the system in service, the installer shall arrange with the Missouri Department of Natural Resources for collecting samples for required tests. If bacteriological test results are unsatisfactory, the entire disinfection procedure shall be repeated by the Contractor at his/her expense. The installer shall be available to assist the Missouri Department of Natural Resources in collecting samples if required.

D. Roadway Surface Replacement.

1. All roadway surfaces removed during water line construction shall be replaced with the same type of surface as existed prior to construction. The Contractor shall be responsible for determining the nature and thickness of all pavement and surfacings to be cut and replaced, including any base courses. Concrete pavement, asphaltic pavement, macadam pavements, crushed stone, and any type of roadway surface, whether public or private, which is cut or damaged during construction of the project shall be replaced to conform to the lines and grades of the original roadway surface, and shall be of a quality, thickness, and appearance equal to or better than that of the roadway as it existed prior to construction.
2. Existing paving shall be cut vertically and horizontally to straight lines. The trench shall be backfilled with granular stone material compacted to ninety-five percent (95%) of maximum density, to an elevation level with the existing riding surface of the roadway. This level shall be

maintained by the Contractor until all secondary settling has occurred. Any crushed stone required to maintain the trenches in a suitable condition for traffic during this period shall be furnished at the Contractor's expense. When the trench has been properly backfilled and has settled sufficiently to permit final repairs, roadway surfacing shall be applied according to this specification. At the time of final repairs, the Contractor shall remove sufficient material to allow placement of roadway surfacing to the thicknesses specified below.

- a. Granular stone shall meet the gradation requirements specified in Section 400.970(D).
3. Asphaltic Concrete. Asphaltic concrete roadway surfaces of a thickness greater than four (4) inches shall be replaced with a concrete base of eight (8) inches thickness and two (2) inches of asphaltic concrete. Edges of the existing pavement at the trench shall be trimmed vertically to produce a neat even edge. The base surface and vertical edge shall be sprayed with a prime coat of Grade RC-250 liquid asphalt heated to no less than 130EF, at a rate of fifteen-hundredths (0.15) gallons per square yard. This primer shall be applied only when the base and existing pavement are free of moisture. The asphaltic concrete shall be hot mixed in an approved plant and delivered to the work area in dump trucks at a minimum temperature of 275EF. The asphaltic concrete shall be placed and then rolled while hot with an approved five (5) ton steel wheel roller to the same thickness as the existing pavement. In no case shall the total compacted thickness of a layer be less than two (2) inches or greater than four (4) inches. No traffic shall be permitted on the finished pavement until it has cooled to atmospheric temperature. Concrete used for base beneath asphalt shall have a minimum twenty-eight-day compressive strength three thousand (3,000) psi.
4. Crushed Stone. Trenching along or across unpaved roadways, including county roads, and city streets, as well as dirt, or gravel shoulders of paved streets, roads, or highways, shall be backfilled in compliance with these specifications. The trench shall be backfilled to a level with the existing riding surface of the roadway. When the trench has been properly backfilled and has settled sufficiently to permit final repairs, the backfill shall be removed as necessary for crushed stone surfacing. The crushed stone shall be rolled and thoroughly compacted in layers to a minimum finished thickness of six (6) inches.
5. Concrete. Concrete surfaces, including private drives, shall be replaced with concrete surfacing equal to the thickness of existing pavement, plus a minimum of two (2) inches. Concrete shall have a minimum twenty-eight-day compressive strength of three thousand (3,000) psi.
6. Chip And Seal Asphalt Paving. The area to be repaired shall be bladed to eliminate minor depressions and humps. Following the blading operation, the surface shall be thoroughly cleaned and swept to remove all mud, matted earth, dust, and other foreign material. A prime coat of liquid asphalt shall be applied at the rate of thirty-hundredths (0.30) gallons per square yard at a minimum temperature of 120EF for asphalt grade CRS-2. On the primed base, a course of aggregate shall be spread at the rate of twenty-five (25) pounds per square yard. This stone shall be roller compacted from sides to center with a steel wheeled roller weighing a minimum of five (5) tons. Immediately following the compaction of the first course of asphalt and aggregate, a second course, identical to the first shall be applied. The finish surface shall be swept to remove any loose stones. No traffic shall be allowed on the finished surface until it has cooled to atmospheric temperature.

E. Clean-Up.

1. After completion of any portion of work, the construction area shall be cleaned of all surplus material, earth, rubbish, etc. and left in as near the original state as possible. All ditches and

drainage shall be restored to their original condition.

2. All grassed areas shall be seeded, fertilized, and mulched as required to restore the areas to a condition equal to that which existed prior to construction.
- F. Highway And Railroad Crossings. Where designated on the approved design drawings, underground highway and railroad crossings shall be installed. Such installations shall be accomplished by tunneling, boring, or jacking methods. Each method shall provide for removal of earth and rock encountered during installation of the carrier and casing pipes. Where jacking or tunneling are utilized, the annular space between the casing and earth shall be pressure grouted with neat cement grout.
1. Highway crossings shall be made in strict compliance with Missouri Department of Transportation (MoDOT) requirements. No highway crossings shall be installed without the Contractor first obtaining all necessary permits from MoDOT.
 2. Railroad crossings shall be made in strict compliance with railroad company requirements. No railroad crossings shall be made without the Contractor first obtaining all necessary permits from the railroad company.
 3. The contractor shall insure that traffic interruptions are minimized during the underground excavation operations. After the operation is completed, the Contractor shall slide the water pipe in place. After the pipe is in place, the annular space between the casing and carrier pipe shall be backfilled with sand, pea gravel, or by spacers approved for use in bracing the carrier pipe against uplift. Once the carrier pipe has been fixed, the annular space at each end of the casing pipe shall be sealed with sand bags or approved casing seals.
- G. Stream Crossings. Where designated on the approved design drawings, underground stream crossings shall be installed. Installation shall be by trenching or longitudinal boring methods.
1. Carrier pipe shall be of restrained joint SDR21 PVC pipe, Yellowmine with CertSD-LOK joints, as manufactured by Certainteed Corporation.
 2. Casing pipe shall be SDR 21 PVC pipe as specified in Section 400.970(A).
 3. Installation of stream crossings shall be as shown on the standard details. Where trenching is utilized to install stream crossings, backfilled stream banks shall be protected from erosion by placement of stone riprap.

PART 4

Streets And Sidewalks Standards**Section 400.990. Streets — General Requirements. [Ord. No. 1250, 10-15-2002]**

- A. The functional classification, location, and rights-of-way and pavement widths of all streets shall conform to the City of Branson West Comprehensive Plan and the Branson West Subdivision Regulations. In any case where additional street right-of-way is required, the additional right-of-way shall be split on both sides of the existing right-of-way unless otherwise approved by the Board of Aldermen. Where not shown, the arrangement and design standards of streets shall conform to the provisions herein and/or the Missouri Department of Transportation where applicable. Streets which have an entry onto a State highway will require approval from the Missouri Department of Transportation. Streets which have an entry onto a Stone County roadway will require County approval.
- B. The arrangement of streets in new subdivisions shall be coordinated with existing, proposed and anticipated streets outside of the subdivision. Provision shall be made for the continuation of existing streets in adjoining areas.
- C. When a new subdivision adjoins a tract susceptible to being subdivided, new streets shall be extended to the boundaries of such tract.
- D. Streets shall be related appropriately to the topography and street grades shall conform as closely as practical to the original topography. Street grades shall be in accordance with the requirements of this Part.
- E. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.
- F. Local streets shall be designed to discourage through traffic. However, provisions must be made for the extension of arterial and collector streets into and from adjoining areas.
- G. Permanent dead-end streets or culs-de-sac shall be no longer than eight hundred (800) feet and shall provide at the closed end a paved turn-around having a minimum diameter of eighty (80) feet to the face of the outside curb or pavement and one hundred (100) feet to the street right-of-way line.
- H. Any street dead-ended for access to an adjoining property, or temporary in nature because of authorized staged development, shall be provided with temporary, all-weather turn-around at the end of the street and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.

Every lot shall have access to a road that provides reasonable ingress and egress for emergency vehicles as well as for the intended use of the lot.

- I. When a subdivision abuts or contains an arterial street or State highway, the City may require marginal access streets, reverse frontage lots, or other such treatment as may be necessary for adequate protection of abutting properties and to provide separation of through and local traffic.
- J. Half-streets shall be prohibited except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, create a street that meets the right-of-way and pavement requirements of the City of Branson West Subdivision Regulations and this Part. In such case, the developer shall dedicate that portion of land in the proposed subdivision that will complete the street right-of-way to the minimum standards.

Section 400.1000. Street Standards. [Ord. No. 1250, 10-15-2002]

- A. **Clearing And Grubbing.** Clearing and grubbing shall be performed within the right-of-way and easement limits shown on the plans. All timber, brush, roots, stumps, trees or other vegetation cut during the clearing operations shall become the contractor's responsibility to dispose of, and shall be either removed from the project site, or satisfactorily disposed of on-site.
- B. **Grading And Compaction.** Streets shall be graded in accordance with the lines and grade set by the Engineer. Before placing curb and gutter or base on the graded sub-grade, the sub grade shall be compacted to ninety-five percent (95%) Standard Proctor for a depth of eight (8) inches and then shall be proof rolled with a fully loaded pump truck in the presence of the Engineer. Places that are found to be loose, or soft, or composed of unsuitable materials, whether in the sub-graded or below it, must be dug out and refilled with compacted crushed limestone base rock conforming to MoDOT 304 Type I stone. All embankments or fills shall be made in eight (8) inch horizontal lifts of suitable material. The fill shall be rolled with a sheepfoot roller after each lift, followed by a wheel roller, each weighing not less than eight (8) tons.
- C. **Street Construction.**
 - 1. **Arterial And Collector Streets.** All arterial and collector streets designed, extended, installed or developed within the City shall meet the City requirements for construction of said streets and shall, at a minimum, be constructed with four (4) inches of wet compacted limestone base, conforming to Missouri Department of Transportation (MoDOT) 304 Type I stone. The contractor shall be responsible for keeping the stone base free of contamination from clay or other foreign materials. An eight (8) inch compacted asphalt base course shall meet MoDOT 301 specifications, and a two-inch compacted asphalt surface course shall meet MoDOT specifications for Type 401-BP2 asphalt.
 - 2. **Other Streets.** All other streets designed, extended, installed or developed within the City shall meet the City requirements for construction of said streets and shall, at a minimum, be constructed with four (4) inches of wet compacted limestone base, conforming to Missouri Department of Transportation (MoDOT) 304 Type I stone. The contractor shall be responsible for keeping the stone base free of contamination from clay or other foreign materials. A five (5) inch compacted asphalt base course shall meet MoDOT 301 specifications, and a two (2) inch compacted asphalt surface course shall meet MoDOT specifications for Type 401-BP2 asphalt.
 - 3. **Installation And Testing.** All sub-grade, crushed limestone, asphalt base course and asphalt surface course shall be installed and tested in accordance with Stone County and MoDOT requirements. Tests shall be performed at a minimum rate of one (1) per one hundred (100) lineal feet of roadway or a minimum of two (2) tests per day, whichever is more frequent.
- D. **Pavement Section Variations.** Where soils are unstable, as determined by the testing agency selected by the City, the developer may be required to have soil tests run and a pavement design made by a qualified soils engineer.
- E. **Curb And Gutter.** All streets shall be constructed with concrete curb and gutter, except for local residential streets serving single-family subdivisions or single-family residential lots of one (1) acre or greater which may be constructed with ditch drainage. Where ditch drainage is proposed, the subdivider may be required to install curb and gutter or other structural drainage facilities at locations specified by the City to insure flow of storm water from one (1) drainage conveyance system to a different system. Concrete curb and gutter shall be constructed according to the lines and grades established by the City Engineer. The concrete shall meet MoDOT requirements. The curb and gutter

shall be thirty (30) inches wide, and shall have a vertical curb face. Curb and gutter shall be installed in conformance with Drawings No. 18 and No. 19, see Appendix A to this Chapter, and City specifications for said improvements.

- F. **Cut And Fill Slopes.** Cut and fill slopes shall not exceed one-fourth (1/4) inch per foot from the edge of the street pavement or curb back to the street right-of-way line.

It is preferred that most slopes adjoining rights-of-way should be sloped no steeper than a 3:1 grade.

- G. **Street Grades.** The minimum grade at any point on any street shall be one-half of one percent (0.5%). Unless a greater grade is approved by the City, the maximum grade shall be twelve percent (12%). However, in no case shall streets be constructed with grades that create a substantial danger to the public safety.

- H. **Street Intersections.**

1. Intersections involving the junction of more than two (2) streets shall be prohibited.
2. Streets shall intersect as nearly as possible at right angles. The angle of intersection of street centerlines shall not be less than seventy-five degrees (75°).
3. Except where no other alternative is practical or legally possible, no two (2) streets may intersect with any other street on the same side at a distance of less than four hundred (400) feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least six hundred (600) feet.
4. Street curb intersections shall be rounded by a tangential arc with a minimum radius of twenty-six (26) feet for intersections of two (2) minor streets and thirty (30) feet for intersections involving collector or arterial streets. Where substantial use is anticipated by large vehicles, such as recreational vehicles or semi-trailers, the curb radius shall be increased to accommodate the anticipated use.
5. Design Speed, Sight Distance, Centerline Radius

Design Speed, Sight Distance, Centerline Radius		
	Local Streets	Collector & Arterial Streets
Design Speed	25 mph	30 mph
Minimum Sight Distance on Vertical Curve	100 feet	200 feet
Minimum Centerline Radius	100 feet	200 feet

- I. **Sight Distances At Intersections.**

1. At no-stop intersections, the intersection shall be constructed so that a person standing at a location on the centerline of any street ninety (90) feet from the intersection of the street centerlines has an unobstructed view to a point located on the centerline of the intersecting street ninety (90) feet (in either direction) from the intersection of the street centerlines. See Standard Drawing No. 20, in Appendix A to this Chapter.

2. At stop intersections the intersection shall be constructed so that a person standing ten (10) feet back of the intersection right-of-way lines on the stop street has an unobstructed view to a point on the right-of-way line of the intersecting through street located seventy (70) feet from the intersection of the right-of-way lines. See Standard Drawing No. 21, in Appendix A to this Chapter.
3. At street connections to primary state roads the intersection shall be constructed so that a person standing thirty (30) feet back of the intersection right-of-way lines on the stop street has an unobstructed view to a point on the right-of-way line of the intersecting through street located one hundred fifty (150) feet from the intersection of the right-of-way lines. See Standard Drawing No. 22, in Appendix A to this Chapter.

Section 400.1010. Driveway Approaches. [Ord. No. 1250, 10-15-2002]

- A. All driveway entrances and other openings onto streets within the City's planning jurisdiction shall be constructed so that:
 1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians or vehicles traveling on abutting streets.
 2. Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.
- B. Driveway approach wings shall be a minimum of four (4) feet, with two (2) feet on each side of the driveway. Driveway approach base shall be four (4) inches of five-eighths (5/8) inch rock or equivalent and sub-grade shall be compacted to ninety-five percent (95%) Standard Proctor ASTM D698. Driveway approaches shall be constructed of Portland concrete and shall be six (6) inches thick.
- C. Where drainage culverts are required, all driveway entrances and other openings onto streets shall be constructed so that:
 1. The culvert is at least twelve (12) inches in diameter, with a minimum of six (6) inches of surface cover over the culvert or as determined by the City. Larger sizes may be required as determined by the City.
 2. The construction of the driveway surface over the culvert shall be level with the top of the curve to maintain storm water in the street.
- D. The size of culverts under City streets shall be approved by the City and shall be constructed of reinforced concrete pipe.

Section 400.1020. Sidewalks. [Ord. No. 1250, 10-15-2002]

- A. Sidewalks shall be constructed on both sides of collector and arterial streets.
- B. Sidewalks shall be located within the street right-of-way, one (1) foot inside the right-of-way line. Sidewalk sub-grade shall be compacted to ninety-five percent (95%) standard proctor ASTM D698. Sidewalks shall be constructed of Portland concrete and shall be four (4) inches thick. Expansion joints shall be provided every fifty (50) feet; contraction joints at five (5) feet. Sidewalk widths shall be constructed to the following applicable minimum standard:
 1. Sidewalks shall be a minimum of four (4) feet wide.

2. Sidewalks along collector and arterial streets that provide access to schools, recreation areas and other community facilities shall be a minimum of five (5) feet wide.
- C. Whenever the Board of Aldermen finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to construct other walkway improvements to provide such access, in compliance with the requirements of the City of Branson West Subdivision Regulations, Article VIII, Required Public Improvements.
- D. All sidewalks shall be constructed up to each intersecting street and wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Where required, wheel chair ramps and depressed curbs shall be constructed in accordance with the standards of the Americans With Disabilities Act in effect at the time of construction.
- E. A grass planting strip shall be provided between the curb and the sidewalk.

Section 400.1030. Installation Of Improvements In Street Right-Of-Way. [Ord. No. 1250, 10-15-2002]

All utilities and improvements that are to be installed in street rights-of-way shall be completed prior to construction of the street.

Section 400.1040. Quality Assurance. [Ord. No. 1250, 10-15-2002]

- A. All sub-grade, crushed limestone, bituminous plant mix base and bituminous plant mix surface of all streets shall be installed and tested according to the requirements of Stone County and the Missouri Department of Transportation. Tests shall be performed at a minimum rate of one (1) per one hundred (100) lineal feet of roadway or a minimum of two (2) tests per day, whichever is more frequent. The City shall select the location of these tests.
- B. Meeting these standards and the tests referred to in Subsection (A) shall be the responsibility and at the exclusive cost of the developer. The City shall employ the testing agency and the developer shall pay the costs.
- C. If any of the said tests are returned to the City showing a failure by the developer to meet or surpass the standards established, then the developer shall take such remedial measures as may be required by the City.
- D. The developer shall give the City at least twenty-four (24) hours notice prior to commencing the installation.
- E. Project Conditions.
 1. Environmental Limitations. Do not apply asphalt materials if sub-grade is wet or excessively damp or if the following conditions are not met:
 - a. Prime and Tack Coats. Minimum surface temperature of sixty degrees Fahrenheit (60° F.) fifteen and five-tenths degrees Celsius (15.5° C.).
 - b. Asphalt Base Course. Minimum surface temperature of forty-five degrees Fahrenheit (40° F.) four degrees Celsius (4° C.) and rising at time of placement.
 - c. Asphalt Surface Course. Minimum surface temperature of sixty degrees Fahrenheit (60°

F.) fifteen and five-tenths degrees Celsius (15.5° C.) at time of placement.

2. Pavement-Marking Paint. Proceed with pavement marking only on clean, dry surfaces and at a minimum ambient or surface temperature of forty-five degrees Fahrenheit (40° F.) four degrees Celsius (4° C.) for oil-based materials, fifty degrees Fahrenheit (50° F.) ten degrees Celsius (10° C.) for water-based materials, and not exceeding ninety-five degrees Fahrenheit (95° F.) thirty-five degrees Celsius (35° C.).

F. Examination.

1. Verify that sub-grade is dry and in suitable condition to support paving and imposed loads.
2. Proof-roll subbase using heavy, pneumatic-tired rollers to locate areas that are unstable or that require further compaction.
3. Proceed with paving only after unsatisfactory conditions have been corrected.

G. Repairs.

1. Leveling Course. Install and compact leveling course consisting of hot-mix asphalt surface course to level sags and fill depressions deeper than one (1) inch (25 mm) in existing pavements.
 - a. Install leveling wedges in compacted lifts not exceeding three (3) inches (75 mm) thick.
2. Crack And Joint Filling. Remove existing joint filler material from cracks or joints to a depth of one-fourth (1/4) inch (6 mm).
 - a. Clean cracks and joints in existing hot-mix asphalt pavement.
 - b. Use emulsified-asphalt slurry to seal cracks and joints less than one-fourth (1/4) inch (6 mm) wide. Fill flush with surface of existing pavement and remove excess.
 - c. Use hot-applied joint sealant to seal cracks and joints more than one-fourth (1/4) inch (6 mm) wide. Fill flush with surface of existing pavement and remove excess.

H. Surface Preparation.

1. General. Immediately before placing asphalt materials, remove loose and deleterious material from substrate surfaces. Ensure that prepared sub-grade is ready to receive paving.
 - a. Sweep loose granular particles from surface of unbound-aggregate base course. Do not dislodge or disturb aggregate embedded in compacted surface of base course.
 - b. Mix herbicide with prime coat if formulated by manufacturer for that purpose.
2. Prime Coat. Apply uniformly over surface of compacted unbound-aggregate base course at a rate of fifteen-hundredths (0.15) to fifty-hundredths (0.50) gal./sq. yd. (0.7 to 2.3 L/sq. m). Apply enough material to penetrate and seal but not flood surface. Allow prime coat to cure for seventy-two (72) hours minimum.
 - a. If prime coat is not entirely absorbed within twenty-four (24) hours after application, spread sand over surface to blot excess asphalt. Use enough sand to prevent pickup under traffic. Remove loose sand by sweeping before pavement is placed and after volatiles have evaporated.

- b. Protect primed substrate from damage until ready to receive paving.
 - 3. Tack Coat. Apply uniformly to surfaces of existing pavement at a rate of five-hundredths (0.05) to fifteen-hundredths (0.15) gal./sq.yd. (0.2 to 0.7 L/sq. m).
 - a. Allow tack coat to cure undisturbed before applying hot-mix asphalt paving.
 - b. Avoid smearing or staining adjoining surfaces, appurtenances, and surroundings. Remove spillages and clean affected surfaces.
- I. Hot-Mix Asphalt Placing.
 - 1. Machine place hot-mix asphalt on prepared surface, spread uniformly, and strike off. Place asphalt mix by hand to areas inaccessible to equipment in a manner that prevents segregation of mix. Place each course to required grade, cross section, and thickness when compacted.
 - a. Place hot-mix asphalt base course in number of lifts and thicknesses indicated.
 - b. Place hot-mix asphalt surface course in single lift.
 - c. Spread mix at minimum temperature of two hundred fifty degrees Fahrenheit (250° F.) one hundred twenty-one degrees Celsius (121° C.).
 - d. Begin applying mix along centerline of crown for crowned sections and on high side of one-way slopes, unless otherwise indicated.
 - e. Regulate paver machine speed to obtain smooth, continuous surface free of pulls and tears in asphalt-paving mat.
 - 2. Place paving in consecutive strips not less than ten (10) feet (3 m) wide unless infill edge strips of a lesser width are required.
 - a. After first strip has been placed and rolled, place succeeding strips and extend rolling to overlap previous strips. Complete a section of asphalt base course before placing asphalt surface course.
 - 3. Promptly correct surface irregularities in paving course behind paver. Use suitable hand tools to remove excess material forming high spots. Fill depressions with hot-mix asphalt to prevent segregation of mix; use suitable hand tools to smooth surface.
- J. Joints.
 - 1. Construct joints to ensure a continuous bond between adjoining paving sections. Construct joints free of depressions with same texture and smoothness as other sections of hot-mix asphalt course.
 - a. Clean contact surfaces and apply tack coat to joints.
 - b. Offset longitudinal joints, in successive courses, a minimum of six (6) inches (150 mm).
 - c. Offset transverse joints, in successive courses, a minimum of twenty-four (24) inches (600 mm).
 - d. Construct transverse joints as described in AI MS-22, "Construction of Hot Mix Asphalt Pavements."

- e. Compact joints as soon as hot-mix asphalt will bear roller weight without excessive displacement.
- f. Compact asphalt at joints to a density within two percent (2%) of specified course density.

K. Compaction.

1. General. Begin compaction as soon as placed hot-mix paving will bear roller weight without excessive displacement. Compact hot-mix paving with hot, hand tampers or vibratory-plate compactors in areas inaccessible to rollers. Complete compaction before mix temperature cools to one hundred eighty-five degrees Fahrenheit (185° F.) eighty-five degrees Celsius (85° C.).
2. Breakdown Rolling. Complete breakdown or initial rolling immediately after rolling joints and outside edge. Examine surface immediately after breakdown rolling for indicated crown, grade, and smoothness. Correct lay down and rolling operations to comply with requirements.
3. Intermediate Rolling. Begin intermediate rolling immediately after breakdown rolling while hot-mix asphalt is still hot enough to achieve specified density. Continue rolling until hot-mix asphalt course has been uniformly compacted to the following density: Average Density: ninety-six percent (96%) of reference laboratory density according to AASHTO T 245, but not less than ninety-four percent (94%) nor greater than one hundred percent (100%).
4. Finish Rolling. Finish roll paved surfaces to remove roller marks while hot-mix asphalt is still warm.
5. Edge Shaping. While surface is being compacted and finished, trim edges of pavement to proper alignment. Bevel edges while asphalt is still hot; compact thoroughly.
6. Repairs. Remove paved areas that are defective or contaminated with foreign materials and replace with fresh, hot-mix asphalt. Compact by rolling to specified density and surface smoothness.
7. Protection. After final rolling, do not permit vehicular traffic on pavement until it has cooled and hardened.
8. Erect barricades to protect paving from traffic until mixture has cooled enough not to become marked.

L. Installation Tolerances.

1. Thickness. Compact each course to produce the thickness indicated within the following tolerances:
 - a. Base Course. Plus or minus one-half (1/2) inch (13 mm).
 - b. Surface Course. Plus one-fourth (1/4) inch (6 mm), no minus.
2. Surface Smoothness. Compact each course to produce a surface smoothness within the following tolerances as determined by using a ten (10) foot (3 m) straightedge applied transversely or longitudinally to paved areas:
 - a. Base Course: one-fourth (1/4) inch.
 - b. Surface Course: one-eighth (1/8) inch.

- c. Crowned Surfaces. Test with crowned template centered and at right angle to crown. Maximum allowable variance from template is one-fourth (1/4) inch.

M. Field Quality Control.

1. Thickness. In-place compacted thickness of hot-mix asphalt courses will be determined according to ASTM D 3549.
2. Surface Smoothness. Finished surface of each hot-mix asphalt course will be tested for compliance with smoothness tolerances.
3. In-Place Density. Testing agency will take samples of uncompacted paving mixtures and compacted pavement according to ASTM D 979 or AASHTO T 168.
 - a. Reference maximum theoretical density will be determined by averaging results from four (4) samples of hot-mix asphalt-paving mixture delivered daily to site, prepared according to ASTM D 2041, and compacted according to job-mix specifications.
 - b. In-place density of compacted pavement will be determined by testing core samples according to ASTM D 1188 or ASTM D 2726.
 - (1) One (1) core sample will be taken for every one thousand (1,000) sq. yd. (836 sq. m) or less of installed pavement, with no fewer than three (3) cores taken.
 - (2) Field density of in-place compacted pavement may also be determined by nuclear method according to ASTM D 2950 and correlated with ASTM D 1188 or ASTM D 2726.
4. Remove and replace or install additional hot-mix asphalt where test results or measurements indicate that it does not comply with specified requirements.

PART 5

Storm Sewer And Drainage Design**Section 400.1050. Minimum Requirements For Storm Sewer And Drainage Design. [Ord. No. 1250, 10-15-2002]**

- A. Drainage Area Plan. A plan of the drainage area at a scale of one (1) inch equals one hundred (100) feet with one (1) foot contour intervals using U.S.G.S. datum for areas less than one hundred (100) acres or a plan of the drainage area at a scale one (1) inch equals three hundred (300) feet with five (5) feet contour intervals for larger areas. This plan shall include all proposed streets, drainage and grading improvements with flow quantities and direction of flow at all critical points. All areas and subareas for drainage calculations shall be clearly distinguished.
- B. Hydraulic Data. Complete hydraulic data showing all calculations shall be submitted. A copy of all nomographs and charts used in the calculations shall be submitted if other than those included in this Part.
- C. Plan And Profile. A plan and profile of all proposed improvements at a scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical shall be submitted. This plan shall include the following:
 - 1. Location, sizes, flow line elevations and grades, type of pipe, channels, boxes, manholes and other structures drawn on standard plan-profile sheets.
 - 2. Existing and proposed ground line profiles along centerline of the drainage improvement.
 - 3. A list of the kind and quantities of materials.
 - 4. Typical sections and reinforcement of all boxes and channels.
 - 5. Location of property lines, street paving, sanitary sewers and other utilities.
- D. Field Study. A field study of the downstream capacity of all drainage facilities and the effect of additional flow from the area to be improved shall be submitted. If the effect is the endangerment of property or life, the problem must be solved before the plan will be given approval.
- E. Storm Water Flow Quantities. Storm water flow quantities in the street shall be shown at all street intersections, all inlet openings, and at locations where flow is removed from the streets. This shall include the hydraulic calculations for all inlet openings and street capacities. Street flow shall be limited to a maximum of five (5) cfs in each gutter. Flow over this must be removed.

Section 400.1060. Requirements Relating To Improvements. [Ord. No. 1250, 10-15-2002]

- A. General Design Requirements.
 - 1. All bridges shall be designed to accommodate a 100-year frequency rain. Box culverts, pipe culverts, channels and ditches shall be designed to accommodate a 100-year frequency rain at all locations having a drainage area in excess of one (1.0) square miles. Locations having a drainage area of less than or equal to one (1.0) square miles shall be designed to accommodate a 25-year frequency rain.
 - 2. Channel improvement shall be such to prevent erosion while maintaining natural channels where possible. Velocities shall be low enough (less than five (5) fps) to prevent scouring. A

series of detention structures, restrictions, etc. are recommended. Concrete lined channels and pipes shall be used when scouring velocities cannot be controlled.

B. Specific Requirements For Various Improvements.

1. **Bridges And Culverts.** Bridges, box culverts or concrete pipe culverts shall be provided where continuous streets or alleys cross water courses. The structure shall be designed in accordance with City specifications for materials and to carry HS-20 loadings in all cases.
2. **Closed Storm Sewers.** Closed storm sewers shall either be reinforced concrete box or pipe of approved type designed for HS-20 loadings. Reinforced concrete pipe or reinforced concrete boxes must be used within two (2) feet of the back of the street curb and under paved areas. All storm sewers having trench walls within two (2) feet of the back of the street curb shall be backfilled with granular material. The use of corrugated steel, zinc-coated pipe and extra strength clay pipe will not be permitted within two (2) feet of the curb or under pavement areas.

Grades for closed storm sewers shall be designed so that the velocity shall not be less than three (3) feet per second and shall not exceed twelve (12) feet per second. The use of corrugated polyethylene pipe is permitted outside the paved areas.

3. **Open Paved Concrete Channels.** Grades for open paved channels shall be designed so that the velocity shall not be less than three (3) feet per second and shall not exceed twelve (12) feet per second. Such concrete channels may be of different shapes according to existing conditions; however, a channel with a flat bottom and 4:1 to 5:1 side slopes is the most desirable type and shall be used whenever possible. The thickness of channel paving shall depend on conditions at site and size of channel; however, a minimum thickness of six (6) inches is required. A six (6) inch free board must be provided. An eighteen (18) inch toe wall is required at both the outlet and inlet ends of the channel.
4. **Open Ditches (Earth Channels).** Ditches shall have a gradient that limits the velocity within one and five-tenths (1.5) to five (5.0) feet per second depending on existing soil conditions. Such ditches shall have a minimum side slope ratio of 3:1. Encroachment of buildings and improvements on natural or designated drainage channels for the channel's flood plains is prohibited. Such flood plains are areas of land adjacent to an open paved channel or earthen ditch that may receive a flood condition from a 100-year frequency rain. The limits of such flood plains shall be indicated on drainage improvements plans. Short sections, such as those following the outlets of small culverts, may exceed the velocity of five (5.0) feet per second provided that:
 - a. UV protected geotextile netting (such as North American Green C-350) is used.
 - b. Rip-rap is not acceptable and cannot be used for this purpose.

Section 400.1070. Runoff Calculations. [Ord. No. 1250, 10-15-2002]

- A.** The rate of runoff concentrated at any point shall be determined by the Rational Formula:

Q	=	CIA, in which
Q	=	Runoff in cubic feet per second
C	=	The runoff coefficient for the area

- I = Design rainfall intensity in inches per hour over the area based on time of concentration and rainfall intensity curves included as a part of these regulations. A five (5) minute time of concentration is the minimum permitted.
- A = Drainage area, in acres.

1. **Runoff Coefficient.** The runoff coefficient "C" is the variable in the Rational Formula least susceptible to precise determination and the one, which requires the greatest exercise of engineering judgment because of the many area characteristics, which affect the runoff coefficient. Among the factors to be considered in influencing the runoff coefficients are the following: present and future zoning; terrain; local ponding or depressions; the amount of pavement; roofs, turf, and other areas having different degrees of imperviousness.

The selection of a coefficient should take into consideration the probable ultimate development of presently undeveloped areas. Suggested values of runoff coefficients are included in the following table:

Suggested Runoff Coefficients	
"C" Value Surface Conditions	
0.10 - 0.15	Tall grass, brush
0.15 - 0.20	Parks, golf courses, farms and one (1) acres single-family residences
0.35	Single-family residences on lots of not less than 15,000 sq. ft.
0.45	Single-family residences on lots of not less than 10,000 sq. ft.
0.47	Single-family residences on lots of not less than 7,500 sq. ft.
0.51	Single-family residences on lots of not less than 6,000 sq. ft.
0.90	Gravel surfaces
0.95	Asphalt and concrete surfaces
1.00	Buildings and other structures

2. **Rainfall Intensity.** The average frequency of rainfall occurrence used for design determines the degree of protection afforded by a drainage system. Maximum intensity of rainfall of a given expectancy is greater for a short period of time than for longer periods. Therefore, it is assumed that the maximum runoff will occur as soon as all parts of the drainage area under consideration are contributing. The length of time from the beginning of rainfall until runoff from the most remote point in the drainage area reaches the point under consideration is called the time of concentration. This may include overland flow time and channel or gutter flow time. Nomographs that may be used for determining time of concentration are included in these regulations. Once the time of concentration is known, the design intensity rainfall may be determined from the rainfall intensity curves included in these regulations.

Section 400.1080. Sizing Of Storm Sewers And Drainage Structures. [Ord. No. 1250, 10-15-2002]

- A. The size of closed storm sewers, open channels, culverts and bridges shall be designed so that capacity will not be less than the computed runoff using the Manning Formula:

Q	=	$(1.486/n) (r^{2/3}) (s^{1/2})$
Q	=	Capacity = Discharge in cubic feet/sec.
a	=	Cross-sectional area of water in conduit or channel in square feet
r	=	Hydraulic radius of water in conduit or channel = area/wetted perimeter
s	=	Mean slope of hydraulic gradient in feet per foot
n	=	Roughness coefficient, based on condition and type of material of conduit or channel lining

Values of "n" for various kinds of pipe for use in Manning Formula:

Concrete Pipe - 0.013

Corrugated Metal Pipe - 0.024

Concrete Lined Channel - 0.015

Earth Channels - 0.030 to 0.050

- B. Design Tabulations. For systems of storm sewers with inlets in various locations, the time of concentration at any point will be time of concentration at the most remote inlet up stream, plus the flow time in the storm sewer to the point under consideration. Computations for systems lend themselves readily to tabulation showing the drainage area, time of concentration runoff and capacity of each inlet and section of sewer under consideration. This data is to accompany the improvement plans.
- C. Street Flow. Street flow shall be limited by pavement encroachment and depth of flow as indicated in the following table, with five (5) cfs the maximum flow in each gutter.

Street Flow	
Street Classification	*Maximum Encroachment of a 2-Year Storm
Local	No curb overtopping. Flow may spread to crown of street.
Collector	No curb overtopping. Flow spread must leave the equivalent of one (1) ten-foot driving lane clear of water.
Arterial	No curb overtopping. Flow spread must leave the equivalent of two (2) ten-foot driving lanes clear of water. One (1) lane in each direction.

* Where no curbing exists, encroachment shall not extend past property lines.

The storm sewer system shall commence at the point where the volume equals five (5) cfs.

PART 6

Storm Water Detention Requirements**Section 400.1090. General. [Ord. No. 1250, 10-15-2002]**

Storm water runoff and the velocity of discharge are considerably increased through development and growth of the City. Prior to the development of the land, surface conditions provide a higher percentage of permeability and longer time of concentration. With the construction of buildings, parking lots, etc., permeability and the time of concentration are significantly decreased, resulting in an increase in both the rate and volume of runoff. These modifications may create harmful effects on properties downstream. Therefore, to minimize these effects, the following minimum storm water detention requirements have been established.

Section 400.1100. Storm Water Detention Plans. [Ord. No. 1250, 10-15-2002]

A complete set of storm water detention plans and calculations shall be provided for all construction projects that increase storm water runoff.

Section 400.1110. Method Of Evaluation. [Ord. No. 1250, 10-15-2002]

Differential runoff evaluation consists of the determination of the rates of runoff, before and after development, determination of required volume of detention and verification of adequacy of discharge and control structures. The 100-year (frequency) runoff coefficients shall be used. Differential runoff rates shall be evaluated by equation:

$$R = (Cd \times I100) - (Cu \times I100)$$

Where

R	=	Differential Runoff Rate
Cd	=	Runoff Coefficient for developed conditions
Cu	=	Runoff Coefficient for undeveloped conditions
I100	=	Intensity for 100-year storm

"C" values shall be determined from the following table:

Suggested Runoff Coefficients	
"C" Value	Surface Conditions
0.10 - 0.15	Tall grass, brush
0.15 - 0.20	Parks, golf courses, farms and one (1) acres single-family residences
0.35	Single-family residences on lots of not less than 15,000 sq. ft.
0.45	Single-family residences on lots of not less than 10,000 sq. ft.
0.47	Single-family residences on lots of not less than 7,500 sq. ft.

Suggested Runoff Coefficients	
"C" Value	Surface Conditions
0.51	Single-family residences on lots of not less than 6,000 sq. ft.
0.90	Gravel surfaces
0.95	Asphalt and concrete surfaces
1.00	Buildings and other structures

Section 400.1120. Volume Of Detention. [Ord. No. 1250, 10-15-2002]

Volume of detention can be evaluated according to the "Simplified Volume Formula", or other method with approval of the City Engineer.

Total volume of detention shall be computed by the equation:

$$\begin{aligned}
 V &= R \times A \times t_c (\text{min.}) \times 60 (\text{sec./min.}) \\
 V &= \text{Total volume of detention (cu. ft.)} \\
 R &= \text{Differential Runoff Rate} \\
 A &= \text{Area of project in acres} \\
 t_c &= \text{Time of concentration as determined for use with differential runoff rates}
 \end{aligned}$$

The design volume of detention shall be determined from the following table:

Calculated Volume	Design Volume
1 cu. ft. thru 500 cu. ft.	500 cu. ft.
501 cu. Ft. thru 4,999 cu. ft.	Round up to nearest 500 cu. ft.
5,000 cu. ft. thru 9,999 cu. ft.	Round up to nearest 1,000 cu. ft.
10,000 cu. ft. thru 49,999 cu. ft.	Round up to nearest 5,000 cu. ft.
50,000 cu. ft. thru 99,999 cu. ft.	Round up to nearest 10,000 cu. Ft.
100,000 cu. ft. and above	Round up to nearest 25,000 cu. ft.

Section 400.1130. Method Of Detention. [Ord. No. 1250, 10-15-2002]

- A. The following conditions and limitations shall be observed in the selection and use of method of detention.
1. General Location. Detention facilities shall be located within the parcel limits of the project under consideration with the following exceptions:
 - a. No detention or ponding will be permitted within public road rights-of-way without specific written approval of the City.

- b. Location of detention facilities immediately downstream of the project will be considered by special request if proper documentation is submitted with reference to practicality, feasibility, proof of ownership or right-of-use of the area proposed and provisions are made for perpetual maintenance.
2. Dry Reservoirs. Wet weather ponds or dry reservoirs shall be designed with proper safety, stability and ease of maintenance features. Maximum side slopes for grassed reservoirs shall not exceed one (1) foot vertical for three (3) horizontal (3:1). In no case shall the limits of maximum ponding elevation be less than two (2) feet vertically below the lowest sill elevation, nor should the maximum limits of ponding be designed closer than ten (10) feet from a building unless waterproofing of the building and pedestrian accessibility are properly mulched, sodded or paved. A minimum of one (1) foot of freeboard is required above the spillway. The outlet structure shall be concrete or other equivalent material. Spillway areas shall be paved with a minimum of six (6) inches of concrete.
3. Open Channels. Normally permitted open channels may be used as detention areas provided that the limits of the maximum ponding elevation are not closer than thirty (30) feet horizontally from any buildings with habitable areas below ground level, and less than two (2) feet below the lowest sill elevation of any building. In no case should the maximum limits of ponding be designed closer than ten (10) feet from a building unless waterproofing of the building and pedestrian accessibility are properly documented. No ponding will be permitted within public rights-of-way without specific written approval of the City. Maximum depth of detention in open channels shall be four (4) feet. Maximum flow line grade shall be one-half percent (0.5%).

For trapezoidal sections, the maximum side slopes of the detention area of the channel shall not exceed one (1) foot vertical for three (3) horizontal (3:1). For design of other typical channel sections the features of safety, stability and ease of maintenance shall be observed.

The entire reservoir area of the open channel shall either be seeded, fertilized and mulched; sodded; or paved. The hydraulic elevations resulting from channel detention shall not adversely affect adjoining properties.

4. Permanent Lakes. Permanent lakes with fluctuating volume controls may be used as detention areas provided that the limits of maximum ponding elevations are no closer than thirty (30) feet horizontally from any building and less than two (2) feet below the lowest sill elevation of any building.

Maximum side slopes for the fluctuating area of permanent lakes shall be one (1) foot vertical to three (3) feet horizontal (3:1) unless proper provisions are included for safety, stability and ease of maintenance.

Maximum fluctuation from permanent pool elevation to maximum ponding elevation shall be three (3) feet. Special consideration is suggested to safety and to limiting accessibility of small children in design of permanent lakes in residential areas.

The entire fluctuating area of the permanent reservoir shall be seeded, and fertilized and mulched, or sodded, or concrete paved. Any area susceptible to or designed as overflow shall be paved with concrete.

5. Parking Lots. Detention will not be permitted in primary parking lots. A primary parking lot will be considered to be the most accessible eighty percent (80%) of total parking for a facility.

In no case should the maximum limits of ponding be designed closer than ten (10) feet from a building unless waterproofing of the building and pedestrian accessibility are properly documented.

When detention is being effected on parking lots by means of retaining walls or curbs, these retaining walls and curbs must be constructed or reinforced concrete.

The minimum freeboard from the maximum ponding elevation to the lowest sill elevation shall be two (2) feet.

Section 400.1140. Verification Of Adequacy. [Ord. No. 1250, 10-15-2002]

- A. Analysis of all elements of design is always performed by the Engineer. The following outline is provided to ascertain that certain critical elements of design are in workable compliance to the aims of design.
 - 1. Volume of detention for the total project.
 - 2. Tributary (Q) peak runoff to basin.
 - 3. Sizing of the overflow facilities.
 - 4. Stability of detention dikes.
 - 5. Safety features.
 - 6. Maintenance features.
- B. Routing calculations shall be submitted in legible tabulated form. Proof of adequacy of the volume of detention and sizing computations for low-flow structure shall also be submitted. Features of stability and safety will also need to be documented if the scope of the project requires special attention in this area of design.
- C. Spot elevations shall be included in sufficient detail on the site plan so that the final direction of water flow can be determined, and so that the volume of detention can be ascertained. Projects over two hundred (200) acres in area shall provide documented verification of adequacy according to scope and complexity of design.

Section 400.1150. Control Structures. [Ord. No. 1250, 10-15-2002]

- A. Detention facilities shall be provided with obvious and effective outlet control structures. These outlet structures may include v-notch weirs or rectangular weirs, as well as pipe. Plan view and sections of the structure with adequate detail shall be included in plans.
- B. The design discharge (Q) for the low-flow outlet shall not exceed the existing runoff for the 1-year storm. The maximum discharge shall be designed to take place under total anticipated design-head conditions. The design-head storage volume if not to be considered as part of the volume of detention required.
- C. Low-flow pipes shall not be smaller than four (4) inches in diameter to minimize maintenance and operating problems, except in parking lot and roof detention where minimum size and configuration of opening shall be designed specifically for each condition. The low-flow pipe shall be provided with a bar-screen on a minimum 2:1 slope to reduce blockage by debris.

- D. Overflow spillways will be required on all detention facilities that have storage volumes of one thousand (1,000) or more cubic feet.
- E. The overflow opening or spillway shall be designed so that the combination flow of the low-flow outlet and the flow over the spillway will not exceed the total peak runoff for the improved area. The total peak runoff is to be determined from a 25-year frequency rain for drainage areas less than one (1.0) square mile and from a 100-year frequency rain for drainage areas one (1.0) square mile or greater.

Street Classification	Allowable Depth and Inundate Areas of 100-Year Storm
Local and Collector	Residential dwellings, public, commercial and industrial buildings shall not be inundated at the ground line. Water depth over the gutter flowline shall not exceed eighteen (18) inches.
Arterial	Residential dwellings, public, commercial and industrial buildings shall not be inundated at the ground line. Depth of water at the street crown shall not exceed six (6) inches to allow operation of emergency vehicles. The depth of water over the gutter flowline shall not exceed eighteen (18) inches.

Section 400.1160. Detention Basin Alternatives. [Ord. No. 1250, 10-15-2002]

- A. Responsible storm water management should consider all available alternatives including construction of on-site detention basins, improvements to the conveyance system, or by making a payment in lieu of providing improvements. This regulation allows the City to make a permit decision as to whether it is more protective of the community to have the developer construct on-site detention and/or make conveyance system changes, or to buyout when downstream conditions permit.
 - 1. Conveyance Improvements. Whenever a storm water detention basin is required and the City Engineer determines that the receiving storm water conveyance system should be improved to accommodate the additional storm water, the developer may provide to the City sufficient funds or material and labor to construct the improvements to the conveyance system. The decision to accept or allow additional drainage to the conveyance system shall rest with the City. The funds for improvement to the conveyance system shall be in an amount determined by the developer's engineer upon acceptable review by the City Engineer to be reasonable and adequate to accommodate the improvement, and shall be spent solely for that purpose by the City.
 - 2. Buyout Option. The developer of a tract of land (through his/her engineer) shall determine the detention volume necessary for the tract of land being developed. This volume shall be determined using the methods outlined in Part 6 of this Article. Whenever the storm water volume analysis presented by the developer and accepted by the City shows that detention has no reduction in downstream flooding, the developer may pay to the City in lieu of constructing storm water detention facilities the amount of three dollars (\$3.00) for each cubic foot of detention volume. Whenever the storm water volume analysis presented by the developer and accepted by the City shows that detention will increase downstream flooding, the developer is required to pay to the City in lieu of constructing storm water detention facilities the amount of three dollars (\$3.00) for each cubic foot of detention volume. This money shall be used by the City to construct and maintain conveyance systems within the city limits, and does not offset the cost by the developer to construct downstream conveyance improvements within the

drainage basin where the storm water detention facilities would have been constructed.

A waiver of the detention facility construction may not be allowed if the City Engineer has made a finding that there is a significant drainage problem below the property where the waiver is proposed to occur even though the detention facility is marginally efficient. The City Engineer may consider in making such determination that the discharge of any additional waters at an increased rate onto the properties below is not desirable due to the significant drainage problems that exist on subservient properties.

PART 7

Grading, Sediment And Erosion Control**Section 400.1170. Goals And Objectives. [Ord. No. 1250, 10-15-2002]**

- A. The goal of the regulation is to effectively minimize erosion and discharge of sediment by application of relatively simple and cost effective Best Management Practices. This goal can be attained by meeting the following objectives:
1. Minimize the area disturbed by construction at any given time.
 2. Stabilize disturbed areas as soon as possible by re-establishing sod, other forms of landscaping, and completing proposed structures, pavements and storm drainage systems.
 3. Provide for containment of sediment until areas are stabilized.
 4. Provide permanent erosion controls.

Section 400.1180. General Design Guidelines. [Ord. No. 1250, 10-15-2002]

- A. The following items must be considered in preparing a sediment and erosion control plan:
1. Temporary vs. Permanent Controls. The greatest potential for soil erosion occurs during construction. Temporary controls are those that are provided for the purpose of controlling erosion and containing sediment until construction is complete. Temporary controls include straw or hay bale dikes, silt fences, erosion control blankets, etc., which are not needed after the area is stabilized. Permanent controls consist of riprap, concrete trickle channels, detention basins, etc., which will remain in place through the life of the development. It is possible for the same facility to serve both a temporary and permanent purpose. The difference between temporary and permanent erosion control should be clearly recognized in preparing a sediment and erosion control plan.
 2. Sheet Flow vs. Concentrated Flow. In areas where runoff occurs primarily as sheet flow, containment of sediment is relatively simple. In these areas straw or hay bales, silt fences and vegetative filter areas can be very effective. Where concentrations of flow occur, containment of sediment becomes more difficult as the rate and volume of flow increase. In these areas, more sophisticated controls such as sedimentation basins must be provided.
 3. Slope. Control of erosion becomes progressively more difficult as the slope of the ground increases. Areas with steeply sloping topography, and cut and fill slopes must be given special consideration.
 4. Soils And Geologic Setting. Area soils and the geologic setting must be considered in preparing the plan and any special considerations deemed necessary for a particular site provided.
 5. Environmentally Sensitive Areas. Where construction occurs within the vicinity of permanent streams, springs, sinkholes, lakes, or wetlands, special attention must be given to preventing discharge of sediment.

Section 400.1190. Grading Permits. [Ord. No. 1250, 10-15-2002]

- A. Permit Requirements. Grading permits are required for all construction sites with the following exceptions:

1. Grading for single-family or duplex residences constructed in subdivisions where approved sediment and erosion controls have been constructed.
 2. Construction sites that have received an individual storm water discharge permit or water quality certification from the Missouri Department of Natural Resources in accordance with the Clean Water Act.
 3. Emergency construction required to repair or replace roads, utilities, or other items affecting the general safety and well being of the public. For emergency construction sites which would otherwise be required to obtain a permit, and for which remedial construction will take more than fourteen (14) calendar days, application for the permit must be made within three (3) calendar days from the start of construction.
 4. The following activities, provided that they are not located within twenty-five (25) feet of a spring, sinkhole, wetland, or watercourse:
 - a. Gardening or landscaping normally associated with single-family residences which cover less than one-half (1/2) acre.
 - b. Grading and repair of existing roads or driveways.
 - c. Cleaning and routine maintenance of roadside ditches or utilities.
 - d. Utility construction where the actual trench width is two (2) feet or less.
 5. Sites that were graded prior to the effective date of this regulation, provided that they do not provide an imminent threat to the general health, safety, and welfare of the public in the opinion of the City.
- B. Permit Procedure. The following items must be received by the City prior to issuance of a Grading Permit.
1. Grading, sediment and erosion control plans shall be submitted to the City along with the plans for the proposed improvements, in conformance with the requirements of the City of Branson West Regulations.
 2. The City will issue Grading Permits after approval of the plans for the improvements, in conformity with the requirements of the City of Branson West Subdivision Regulations.
- C. Plan Requirements. Plans must be prepared by and bear the seal of an engineer registered to practice in the state of Missouri. Plans will not be required in the following cases:
1. Grading associated solely with a single-family residence and which is not exempt from the permit requirement.
 2. Grading or filling of less than one (1) acre if located outside of allowable building areas and not located within twenty-five (25) feet of a spring, sinkhole, wetland, or watercourse. In these instances a Grading Permit can be issued provided that an inspection of the site by a representative of the City does not reveal any conditions that would warrant preparation of a detailed plan in the opinion of the City Engineer.

Section 400.1200. Other Permits. [Ord. No. 1250, 10-15-2002]

- A. NPDES Storm Water Permit. Construction sites where the area to be disturbed is five (5) acres or

more must apply for a storm water discharge permit from the Missouri Department of Natural Resources.

- B. "404" And "401" Permit. Pursuant to the Clean Water Act, grading activities in streams or wetlands may require an Army Corps of Engineers 404 permit and/or a Missouri Department of Natural Resources 401 certification.

Section 400.1210. Design Standards And Criteria. [Ord. No. 1250, 10-15-2002]

A. Grading.

1. Maximum Grades. Cut or fill slopes shall not exceed 3:1. 4:1 slopes are preferred where possible.
2. Maximum Height. Cut or fill slopes shall not exceed fifteen (15) feet in vertical height unless a horizontal bench area at least five (5) feet in width is provided for each fifteen (15) feet in vertical height.
3. Minimum Slope. Slope in grassed areas shall not be less than one percent (1%).
4. Construction Specifications. Construction specifications stating requirements for stripping, materials, sub-grade compaction, placement of fills, moisture and density control, preparation and maintenance of sub-grade must be included or referenced on the plans or accompanying specifications submitted. Construction activities must also comply with the City's standard construction specifications, and the plans referenced accordingly.
5. Spoil Areas.
 - a. Broken concrete, asphalt and other spoil materials may not be buried in fills within proposed building or pavement areas.
 - b. Outside of proposed building and pavement areas, broken concrete or stone may be buried in fills, provided it is covered by a minimum of two (2) feet of earth.
 - c. Burying of other materials in fills that are not suitable for the specific construction activity is prohibited.

B. Sediment Containment.

1. Existing Vegetative Filter Area. These areas may be used where:
 - a. Unconcentrated sheet flow occurs.
 - b. An area of existing vegetation a minimum of twenty-five (25) feet in width can be maintained between the area to be graded and a property line, watercourse, sinkhole, spring, wetland or classified lake.
 - c. Existing ground slope is no greater than 5:1 (twenty-percent (20%)).
 - d. The existing vegetative growth is of sufficient density and in sufficiently good condition to provide for filtration of sediment.
2. Hay/Straw Bale Dike, Or Silt Fence. As a temporary measure, containment areas constructed of hay or straw bales, or silt fence may be provided in areas where:

- a. Unconcentrated sheet flow occurs.
 - b. An area of existing vegetation a minimum of twenty-five (25) feet in width can be maintained between the area to be graded and a property line, watercourse, sinkhole, spring, wetland or classified lake.
 - c. Existing ground slope is no greater than 5:1 (twenty percent (20%)).
 - d. Concentrated flow from an area no greater than one (1) acre occurs and a minimum volume of one thousand (1,000) cubic feet per acre is contained behind the dike.
3. Temporary Containment Berms.
 - a. Temporary containment berms may be provided where concentrated flow from areas greater than one (1) acre and less than five (5) acres occurs. Temporary containment berms must contain a volume of one thousand (1,000) cubic feet per acre of drainage area.
 - b. Temporary containment berms shall have a riprap outlet with a sediment filter, or a perforated pipe outlet.
 - c. Temporary containment berms and accumulated sediment may be completely removed after the tributary area is stabilized, and must be removed prior to final acceptance.
4. Sedimentation Basin. Sedimentation basins shall be provided for all areas where concentrated flow occurs from an area of five (5) or more acres. Sediment basins shall be designed to detain the runoff from one (1) inch of rainfall, for a period of at least twenty-four (24) hours using the methods contained in Part 6 of this Article. The basins shall be provided with an outflow structure consisting of:
 - a. A flow restriction device which provides for the required detention time.
 - b. An outfall pipe sized to carry the maximum estimated outflow rate.
 - c. Protective structures at the pipe outlet to prevent crushing or damage of the end of the pipe, and to prevent blockage of the pipe with debris.
 - d. An overflow spillway capable of discharging the peak flow rate for the four percent (4%) annual probability (25-year) storm while maintaining a minimum freeboard of one (1) foot.
 - e. Erosion protection at the pipe and spillway outlet.
- C. Erosion Protection.
 1. Seeding And Mulching.
 - a. Seeding, fertilizer and mulching requirements shall comply with the City's standard construction specifications Section 02936.
 - b. Whenever grading operations are suspended for more than thirty (30) calendar days between permanent or seeding periods, all disturbed areas must be reseeded with temporary cover.
 - c. Maintain seeded areas for one (1) year following permanent seeding.

2. Cut And Fill Slopes.
 - a. Cut and fill slopes shall be protected from erosion by construction of straw or hay bale dikes, silt fences, diversion berms, or swales along the top of the slope. Diversions shall be maintained until permanent growth is firmly established on the slopes.
 - b. Where drainage must be carried down the slopes, pipe drains, concrete flumes, riprap chutes, or other impervious areas must be provided. Suitable erosion control measures such as riprap stilling basins, must be provided at the bottom of the slope.
3. Channels And Swales. Permanent channels and swales shall be provided with a stabilized invert consisting of one (1) of the following materials:
 - a. Sod.
 - (1) Where the average velocity of flow is five (5) feet per second or less and there is no base flow, the channel shall be lined with sod.
 - (2) For channels with a bottom width less than fifteen (15) feet, sod shall extend up the side slope to a minimum height of six (6) inches above the toe.
 - (3) Channels with a bottom width of fifteen (15) feet or greater, shall be lined with sod in the low flow area.
 - (4) The remainder of the channel slopes shall be seeded and mulched as previously specified.
 - b. Erosion Control Blanket. Commercial erosion control blankets may be used in lieu of sod provided that samples are submitted and approved by the City. The guaranteed maintenance period shall be one (1) year.
 - c. Non-Erosive Lining.
 - (1) In grass channels where base flow occurs, a non-erosive low-flow channel of riprap must be provided. Low flow channels shall have a minimum capacity of five (5) cubic feet per second. Other suitable non-erosive materials may be approved by the City.
 - (2) For channels which have an average velocity of five (5) feet per second or greater a non-erosive lining of riprap concrete or other approved material must be provided.
4. Storm Sewer And Culvert Outlets.
 - a. Erosion protection shall be provided at storm sewer and culvert outlets. Minimum erosion protection shall consist of a concrete toe wall and non-erosive lining.
 - b. Flared end sections and headwalls are not required, but may be provided at the discretion of the designer to meet grading or aesthetic requirements. Where headwalls or flared end sections are specified, toewalls must be provided at the downstream end. The required length of non-erosive lining will not be decreased where flared end sections or headwalls are provided unless calculations and data to support the decrease in length are submitted and approved.
 - c. Non-erosive lining shall consist of riprap, unless otherwise specified and approved. Field

stone, gabions, or riprap shall extend to the point at which average channel velocity for the peak flow rate from the minor (five-year) storm has decreased to five (5) feet per second maximum.

5. Curb Openings. Where drainage flows from paved areas to grass areas through curb openings, erosion protection shall be provided.
6. Ditch Checks And Drop Structures. In grass channels, grades and velocities may be controlled by use of ditch checks and drop structures. Riprap ditch checks may be required in natural channels where average velocity for the peak flow rate from the 5-year storm exceeds five (5) feet per second for post-development conditions.
7. Spillways. Erosion protection must be provided at spillways and outlet structures for detention ponds. Protection shall extend to the point where flow has stabilized and average velocity in the outlet channel is five (5) feet per second or less.

D. Temporary Construction Entrance.

1. A minimum of one (1) temporary construction entrance is required at each site. Additional temporary entrances may be provided if approved. The location of each construction entrance shall be shown on the plan.
2. Only construction entrances designated on the sediment and erosion control plan may be used. Barricades shall be maintained if necessary to prevent access at other points until construction is complete.
3. Construction entrances shall be constructed of crushed limestone meeting the following specifications:
 - a. Construction entrances shall be a minimum of twenty-five (25) feet wide and fifty (50) feet long.
 - b. Minimum thickness of crushed limestone surface shall be six (6) inches. Additional two-inch lifts of crushed limestone shall be added at the discretion of the City if the surface of the initial drive deteriorates or becomes too muddy to be effective.
 - c. In locations where an existing drive or street extends at least fifty (50) feet into the site, the existing drive may be designated as the construction entrance, and construction of a new gravel entrance is not required unless job conditions warrant.

- E. Cleaning Streets. Streets both interior and adjacent to the site shall be completely cleaned of sediment at the end of construction.
- F. Damage To Streets. Any damage conducted to streets as a result of development shall be repaired by the developer to the satisfaction of the City.
- G. Dust Control. The contractor will be required to use water trucks to water haul roads and construction areas to minimize dust leaving the site when conditions warrant.
- H. Sequencing And Scheduling. Costs of sediment and erosion control can be minimized if proper consideration is given to sequencing and scheduling construction. Any special sequencing and scheduling considerations should be noted in the grading plan.

SUBDIVISION REGULATIONS

Chapter 405

SUBDIVISION REGULATIONS

ARTICLE I
General Provisions

Section 405.010. Title. [Ord. No. 1251 §1(101), 10-15-2002]

This Chapter shall be known and may be cited and referred to as the City of Branson West Subdivision Regulations.

Section 405.020. Authority and Purpose. [Ord. No. 1251 §1(102), 10-15-2002]

- A. This Chapter is adopted pursuant to the authority contained in Sections 89.010 to 89.480, RSMo.
- B. The regulations contained in this Chapter are adopted for the following purposes:
 - 1. To protect and provide for the public health, safety, and general welfare of the City of Branson West.
 - 2. To provide for adequate light, air, open spaces, and to protect from flooding and other dangers.
 - 3. To provide for adequate transportation and circulation throughout the City of Branson West and to ensure the provision of adequate public infrastructure and improvements to serve the population.
 - 4. To prevent the pollution of water resources and to ensure the adequacy of drainage facilities.
 - 5. To encourage the orderly and beneficial development of the City of Branson West and to promote good planning and land development practice.
 - 6. To preserve and protect the value of land and buildings and to promote the efficient expenditure of public financial resources.

Section 405.030. Jurisdiction. [Ord. No. 1251 §1(103), 10-15-2002; Ord. No. 75-2009 §1(103), 7-14-2009]

- A. This Chapter shall apply to all land, buildings, and structures within the corporate boundaries of the City of Branson West, Missouri, and the applicable provisions of this Chapter shall apply to such other areas outside of the corporate boundaries which may contract with the City of Branson West for the provision of public services.
- B. The preceding Subsection (A) shall not apply to the land, buildings and structures owned by the City of Branson West that is encompassed by the airport layout plan for the Branson West Municipal Airport, as approved and from time to time amended by the City of Branson West and the Federal Aviation Administration. The Board of Aldermen retains the right to determine by resolution on a case-by-case basis which buildings or other structures on City property must comply with the City's building codes.

Section 405.040. Effective Date. [Ord. No. 1251 §1(104), 10-15-2002]

This Chapter shall be in full force and effect from and after passage, October 15, 2002.

Section 405.050. Interpretation, Conflict and Separability. [Ord. No. 1251 §1(105), 10-15-2002]

- A. The provisions of this Chapter shall be considered to be the minimum requirements for the protection

of the public health, safety, morals and general welfare. Where the conditions imposed by any provision of this Chapter are either more restrictive or less restrictive than conditions imposed by any other provision of this Chapter or other applicable law, ordinance, rule or regulation, the regulations which are more restrictive and which impose a higher standard shall govern.

- B. The provisions of this Chapter are separable. If any Section, sentence, clause or phrase of this Chapter is for any reason held to be invalid by a court of competent jurisdiction, the decision shall not affect the remaining portions of this Chapter. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, such judgment shall not affect the application of said provision to any other property.

Section 405.060. General Regulations. [Ord. No. 1251 §1(106), 10-15-2002]

- A. *Territorial Application.* Except as hereinafter specified, these regulations shall apply to all land development within the City of Branson West, including:
1. The division of any tract of land into two (2) or more tracts or lots, any of which contains less than ten (10) acres.
 2. Any simple land development as defined in Article IV.
 3. Any land offered for sale, lease or development involving real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building or other improvements (example, condominium development).
 4. The dedication or vacation of any public street, alley or easement.
 5. Resubdivision of any tract of land or portion of a tract, vacant or improved.
 6. Development of any subdivision for which a plat has been recorded in the office of the Stone County Recorder of Deeds prior to the effective date of this Chapter, where development or improvements have not commenced within two (2) years after the effective date of this Chapter.
 7. Construction on any tract that changes the pattern of storm water runoff, the traffic pattern to the site, and/or utility service to the site.
- B. *Exemptions.* The following divisions of land are exempt from these regulations:
1. Transfer of interests by inheritance or pursuant to court order.
 2. Transfers of remainders resulting from the exercise of eminent domain or the threat thereof.
 3. Foreclosure of a deed of trust or other security instrument.
 4. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not created.
- C. *Platting And Development Not Permitted.* No land shall be developed or platted within the incorporated area of the City of Branson West except in conformance with the provisions of this Chapter.
- D. *Recordation.* The Stone County Recorder of Deeds shall not record a plat of any subdivision within the corporate boundaries of Branson West unless the plat has been approved in accordance with the

provisions of this Chapter. In the event any such unapproved plat is recorded, it shall be considered invalid and the Board of Aldermen shall institute proceedings to have the plat stricken from the records of the County pursuant to applicable State Statutes.

- E. *Sale Or Transfer Of Lots.* No owner or designated agent of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. The description of such lot or tract by metes and bounds in the instruments of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Chapter.
- F. *Permits.* No development permit shall be issued for any lot, parcel or tract of land which was created after the effective date of this Chapter and which is not in conformance with the provisions of this Chapter.
- G. *Excavation.* No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the provisions of this Chapter.
- H. *Plat Modifications.* No changes, erasures, modifications or revisions shall be made on any plat of a subdivision after final approval has been given by the Board of Aldermen and endorsed in writing on the plat, unless the plat is first resubmitted to the Planning and Zoning Commission and the Board of Aldermen in accordance with the procedures established herein.
- I. *Application To Areas Outside Corporate Limits.* Where City water, sewer or any other public improvement may be extended to areas outside of the corporate limits of Branson West, such improvement shall be installed in conformity with the applicable provisions of this Chapter and the Branson West Standard Specifications for Public Improvements.

Section 405.070. Vacation of Plats. [Ord. No. 1251 §1(107), 10-15-2002]

- A. Any plat or any part of any plat may be vacated by the owner, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached declaring the same to be vacated.
- B. Such instrument shall be approved by the Board of Aldermen in like manner as plats of subdivisions.

The Board of Aldermen may reject any such instrument that abridges or destroys any public rights in any of its public uses, improvements, streets or other public rights-of-way.
- C. Where lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such instrument.

Section 405.080. Fees. [Ord. No. 1251 §1(108), 10-15-2002]

- A. Fees to cover the costs of administration, inspection, engineering review, and similar matters may be charged to applicants for development plan review, subdivision platting, appeals, and variances. A list of all established fees related to the requirements of this Chapter is available at the Branson West City Hall.
- B. Unless otherwise specified in subsequent Sections of this Chapter fees established in accordance with Subsection (A) shall be paid upon submission of a signed application by the applicant, by the petitioner, or by the party submitting a notice of appeal.

ARTICLE II Definitions

Section 405.090. General Interpretations. [Ord. No. 1251 §1(201), 10-15-2002]

A. Unless otherwise expressly stated, the following rules shall apply in interpreting this Chapter.

1. Words used in the present tense shall also include the future tense.
2. Words used in the singular number shall also include the plural and vice versa.
3. The word "*shall*" is mandatory and not discretionary. The word "*may*" is permissive.
4. The words "*used*" or "*occupied*" shall be construed to include "*intended, designed or arranged to be used or occupied*".
5. The word "*person*" includes individuals, firms, corporations, associations, governmental bodies and agencies, and any other similar entities.
6. Unless otherwise specified, all distance shall be measured horizontally.
7. Where reference is made to the regulations, it shall be construed to mean the regulations as originally passed in this Chapter and all subsequent amendments, supplements and revisions.

Section 405.100. Definitions. [Ord. No. 1251 §1(202), 10-15-2002]

For the purposes of this Chapter, terms shall have the meanings herein indicated. Where words have not been defined, the standard dictionary definition shall prevail.

ACRE — A measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

ADMINISTRATIVE OFFICIAL — Except as otherwise specifically provided, primary responsibility for administering and enforcing the Branson West Subdivision Regulations may be assigned by the Board of Aldermen to one (1) or more individuals in the employ of the City. The person or persons to whom these functions are assigned shall be referred to as "Administrative Official".

ALLEY — A dedicated public right-of-way, other than a street, designed to extend only secondary access to the side or rear of those properties whose principal frontage and access is on some other street.

APPLICANT — A person, firm, partnership or corporation submitting an application for a simple land development, plat, amendment, variance or appeal or appeal as required by this Chapter.

BLOCK — A parcel of land intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenways, rural land or drainage channels, or a combination thereof.

BOARD OF ALDERMEN — The Governing Body of the City of Branson West, Missouri.

BUFFERYARD — A land area containing trees, shrubs and other plants, berms, fences or walls used to separate one use from another, or to block noise, lights or other nuisances.

BUILDABLE AREA — The portion of a lot remaining after required yard setbacks have been provided.

BUILDING — Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the ground.

BUILDING LINE — A line or lines indicating the distance from the property line behind which all

enclosed portions of the building must be located.

CITY — The City of Branson West, Missouri.

COMMISSION — The Planning and Zoning Commission of the City of Branson West, Missouri.

COMMON OPEN SPACE — Land or water, or a combination thereof, within or related to a planned residential development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements approved as part of the general development plan. Common open space does not include streets, alleys, off-street parking or loading areas for public use.

COMPREHENSIVE PLAN — The Branson West Comprehensive Plan, adopted by the Planning and Zoning Commission, containing analysis, recommendations and policies for the development of the City, including land use, transportation, community facilities, housing and economy.

CONDOMINIUM — A building, group of buildings or property in which units are owned individually and the common elements are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION — The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

CUL-DE-SAC — A short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

CURB GRADE — The mean level of the curb in front of the lot, or in the case of a corner lot, along that abutting street where the mean curb grade is the highest.

DEVELOPER — The legal or beneficial owner or owners of a lot or any land included in a proposed development, or the duly authorized agent thereof. Also the holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or any other person having enforceable proprietary interest in such land shall be deemed to be a developer for the purpose of this Chapter.

DEVELOPMENT — A construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or extractive purposes.

EASEMENT — A grant by the property owner for the public or private use of a tract of land for specific purposes.

ENGINEER — A registered professional engineer in good standing in the State of Missouri.

ENGINEER OF RECORD — The applicant's or developer's engineer.

FRONTAGE — That part of a lot or premise immediately adjacent to a street or streets without regard to access to, or elevation of, the street or streets.

GRADE — The average level of the finished surface of the ground is the sidewalk elevation. If there is more than one (1) street, an average sidewalk elevation is to be used. If there is no sidewalk, the finished grade shall be equal to the street centerline grade.

IMPROVEMENTS — Physical construction or changes, such as clearing, grading, street surfacing, curbs and gutters, sidewalks, crosswalks, culverts, bridges, water and sanitary sewer lines, storm sewer facilities, other utilities, and other required features.

LOT — A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA — The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

LOT, CORNER — A lot abutting on two (2) or more streets at their intersection.

LOT DEPTH — The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

LOT, DOUBLE FRONTAGE — A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT, FRONT OF — The front of a lot shall be considered to be that side of the lot that fronts a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINE — A boundary line of a lot.

LOT LINE, FRONT — The lot line separating a lot from the street. On a corner lot, the shortest lot line abutting a street is the front lot line; on a through lot, both lot lines abutting the streets are front lot lines; on an irregular shaped lot, the front lot line is the lot line most parallel to the abutting street.

LOT LINE, REAR — Any lot line not a front or side lot line. The rear lot line for a triangular shaped lot shall be a line ten (10) feet long drawn between the lot's side lot lines and parallel to the front lot line.

LOT LINE, SIDE — The lot lines that intersect with a lot's front lot line.

LOT OF RECORD — A lot, which is part of a recorded subdivision or a parcel of land on a plat or deed, which has been recorded by the Stone County Recorder of Deeds.

LOT SPLIT — A subdivision of a recorded lot into two (2) or more parcels.

LOT WIDTH — The mean horizontal distance between the side lot line of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear lot line of the required front yard (building line, especially on irregularly shaped lots).

OWNER OF RECORD — The person, corporation, or other legal entity listed as owner of a lot on records of the Stone County Recorder of Deeds.

PEDESTRIAN WAY — A specifically paved or marked path for pedestrians.

PLANNED DEVELOPMENT — A tract of land under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and non-residential uses or for a planned residential development, a combination of residential uses and densities.

PLAT, FINAL — The final plat, plan or drawing and any accompanying required data or information that is submitted to the Planning and Zoning Commission and the Board of Aldermen for final approval of a proposed subdivision.

PLAT, PRELIMINARY — The preliminary or tentative plat or plan, map or drawing on which the layout and design of a proposed subdivision is submitted to the Planning and Zoning Commission and the Board of Aldermen for consideration and tentative approval.

PUBLIC — Maintained for or used by the people of the City of Branson West on a non-commercial basis.

PUBLIC IMPROVEMENT — The installation, construction, addition or betterment of any new physical development dedicated to or intended for public use, such as streets and sidewalks, utilities, drainage facilities, etc.

SETBACK — The required minimum horizontal distance between the nearest front, side or rear line of every structure and the front line of the lot.

SIDEWALK — A walk for pedestrians at the side of a street.

SIMPLE LAND DEVELOPMENT — Land development that does not involve the subdivision of land, in accordance with the provisions of Article IV of this Chapter.

SKETCH PLAN — A preliminary drawing of the tentative layout of a proposed development.

STREET — A public or private way used or intended to be used for passage or travel by motor vehicles.

STREET, ARTERIAL — A street intended to provide for high-volume, moderate-speed traffic movement through the community and between major activity centers. Access to abutting property is subordinate to the flow of traffic and entrances and exits to the arterial are subject to control.

STREET, COLLECTOR — A street that collects and distributes traffic to and from local streets and arterial streets, and is intended to provide for low to moderate-volume and low-speed, shorter length trips. The function of traffic movement and property access are balanced.

STREET LINE — A dividing line between a lot, parcel or tract and a contiguous street.

STREET, LOCAL — A street intended to provide access to abutting property and designed for low-volume, low-speed traffic.

STREET WIDTH — The horizontal distance between the outside edges of a street's pavement, including any curbing and guttering, measured at right angles to the street's centerline.

SUBDIVIDER — Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land herein defined.

SUBDIVISION — The division of any tract of land into two (2) or more tracts, any of which contain less than ten (10) acres or which involves public street dedication.

SUBDIVISION, MAJOR — Any subdivision other than a minor subdivision.

SUBDIVISION, MINOR — A subdivision that does not involve any of the following:

1. The creation of more than a total of four (4) lots;
2. The creation of any new public streets;
3. The extension of a public water or sewer system; or
4. The installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.

SURVEYOR — A registered land surveyor in the State of Missouri.

TRACT — A lot. The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one (1) "tract" is subdivided into several "lots".

UNDEVELOPED LAND — Land in its natural state before development.

VARIANCE — A grant of permission that permits the recipient to not comply with a specific provision of this Chapter, granted because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the Chapter.

WORKING DAYS — The days of the week, excluding Saturdays, Sundays and recognized holidays, during which normal business is conducted by the City of Branson West.

YARD — An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

In measuring a yard for the purpose of determining the width of a side yard or the depth of a front yard or a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT — A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR — A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projection of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

YARD, SIDE — A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof.

ZONING REGULATIONS — The City of Branson West Zoning Regulations.

ARTICLE III

Administration, Review and Enforcement**Section 405.110. Administration and Enforcement Authority. [Ord. No. 1251 §1(301), 10-15-2002]**

- A. The Board of Aldermen shall designate an Administrative Official to administer and enforce this Chapter. Unless otherwise provided for in this Chapter, the Administrative Official or his/her duly designated and authorized representative shall have the following responsibilities:
1. Receive applications for land subdivision and platting; receive applications for grading permits, excavation permits or other permits as required for installation of public improvements; receive applications for variances and appeals; and receive applications for proposed amendments to this Chapter.
 2. Conduct inspections of installation of public infrastructure to determine compliance with the terms of any application, permit or certificate issued under the provisions of this Chapter.
 3. Interpret the provisions of this Chapter in connection with the above prescribed duties.
 4. Maintain records of official actions of the Board of Aldermen and the Planning and Zoning Commission, and the functions of City Administrative Officials related to the administration of this Chapter.

Section 405.120. Inspection and Right of Entry. [Ord. No. 1251 §1(302), 10-15-2002]

- A. *Inspections Authorized.* The Administrative Official and his/her duly authorized representatives are authorized to make inspections on all premises or construction or installation of public improvements within the City limits to determine compliance with the provisions of this Chapter. The inspector shall have the authority to enter or conduct such inspection at any reasonable hour.
- B. *Notification Required.* It shall be the responsibility of the developer, owner or person engaged in the construction work to obtain all necessary permits and inspections. A minimum of twenty-four (24) hours' notice shall be given to the City prior to the commencement of any construction activity requiring inspection.

Section 405.130. Enforcement. [Ord. No. 1251 §1(303), 10-15-2002]

- A. *Persons Liable.* Any person, firm or corporation who fails to comply with or violates any of the provisions of this Chapter may be held responsible for the violation and be subject to the penalties and remedies herein provided.
- B. *Stop Order.* Whenever any work is being done or any building or property is being used contrary to the provisions of this Chapter, the inspector may order the work or use stopped and may also revoke any permit that has been issued for said work or use. Any person, firm, partnership or corporation who having been served with a written order by the City to remove or cease any such violation shall be subject to the penalties prescribed herein for each day until the violation is remedied.
- C. *Penalties.*
1. Unless otherwise specified in other provisions of this Chapter, violations of this Chapter or failure to comply with any of its requirements shall constitute a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the County Jail for not more than one (1) year, or by both such

fine and imprisonment in the discretion of the court.

2. Each day that any such violation continues after written notification by the City, delivered by certified mail, that such violation exists, shall be considered a separate offense for purposes of the penalties and remedies specified herein.

Section 405.140. Planning and Zoning Commission Authority. [Ord. No. 1251 §1(304), 10-15-2002]

- A. *Authority.* Pursuant to the authority conferred by the laws of the State of Missouri, the Branson West Planning and Zoning Commission is hereby designated the duty of making determinations, investigations and recommendations concerning the design and improvements of proposed subdivisions and land developments. The Planning and Zoning Commission may:
1. Conduct studies and recommend to the Board of Aldermen plans, goals and objectives relating to the growth, development and redevelopment of the City.
 2. Prepare and recommend to the Board of Aldermen policies, ordinances and administrative procedures, and other means for carrying out plans for the City in a coordinated and efficient manner.
 3. Prepare and recommend to the Board of Aldermen regulations governing the subdivision of land within the City, including, among other things, requirements for the coordinated development of the City. Recommendations may be made for the coordination of streets within subdivisions with other existing or planned streets or with other features of the Comprehensive Plan or Official Map; for adequate open spaces for traffic, recreation, light and air; for distribution of population and traffic; for requirements as to the extent and manner of installation of all utility facilities; and recommended manner of enforcement. All recommendations shall be in conformity with Chapter 89, RSMo.
 4. Make recommendations to the Board of Aldermen regarding the approval or disapproval of plans and plats for land subdivision and development.
 5. Make recommendations to the Board of Aldermen regarding variances to land subdivision and improvements.
 6. Carry out other such work and activity as may be requested by the Board of Aldermen pursuant to Chapter 89, RSMo.
- B. *Reporting.* The Planning and Zoning Commission shall make reports to the Board of Aldermen, as it may deem proper or as requested by the Board of Aldermen, on its investigations, transactions and recommendations, and other reports relative to its proscribed responsibilities and authority.

Section 405.150. Appeals. [Ord. No. 1251 §1(305), 10-15-2002]

- A. *Jurisdiction.* The Board of Aldermen shall hear and decide:
1. Appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the interpretation of the provisions of this Chapter.
 2. Appeals of the decision of the Planning and Zoning Commission disapproving an application for minor subdivision, application for preliminary plat or final plat, or site plan for simple land development.

- B. *When Appeals May Be Taken.* Appeals may be taken by any person aggrieved. Appeals shall be made in accordance with the following:
1. *Appeal from administrative order.* An appeal of an order, requirement, or decision of an Administrative Official must be made within fifteen (15) working days of the date of the order or decision appealed.
 2. *Appeal from decision of Planning and Zoning Commission.* An appeal of a decision of the Commission must be made within sixty (60) working days of the date of the decision appealed.
 3. *Application for appeal.* An application for appeal shall be submitted to the City on forms provided by the City Clerk. The City Clerk shall transmit to the Board of Aldermen the notice of appeal and all papers and materials constituting the record upon which the action appealed was taken.
- C. *Board Of Aldermen Decision On Appeal.*
1. Actions by the Board of Aldermen to reverse or modify an order or decision of an Administrative Official shall require an affirmative vote of not less than two-thirds (2/3) of the entire membership of the Board.
 2. Actions of the Board of Aldermen to reverse or modify a decision of the Planning and Zoning Commission regarding disapproval of a site plan for simple land development, or disapproval of a preliminary plat or final plat shall be made in accordance with the provisions set forth in Article IV for Simple Land Development, Article V for Minor Subdivision and Article VI for Major Subdivision.

Section 405.160. Variances. [Ord. No. 1251 §1(306), 10-15-2002]

- A. *Purpose.* It is the purpose of this variance procedure to provide relief from unusual hardship, inequitable construction procedures or improvement design standards which may be impractical for a specific parcel of land, but do not occur in the normal subdivision and land development process.
- B. *Standards For Variance Approval.* No variance shall be granted unless it is found that:
1. There are special and unusual conditions affecting the property such that strict application of the regulations would deprive the owner of reasonable use of said property, and is not the mere grant of a privilege; and
 2. The hardship relates to the applicant's land, rather than personal circumstances; and
 3. The hardship is not the result of actions of any person having a vested right in the property; and
 4. The variance will not nullify the intent and purpose of the City of Branson West Subdivision Regulations; and
 5. The granting of the variance would not be detrimental to the public safety, convenience or welfare, or be injurious to other property in the vicinity.
- C. *Application Procedure.* An application for variance shall be submitted to the City on forms provided by the City Clerk. The application shall indicate the specific provisions of the ordinance from which the variance is requested and the reasons for such request. Applications for variance may be submitted for Commission review concurrently with the final plat for a minor subdivision, or with the preliminary plat for a major subdivision, or with the site plan for a land development requiring public

improvements.

- D. *Public Hearing On Variances.* The Commission shall hold a public hearing on all applications for variances. Notice of public hearing shall be given in accordance with the provisions of Section 405.180.
- E. *Decision On Variances.*
1. *Commission action.* Following public hearing, the Commission shall make recommendation to approve or deny the request for variance. Action on the variance shall be made concurrently with the preliminary plat, or final plat if minor subdivision. Recommendations of the Commission shall be made in accordance with the standards for variance approval established in Subsection (B). Insofar as practical, a motion to recommend approval or denial of a variance request shall include a written statement of the specific reasons or findings of fact supporting the motion. In recommending the grant of a variance, the Commission may recommend reasonable conditions to ensure that the intent of this Chapter is secured. The Commission shall transmit its recommendations to the Board of Aldermen.
 2. *Board of Aldermen action.* The Board of Aldermen shall approve or disapprove the request for variance. The decision of the Board of Aldermen shall be made in accordance with the findings required in Subsection (B).
- F. *Variance Recording.* When a variance has been approved by the Board of Aldermen, the details of said variance shall be recorded in the office of the Stone County Recorder of Deeds. No variance shall be recorded, however, until a thirty (30) day period shall have passed during which time said variance may be challenged in a court of competent jurisdiction.

Section 405.170. Amendments. [Ord. No. 1251 §1(307), 10-15-2002]

- A. *Amendments Authorized.* The Board of Aldermen may from time to time by ordinance amend, supplement, change, modify or repeal the regulations herein or subsequently established. The Board of Aldermen must receive the recommendation and report of the Commission before it may take any such action.
- B. *Initiation Of Amendment.* Amendments may be proposed by the Board of Aldermen, the Planning and Zoning Commission, any citizen, property owner, or any person having an interest in property in the City of Branson West.
- C. *Application For Amendment.*
1. An application for an amendment shall be submitted to the City at least thirty (30) working days prior to the public hearing to be held by the Commission on the application. Applications for amendments initiated by the Commission or the Board of Aldermen shall be accompanied by a motion of such body pertaining to the proposed amendment.
 2. The application shall be submitted on forms provided by the City Clerk and shall contain the name, address and telephone number of the applicant and a description of the amendment requested.
 3. A fee as established by the Board of Aldermen shall be paid to the City of Branson West for each application for an amendment to cover the costs of publication of legal notices and other administrative expenses involved. The Board of Aldermen and the Planning and Zoning Commission shall be exempt from this fee.

- D. *Commission Decision On Amendments.* The Commission shall consider proposed amendments to the Branson West subdivision regulations at a scheduled meeting. The Commission shall make written findings of fact on the proposed amendment and shall submit said findings together with its recommendation to the Board of Aldermen.
- E. *Board Of Aldermen Decision On Amendments.* The Board of Aldermen shall take no action to adopt a proposed amendment, change, supplement or repeal to this Chapter until the recommendations of the Commission have been submitted. The Board of Aldermen shall hold a public hearing before adopting any proposed amendment, supplement, change or repeal. Notice of public hearing shall be given in accordance with the requirements of Section 405.180.

Section 405.180. Notice of Public Hearing. [Ord. No. 1251 §1(308), 10-15-2002]

- A. *Public Hearing Notice On Variances.* Notice of public hearing before the Commission on a variance request shall be made in the following manner:
 - 1. Notice of hearing shall be given by publication in a newspaper of general circulation in the City of Branson West at least fifteen (15) days prior to said hearing.
 - 2. Sending of notice by first class mail to all property owners of record within one hundred eighty-five (185) feet of subject property. The notice shall include:
 - a. Name of the applicant.
 - b. Name of the property owner, if different than the applicant.
 - c. Street address or common description of the property involved.
 - d. Legal description of the property involved.
 - e. Concise description of the nature of the request.
 - f. Date, time and place of the public hearing.
 - g. Place at which further information regarding the request can be obtained.
- B. *Public Hearing Notice On Amendments.* Notice of public hearing before the Board of Aldermen on proposed amendments to this Chapter shall be given by publication in a newspaper of general circulation in the City of Branson West at least fifteen (15) days prior to said hearing.
- C. *Party Responsible For Public Notice.* The City shall be responsible for providing notice of all hearings required pursuant to this Section. The applicant shall be responsible for the costs incurred to provide public notice. For public hearings on variance requests, the applicant shall provide the City with a list of property owners' names and addresses within one hundred eighty-five (185) feet of the subject property that has been compiled from the records of the Stone County Assessor's office and one (1) addressed and stamped business size envelope for each name on the property owners' list.
- D. *Substantial Compliance Of Public Notice.* With respect to the mailing of notices of public hearing, which are considered directory and not mandatory, substantial compliance with such provisions shall be deemed to constitute proper notice.

ARTICLE IV
Simple Land Development Procedure

Section 405.190. Simple Land Development. [Ord. No. 1251 §1(401), 10-15-2002]

- A. *Purpose.* It is the purpose of this Article to establish the approval procedure and requirements for installation of public improvements for land developments not otherwise subject to the minor subdivision or major subdivision approval procedures in accordance with this Chapter.
- B. *Applicability.*
1. A simple land development shall not involve the subdivision of any tract of land.
 2. All simple land developments shall be approved or disapproved in accordance with the provisions of this Article, except that development on recorded lots used for single-family and two-family residences shall be exempt from the provisions of this Article.

Section 405.200. Application Procedure. [Ord. No. 1251 §1(402), 10-15-2002]

- A. *Development Site Plan Required.* The applicant shall submit a site plan for the proposed development to the Commission, in accordance with Article VII, Required Plats and Plans, for determination whether the simple land development approval process should and can be utilized. The Commission may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being developed and all previous subdivisions or developments involving the tract within the previous five (5) years.
- B. *Commission Review.* If the Commission determines that no existing public facilities will be impacted by the proposed development, no new public facilities must be constructed to serve the development, and storm water runoff from the proposed development site will not adversely affect downstream properties, the Commission will recommend approval of the development site plan.
- C. *Board Of Aldermen Action.* After approval of the site plan by the Commission, it shall be submitted to the Board of Aldermen for approval. The Board of Aldermen shall consider the recommendations of the Commission and shall either approve, approve with modifications, or disapprove the site plan. Any changes of the development plan required by the Board of Aldermen as prerequisites for approval shall be noted on three (3) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) copy shall be returned to the Commission and one (1) copy shall be retained by the Board of Aldermen. Approval of the development site plan by the Board of Aldermen authorizes the developer to submit application for building permit for the development.
- D. *When Public Improvements Required.*
1. *Engineering report required.* If the Commission determines that public facilities may be impacted by the proposed development, and/or storm water runoff from the site may adversely affect downstream properties as a result of the proposed development, the applicant will submit an engineering report, in accordance with Article VII, Required Plats and Plans, to identify necessary public improvements. The engineering report shall be submitted no less than fifteen (15) working days prior to the Commission meeting at which the proposed development will be considered.
 2. *Commission action.* The Commission will recommend approval, approval with modifications, or disapproval of the development site plan within sixty (60) working days after the meeting at

which the plan was considered. If the Commission disapproves the development plan, the Commission shall notify the applicant in writing of its decision within ten (10) working days.

3. *Board of Aldermen action.* After approval of the site development plan by the Commission, it shall be submitted to the Board of Aldermen for approval. The Board of Aldermen shall consider the recommendations of the Commission and shall either approve, approve with modifications, or disapprove the site development plan. Any changes required by the Board of Aldermen as prerequisites for approval shall be noted on four (4) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) copy shall be returned to the Commission, one (1) copy shall be retained by the Board of Aldermen, and one (1) copy shall be provided to the City Engineer.
4. Approval of the site development plan by the Board of Aldermen authorizes the applicant to proceed to prepare construction design plans for all required improvements in accordance with the requirements of Article VIII, Required Public Improvements, and the requirements of the City of Branson West Design Standards for Public Improvements. Approval of the development site plan shall not constitute acceptance by the City of any dedicated improvements.
5. *Appeals of Commission decision.* Actions taken by the Commission regarding disapproval of a development site plan are final unless such action is appealed by the applicant to the Board of Aldermen within sixty (60) working days of action by the Commission. The Board of Aldermen may reverse or modify the disapproval of the development site plan by the Commission with the affirmative vote of not less than two-thirds (2/3) the entire membership of the Board. Review by the Board of Aldermen shall be based on the record made before the Commission and shall conform to the requirements of Section 89.460, RSMo.

ARTICLE V
Minor Subdivision Procedure

Section 405.210. Applicability and Intent. [Ord. No. 1251 §1(501), 10-15-2002]

The intent of this Article is to provide for the subdivision of a tract or parcel into not more than four (4) lots, including any remainder proposed to be retained by the owner, provided that public improvements are not required and the resulting lots shall not again be divided without replatting.

Section 405.215. Submission And Review Of Sketch Plan By Planning And Zoning Commission. [Ord. No. 12-2022, 11-14-2022]

- A. In order to minimize development planning costs, avoid misunderstanding, and ensure compliance with the requirements of this Chapter, the developer is required to submit to the City a sketch plan of the proposed subdivision. Although not required, the developer is encouraged to discuss the subdivision proposal with the Commission prior to the formal submission of the sketch plan.
- B. The sketch plan shall be submitted no less than fifteen (15) working days prior nto[??] the next scheduled Commission meeting.
- C. The sketch plan is conceptual in nature and does not require detailed finished plans. However, the sketch plan shall contain the information specified in Article VII, Required Plats and Plans, Section 405.380, Sketch Plan.
- D. Commission Review Of Sketch Plan. The sketch plan shall be reviewed by the Commission to determine:
 - 1. Compliance with the Branson West Comprehensive Plan.
 - 2. Compliance with the City of Branson West Zoning Regulations and general compliance with the City of Branson West Subdivision Regulations.
 - 3. General design of the subdivision.
 - 4. Compatibility of subdivision with surrounding development.
 - 5. Consistency with the Minor Subdivision requirements of Section 405.230(A) (Minor Subdivision Standards).
- E. Commission Approval Of Sketch Plan. The Commission shall either approve the sketch plan, approve with modifications, or disapprove the sketch plan within thirty (30) working days of the meeting at which the sketch plan is considered.
 - 1. Within ten (10) days following the Commission meeting, the Commission will notify the applicant or his/her agent, in writing, of the action taken by the Commission, specifying what changes or additions, if any, are prerequisites for Commission approval of the sketch plan.
 - 2. If the Commission takes no action on the sketch plan within the thirty (30) working days stipulated, the sketch plan shall be deemed to be approved by the Commission.
 - 3. Approval of the sketch plan by the Commission constitutes approval of the general character of the subdivision and authorizes the applicant to proceed to prepare and submit a minor subdivision plat in accordance with the requirements of this Article.

4. If the Commission disapproves the sketch plan, the Commission shall attach to the sketch plan a statement of the reasons for such action and return it to the applicant within ten (10) days of the action.

Section 405.220. Submission of Minor Subdivision Application. [Ord. No. 1251 §1(502), 10-15-2002; Ord. No. 12-2022, 11-14-2022]

- A. An application for minor subdivision approval shall be submitted to the City no less than fifteen (15) working days prior to the scheduled Commission meeting. The application shall be accompanied by eight (8) copies of the following:

1. A proposed minor subdivision plat of the real estate included in the plat, prepared by a registered land surveyor, which contains the surveyor's declaration or certification that:
 - a. A survey was conducted in a manner consistent with the current "Missouri Minimum Standards for Property Boundary Surveys" and applicable subdivision standards;
 - b. The plat fully complies with the requirements of the minor subdivision regulations of the City of Branson West;
 - c. The plat is a correct representation of the exterior boundaries of the land surveyed and the subdivision of it;
 - d. The plat shows the location of any structure(s), thereon, together with the exact nature, location and dimensions of the proposed minor subdivision; and
 - e. The plat represents a survey made by him or her and all monuments indicated thereon actually exist and their location, size and material are correctly shown.
2. Confirmation by the Planning and Zoning Administrator that a sketch plan has been submitted and approved by the Commission per Section 405.215 (Submission and Review of Sketch Plan by Planning and Zoning Commission).
3. A signature block on the plat where the City Administrator shall certify that the plat conforms to all applicable City requirements and specifications.
4. A signature block on the plat where the owner of the land attests to the following statement worded substantially in the following form:

"As owner I hereby certify that I have caused the land described on this plat to be surveyed, divided, mapped, and dedicated and access rights reserved as represented on the plat."

This statement shall be notarized.

Section 405.230. Commission Approval of Minor Subdivision. [Ord. No. 1251 §1(503), 10-15-2002]

- A. *Minor Subdivision Standards.* The Commission shall review applications for minor subdivisions based on the following standards. A minor subdivision shall not be approved if:
 1. More than four (4) lots will be created.
 2. New streets or alleys are needed or proposed.

3. A vacation of streets, alleys, easements, setback lines or access control is needed or proposed.
 4. There is less street right-of-way than required by this Chapter, unless such dedication can be made by separate instrument
 5. A substandard sized lot will be created.
 6. The subdivision will result in a lot or tract without direct access to a street.
 7. The extension of a public water or sewer system is needed or proposed.
 8. The installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots is needed or proposed.
 9. The subdivision will result in significant increases in utilities and services levels or will interfere with maintaining existing utilities and service (e.g., traffic control, street maintenance, etc.).
 10. The tract or lot to be subdivided has been previously created through the minor subdivision procedures of this Article.
- B. *Commission Action.* The Commission shall make a determination within sixty (60) working days of the meeting at which the minor subdivision is considered. The Commission shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in Section 405.090, or the proposed subdivision fails to comply with Subsection (A), or any other applicable requirement of this Chapter. If the subdivision is disapproved, the Commission shall provide the applicant with a written statement of the reasons for denial within ten (10) days of action by the Commission.
- C. *Appeals Of Commission Decision.* Actions taken by the Commission regarding disapproval of a minor subdivision application are final unless such action is appealed by the applicant to the Board of Aldermen within sixty (60) working days of action by the Commission. The Board of Aldermen may override the disapproval of the minor subdivision application by the Commission with the affirmative vote of not less than two-thirds (2/3) of the entire membership of the Board. Review by the Board of Aldermen shall be based on the record made before the Commission and shall conform to the requirements of Subsection (A).

Section 405.240. Board of Aldermen Approval of Minor Subdivision. [Ord. No. 1251 §1(504), 10-15-2002]

- A. *Board Of Aldermen Action.* If the Commission approves the minor subdivision application, the Commission shall forward its recommendation and findings to the Board of Aldermen. The Board of Aldermen shall consider the recommendations of the Commission and shall either approve or disapprove the minor subdivision. If the subdivision is disapproved, the Board of Aldermen shall provide the applicant with a written statement of the reasons for denial within ten (10) days of action by the Board.
- B. *Recording Of Survey.* Approval of the minor subdivision by the Board of Aldermen is contingent upon the survey being recorded within thirty (30) days after the date the certificate of approval is signed by the City Clerk.

Section 405.250. Certifications For Minor Subdivision. [Ord. No. 1251 §1(505), 10-15-2002]

- A. The following certificates shall be signed and affixed to the minor subdivision survey:

1. Legal description of subdivision and lots (to be entered on certification sheet).
2. *Certificate of ownership.*

I hereby certify that I am the owner of property described hereon, which property is within the jurisdiction of the City of Branson West, Missouri, and that I freely adopt this plan of subdivision.

Date

Owner

Notary

3. *Certificate of survey and accuracy.*

I, _____, do hereby certify that this plat was prepared and the monuments and pins set under my personal supervision from an actual survey of the land herein, in accordance with the Missouri Minimum Standards for Property Boundary Surveys, and the Subdivision Regulations of Branson West, Stone County, Missouri.

Date

Surveyor Name and Registration No.

4. *Certificate of approval — Board of Aldermen.*

I hereby certify that the minor subdivision shown on this survey is in compliance with the City of Branson West Subdivision Regulations, and that therefore this subdivision has been approved by the Branson West, Missouri Board of Aldermen, subject to its being recorded in the Stone County Registry within thirty (30) days of the date below.

Date

City Clerk

(SEAL)

5. *Recorder's certificate.*

I, _____, Recorder of Stone County do hereby certify that the within instrument of writing was on the ____ day of 20__ AD at ____ o'clock ____ Min ____ M duly files for record and is recorded in the records in this office in Book ____ at page _____. In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in Galena, Missouri, this ____ day of _____, 20__.

ARTICLE VI
Major Subdivision Procedure

Section 405.260. Applicability. [Ord. No. 1251 §1(601), 10-15-2002]

All subdivision of land not otherwise classified as a minor subdivision nor in conformity with the requirements for minor subdivision approval shall be subject to the requirements and procedures of this Article.

Section 405.270. Submission of Sketch Plan. [Ord. No. 1251 §1(602), 10-15-2002]

- A. In order to minimize development planning costs, avoid misunderstanding and ensure compliance with the requirements of this Chapter, the developer is required to submit to the City a sketch plan of the proposed subdivision. Although not required, the developer is encouraged to discuss the subdivision proposal with the Commission prior to the formal submission of the sketch plan.
- B. The sketch plan shall be submitted no less than fifteen (15) working days prior to the next scheduled Commission meeting.
- C. The sketch plan is conceptual in nature and does not require detailed finished plans. However, the sketch plan shall contain the information specified in Article VII, Required Plats and Plans.

Section 405.280. Approval of Sketch Plan. [Ord. No. 1251 §1(603), 10-15-2002]

- A. *Commission Review.* The sketch plan shall be reviewed by the Commission to determine:
 - 1. Compliance with the Branson West Comprehensive Plan.
 - 2. Compliance with the City of Branson West Zoning Regulations and general compliance with the City of Branson West Subdivision Regulations.
 - 3. General design of the subdivision.
 - 4. Compatibility of subdivision with surrounding development.
- B. *Commission Approval Of Sketch Plan.* The Commission shall either approve the sketch plan, approve with modifications, or disapprove the sketch plan within thirty (30) working days of the meeting at which the sketch plan is considered. The Commission will notify the applicant or his/her agent within ten (10) days, in writing, of the action taken by the Commission, specifying what changes or additions, if any, are prerequisites for Commission approval of the sketch plan. If the Commission takes no action on the sketch plan within the thirty (30) days stipulated, the sketch plan shall be deemed to be approved by the Commission. Approval of the sketch plan by the Commission constitutes approval of the general character of the subdivision and authorizes the applicant to proceed to prepare and submit a preliminary plat in accordance with the requirements of this Article.
- C. *Commission Disapproval Of Sketch Plan.* If the Commission disapproves the sketch plan, the Commission shall attach to the sketch plan a statement of the reasons for such action and return it to the applicant within ten (10) days of the action.

Section 405.290. Submission of Preliminary Plat. [Ord. No. 1251 §1(604), 10-15-2002]

- A. The preliminary plat shall be in substantial conformance with the approved sketch plan.

- B. The preliminary plat and all other materials and procedures, as specified in Article VII, Required Plats and Plans, shall be in compliance with the applicable provisions of this Chapter. It is the responsibility of the subdivider to coordinate his/her plans with the respective private and public agencies in the manner set forth in this Chapter.
- C. The application for a preliminary plat and all informational materials shall be submitted to the City Clerk no less than fifteen (15) working days prior to the Commission meeting.

Section 405.300. Approval of Preliminary Plat. [Ord. No. 1251 §1(605), 10-15-2002]

- A. *Commission Review.* The Commission will review the preliminary plat and informational materials to determine if the plat meets the standards set forth in this Chapter. The plans may also be submitted to other State or local bodies for review as may be determined necessary by the Commission.
- B. *Commission Approval Of Preliminary Plat.* The Commission shall either approve, approve with modifications, or disapprove the preliminary plat within sixty (60) working days after the meeting at which the plat was considered. The Commission will notify the applicant or his/her agent within ten (10) days, in writing, of the action taken by the Commission, specifying what changes or additions, if any, will be required for preliminary plat approval. If no action is taken by the Commission within the sixty (60) day time period, the preliminary plat shall be deemed to be approved by the Commission. The sixty (60) day period for Commission action may be extended upon the request of the applicant.
- C. *Commission Notation.* Any changes of the preliminary plat required by the Commission as prerequisites for approval by the Commission shall be noted on four (4) copies of the preliminary plat. One (1) copy shall be returned to the applicant.
- D. *Commission Disapproval Of Preliminary Plat.* If the Commission disapproves the preliminary plat, the Commission shall attach to the preliminary plat a statement of the reasons for such action and return it to the applicant within ten (10) days of the action.
- E. *Appeals To Board Of Aldermen.* Actions taken by the Commission regarding disapproval of a preliminary plat are final unless such action is appealed by the applicant to the Board of Aldermen within sixty (60) working days of action by the Commission. The Board of Aldermen may reverse or modify the disapproval of a preliminary plat by the Commission with the affirmative vote of not less than two-thirds (2/3) the entire membership of the Board. Review by the Board of Aldermen shall be based on the record made before the Commission and shall conform to the requirements of Section 89.460, RSMo. If the Board of Aldermen disapproves the preliminary plat, the Board shall attach to the preliminary plat a statement of the reasons for such action and return it to the applicant within ten (10) days of the action.
- F. *Board Of Aldermen Approval Of Preliminary Plat.* After approval of the preliminary plat by the Commission, the preliminary plat shall be submitted to the Board of Aldermen for approval. The Board of Aldermen shall consider the recommendations of the Commission and shall either approve, approve with modifications, or disapprove the preliminary plat. Any changes or modifications required by the Board of Aldermen for approval of the preliminary plat shall be noted on four (4) copies of the plat. One (1) copy shall be returned to the applicant, one (1) copy shall be retained by the City Clerk, one (1) copy shall be retained by the City Engineer, and one (1) copy shall be returned to the Commission.
- G. *Effect Of Preliminary Plat Approval.* Approval of the preliminary plat by the Board of Aldermen constitutes approval of the subdivision as to the character and intensity of development, the

arrangement and approximate dimension of streets, lots and other planned features, and authorizes the applicant to proceed to prepare a final plat and plans for all required improvements. Approval of the preliminary plat shall not authorize the sale of lots or the construction of buildings or public improvements, nor shall it constitute acceptance by the City of any dedicated improvements.

Section 405.310. Effective Period of Preliminary Plat Approval. [Ord. No. 1251 §1(606), 10-15-2002]

- A. *Effective Period.* The approval of the preliminary plat shall be effective for a period of twelve (12) months, unless an extension of time for up to an additional twelve (12) months is granted by the Commission. If the applicant fails to submit the final plat within the specified time period, the approval of the preliminary plat shall be nullified and a preliminary plat shall be resubmitted to the Commission for approval.
- B. *Time Extensions.* Requests for extension of time on submitting the final plat shall be made in writing to the Commission before the expiration date of preliminary plat approval. If the Commission grants an extension of time for the submission of the final plat, the Commission shall, when considering the final plat:
 - 1. Make a finding that the conditions on which the preliminary plat was approved have not substantially changed, or
 - 2. Require changes in the final plat, prior to approval, that reflect any substantial changes on the subdivision site or its surroundings that have taken place since preliminary plat approval.

Section 405.320. Submission of Final Plat. [Ord. No. 1251 §1(607), 10-15-2002]

- A. The Commission shall either recommend approval or disapproval of final plats in accordance with the provisions of Section 405.330.
- B. The applicant shall submit the final plat application to the City Clerk at least fifteen (15) working days prior to the scheduled Commission meeting.
- C. Letters of commitment, in accordance with Article VIII, Required Public Improvements, shall be submitted with the final plat application.

Section 405.330. Approval of Final Plat. [Ord. No. 1251 §1(608), 10-15-2002]

- A. *Commission Approval Of Final Plat.* The Commission shall recommend approval of the final plat unless it finds that the plat or the proposed subdivision fails to comply with one (1) or more of the requirements of this Article or that the final plat substantially differs from the approved preliminary plat. The Commission shall have sixty (60) working days to take action on the final plat.
- B. *Commission Disapproval Of Final Plat.* If the final plat is disapproved by the Commission, the applicant shall be furnished with a written statement of the reasons for the disapproval and recommended changes, if applicable.
- C. *Appeal To Board Of Aldermen.* If the final plat is disapproved by the Commission, the applicant may request that said plat be submitted to the Board of Aldermen together with the written report of the Commission stating the reason or reasons for the actions taken. The Board of Aldermen may make such findings and determinations as are consistent with the provisions of this Chapter.
- D. *Board Of Aldermen Approval Of Final Plat.* After approval of the final plat by the Commission, it shall be submitted to the Board of Aldermen for approval. The final plat shall be approved by

ordinance.

- E. *Final Plat Recording.* Approval of the final plat by the Board of Aldermen is contingent upon compliance with the requirements of Article VIII, Required Public Improvements, and the plat being recorded within thirty (30) days after the approval certificates are signed by the Commission Secretary and signed and sealed under the hand of the City Clerk. The approval certificates on four (4) copies of the final plat shall be so signed and sealed. The applicant shall submit the mylar and three (3) paper copies of the final plat to the City for recording. The City shall be responsible for recording the plat. Two (2) copies shall be returned to the applicant.

Section 405.340. Final Plat in Stages Permitted. [Ord. No. 1251 §1(609), 10-15-2002]

- A. The final plat for any major subdivision that has received preliminary plat approval may be submitted in sections or phases provided that:
1. Each section or phase satisfies the requirements set forth in these regulations and other City ordinances.
 2. All required improvements are provided for the section or phase along with any other improvements necessary to the subdivision's orderly development.
 3. After final plat approval of each section or phase, the subdivider shall have one (1) year in which to submit the final plat for the next section or phase of the subdivision.

Section 405.350. Acceptance of Dedication Offers. [Ord. No. 1251 §1(610), 10-15-2002]

- A. Approval of a final plat does not constitute acceptance by the City of the offer of dedication of any streets, alleys, sidewalks, parks, or other public facilities shown on the plat. However, the City may accept any such offer of dedication by ordinance of the Board of Aldermen.
- B. All improvements for which an offer of public dedication has been made shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

ARTICLE VII
Required Plats and Plans

Section 405.360. General Requirements. [Ord. No. 1251 §1(701), 10-15-2002]

Applications and materials submitted under the provisions of this Chapter shall conform to the specifications contained in this Article. The preliminary plat and final plat shall be prepared by qualified personnel in accordance with the requirements of this Article.

Section 405.370. Development Site Plan. [Ord. No. 1251 §1(702), 10-15-2002]

- A. A development site plan is to be submitted for all developments except for the following, unless otherwise required by other provisions of this Chapter:
1. Construction of or additions to a single-family detached dwelling or duplex dwelling on a lot of record.
 2. Construction of or addition to any permitted accessory use to a single-family detached dwelling or duplex dwelling on a lot of record.
 3. Any temporary use permitted by this Chapter.
 4. Remodeling of a building or structure if no enlargement or expansion is involved.
- B. The development site plan shall be drawn to an approximate scale (one (1) inch equals one hundred (100) feet). Eight (8) copies of the plan shall be submitted.
- C. The materials submitted should provide sufficient information to determine whether the proposed development is in compliance with these regulations. The site plan shall contain the following information:
1. Name and address of the developer.
 2. Tract boundary and principal features within one thousand (1,000) feet.
 3. Approximate north point and scale.
 4. Total acreage of the proposed development.
 5. Existing streets on and adjacent to the tract, including rights-of-way widths.
 6. The location of any proposed streets.
 7. Location of any existing or proposed public sewer and water lines.
 8. Existing drainage ways and any proposed modifications to drainage ways.
 9. Existing utilities.
 10. Unique topographical and physical features.
 11. Location of proposed buildings, parking or other improvements.

Section 405.380. Sketch Plan. [Ord. No. 1251 §1(703), 10-15-2002]

- A. A sketch plan shall be submitted for all minor or major subdivisions. The sketch plan is intended to be conceptual in nature and, while accuracy and legibility are essential, the submission of detailed plans at the sketch plan stage is discouraged. The material submitted should provide sufficient information to determine general compliance with these regulations.
- B. The sketch plan shall be drawn to an approximate scale (one (1) inch equals one hundred (100) feet). Eight (8) copies of the sketch plan shall be submitted.
- C. The sketch plan shall show:
 - 1. Name and address of the subdivider and owner.
 - 2. General dimensions and configuration of the tract, including property line, cemeteries and other principal features on the tract and on immediately adjacent property.
 - 3. Proposed subdivision name and location by lot, section, township, range or other appropriate description. A metes and bounds description is not required.
 - 4. Approximate north point, scale, and date of preparation.
 - 5. The approximate total acreage of the proposed subdivision.
 - 6. The classification, location, dimensions and name of all existing or recorded streets on and immediately adjacent to the tract, including the width of rights-of-way.
 - 7. The tentative location, width and classification of all proposed streets.
 - 8. The approximate location and nature of all utility rights-of-way, easements, facilities and structures on or immediately adjacent to the tract.
 - 9. The approximate location and size of culverts, storm sewers, impoundments or other storm water management facilities on or immediately adjacent to the tract.
 - 10. The approximate location, dimensions and configuration of all proposed or existing lots.
 - 11. Unique topographical and physical features. Contour intervals may be based on U.S.G.S data at the ten (10) foot interval level.
 - 12. The approximate location and general layout of proposed water, sewer and storm water management systems designed to serve the subdivision.

Section 405.390. Preliminary Plat. [Ord. No. 1251 §1(704), 10-15-2002]

- A. The preliminary plat application shall be accompanied by ten (10) black line or blue line print paper copies of the preliminary plat. The preliminary plat sheet size shall be twenty-four (24) inches by thirty-six (36) inches. The plat shall be drawn at a scale no greater than one hundred (100) feet to the inch and which is in increments of ten (10) feet.
- B. The preliminary plat shall show the following information:
 - 1. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Stone County Registry.
 - 2. The name(s) and address(es) of the subdivision owner or owners.

3. Date of preliminary plat submittal.
4. Property description of the subdivision.
5. Approximate north arrow and the scale in which the plat is drawn.
6. A listing of the following information:
 - a. Total acreage of the subdivision;
 - b. Total number of lots;
 - c. Current zoning of the tract;
 - d. Proposed land use;
 - e. Smallest lot with lot number and area; and
 - f. Largest lot with lot number and area.
7. Vicinity map showing the location of the proposed subdivision and all streets, roads, and municipal boundaries existing within one thousand (1,000) feet of any part of the property to be subdivided.
8. Contours at vertical intervals of ten (10) feet. Datum shall be referenced to the appropriate U.S.G.S. Topographic Maps.
9. Approximate tract boundaries.
10. The names and locations of immediately adjoining subdivisions and the names of immediately adjoining property owners.
11. The general location and approximate dimensions of any existing street right-of-way intersecting or paralleling the boundaries of the tract, as well as the distance from the centerline of adjacent streets to the tract boundaries.
12. The general location and approximate dimensions of any easements existing within or adjacent to the tract boundaries.
13. The location and dimension of all existing streets, roads, railroads, public sewers, aqueducts, water mains and feeder lines, gas, electric and oil transmission lines, watercourses, detention areas, drainage easements, and other significant features within five hundred (500) feet of any part of the property to be subdivided.
14. The approximate location and extent of all existing structures and tree masses within the tract.
15. The full plan of development detailing the following information on a single sheet:
 - a. The location of all proposed and existing streets, roads, easements, parks, playgrounds and other public areas and facilities, sewer and water facilities and storm sewers or other drainage facilities.
 - b. Lot lines and the approximate dimensions of all lots and lot numbers in consecutive order.
 - c. All street and other areas designated for pertinent facilities, public use or proposed to be dedicated or reserved for future public use, including the conditions of such dedications.

- d. Where applicable, the location of all State or Federal fly zones.
- 16. A draft of any proposed private restrictions, including boundaries of each type of restriction. Where applicable, a draft of restrictive covenants governing the use and maintenance of all common areas, improvements and facilities.
- 17. All storm sewers or other drainage facilities with the size and material of each indicated and any proposed connection to existing facilities.
- 18. The location, size and material of any capped sewers, house connections, mains, and laterals, and proposed connection with existing facilities.
- 19. Records of a title search, indicating any existing covenants on the land to be subdivided. This may be provided as a separate statement.

Section 405.400. Final Plat. [Ord. No. 1251 §1(705), 10-15-2002]

- A. The final plat sheet size shall be twenty-four (24) inches by thirty-six (36) inches. When more than one (1) sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets. The plat shall be drawn at a scale of one hundred (100) feet or less to the inch. The applicant shall submit nine (9) paper copies and one (1) digital copy of the final plat of the subdivision. The digital copy shall be to standards acceptable to the City. The requirement for digital copy may be waived by the City when deemed appropriate.
- B. The final plat shall show the following information:
 - 1. Name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Stone County Registry. If the name of the final plat is different from the approved preliminary plat, the preliminary plat name shall be noted on the final plat.
 - 2. Name(s) and addresses(s) of the subdivision owner(s).
 - 3. Surveyor's name, registration number and survey date.
 - 4. Location by section, township, range, City, County and State where the subdivision is located. If a resubdivision of an existing or approved subdivision, then by lot or block numbers and name of original subdivision.
 - 5. Date of final plat submittal.
 - 6. True north arrow and scale in which the plat is drawn in feet per inch or scale ratio, and bar graph.
 - 7. All boundary lines with lengths and courses to hundredths of a foot and bearings to half minutes (to be determined by survey with an error of not less than 1:5000).
 - 8. The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.
 - 9. The true bearings and distances to nearest established street boundaries, patent or other established survey lines, or other official monuments, which shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, including their names.

10. Accurate location and material of all permanent reference monuments, complying with the latest Missouri Minimum Standards for Property Boundary Surveys.
 11. Dimensions and location of all arcs, radii, internal angles, points of curvature and tangent bearings.
 12. Street and alley lines (their names, bearings, angles of intersection and widths, including the widths along the line of any obliquely intersecting street).
 13. All lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.
 14. All easements and rights-of-way, with the limitations of the easement rights stated on the plat.
 15. For any required off-site easements, evidence of signed and recorded easement and signed verification from the property owner from whom the off-site easement was obtained that all conditions of installation of improvements have been met.
 16. Lots numbered in consecutive order. Plats with more than one (1) block shall also be numbered in consecutive order. In the case of resubdivision of lots in any block, the resubdivided lots shall be designated by their original number prefixed with the term most accurately describing such division or they shall be designated numerically, beginning with the number following the highest lot numbered in the block.
 17. All watercourses.
 18. Sight triangles for intersections, building setback lines with dimensions as fixed by the Zoning Map or major street plan and any other setback lines established by public authority.
 19. Accurate dimensions of existing public land and of all property to be dedicated or reserved for public use, with the purpose indicated thereon.
 20. Private covenants, if any, including boundaries of each type of restriction. Where applicable, restrictive covenants are required governing the use and maintenance of all common areas, improvements and facilities.
 21. Names and locations of adjoining subdivisions and owners of unsubdivided land.
 22. Names, locations and dimensions of adjacent street rights-of-way within any adjoining subdivision.
 23. Any changes or conditions required by the Board of Aldermen in the approval of the preliminary plat.
 24. Certificates as provided for in Section 405.410.
 25. If applicable, a statement indicating that the land lies within an approved planned development district or cluster development.
- C. The application for final plat shall also be accompanied by a notarized statement verifying that taxes on the property are not delinquent.

Section 405.410. Certificates For Final Plats. [Ord. No. 1251 §1(706), 10-15-2002]

- A. All final plats shall contain the following endorsed certificates:

1. *Certificate of ownership and dedication.*

I hereby certify that I am the owner of the property described hereon, which property is located within the City of Branson West, Missouri, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically denoted as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Branson West Board of Aldermen in the public interest.

Date_____
Owner2. *Acknowledgment.*

STATE OF MISSOURI)

SS

COUNTY OF STONE)

On this __ day of _____, 20__, before me personally appeared _____, to me known, who duly sworn, did say that they are the persons described herein, and that the same executed the foregoing instrument as their free act and deed. In witness whereof, I have hereunto set my hand and affixed my official seal in my office in _____, Stone County, Missouri.

Notary Public _____(SEAL)

My Commission Expires _____

3. *Certificate of survey and accuracy.*

I, _____, do hereby certify that this plat was prepared and the monuments and pins set under my personal supervision from an actual survey of the land herein, in accordance with the Missouri Minimum Standards for Property Boundary Surveys, and the Subdivision Regulations of Branson West, Stone County, Missouri.

Surveyor Name and Registration No_____
Date4. *Certificate of approval — Planning and Zoning Commission.*

I hereby certify that this plat has been approved by the Branson West, Missouri Planning and Zoning Commission on the date below.

Date_____
Secretary5. *Certificate of approval — Board of Aldermen.*

I hereby certify that this plat has been approved by the Branson West Board of Aldermen, subject to its being recorded in the Stone County Registry within thirty (30) days of the date below.

Date City Clerk
(SEAL)

6. *Recorder's certificate.*

I, _____, Recorder of Stone County do hereby certify that the within instrument of writing was on the _____ day of _____, 20__ AD at ___ o'clock ___ Min ___ M duly files for record and is recorded in the records in this office in Book _____ at page _____. In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in Galena, Missouri, this _____ day of _____, 20__.

Section 405.420. Required Engineering Report. [Ord. No. 1251 §1(707), 10-15-2002]

- A. Four (4) copies of a report signed and sealed by a registered engineer shall be submitted with the preliminary plat that shall provide a study of the following items as pertaining to the proposed subdivision:
1. *Storm water drainage.* The storm water drainage report shall be conducted in accordance with and shall include all applicable information, maps, calculations and other materials as specified in the Branson West Design Standards for Public Improvements.
 2. *Sanitary sewer and water.* A report on water and sewer capacity and needs to include all applicable information as specified in the Branson West Design Standards for Public Improvements.
 3. *Traffic analysis and street capacity.*
 - a. Description of the types of traffic expected and the effects on existing roads.
 - b. Traffic counts for each outlet from the proposed subdivision in vehicles per day. If available, traffic counts from the Missouri Department of Transportation may be used.
 - c. The traffic analysis must extend from the proposed subdivision to the nearest arterial. Existing traffic counts may be estimated from a study of the area served by the subject road or by counting vehicles consistent with good engineering practice.
 - d. Evaluation of the capacity of the existing and proposed road system.
 - e. A listing of each proposed street by name and functional classification. Proposed right-of-way and design specifications must be indicated.
 - f. If the proposed development is within one thousand (1,000) feet of a school or park, the traffic analysis shall include evaluation of need for pedestrian ways through the development.
 4. *General information.*

- a. Area of development utilized by road right-of-way.
- b. Area of development dedicated to open space.
- c. Area of smallest lot.
- d. Area of largest lot.
- e. Schematic diagram showing significant natural features such as stands of trees, sinkholes, wetlands, rock outcroppings, etc.

Section 405.430. Required Construction Plans. [Ord. No. 1251 §1(708), 10-15-2002]

- A. Upon approval of the preliminary plat by the Board of Aldermen, the applicant shall prepare the required construction plans. All plans shall meet the requirements of the Branson West Design Standards for Public Improvements.
- B. Three (3) copies of each of the following plans shall be submitted for Commission review prior to or concurrent with the final plat application:
 1. Street/road plans;
 2. Grading plan;
 3. Sediment and erosion control plan;
 4. Sewer and water plans;
 5. Storm water drainage plan; and
 6. Improvements plans for any common areas.

ARTICLE VIII
Required Public Improvements

Section 405.440. General Requirements. [Ord. No. 1251 §1(801), 10-15-2002]

Improvements shall be installed only in accordance with a final plat that has been approved under the provisions of this Chapter and in accordance with construction plans that have been approved by the City.

Section 405.450. Assurances For Completion of Improvements. [Ord. No. 1251 §1(802), 10-15-2002]

- A. Before the final plat of any subdivision shall be recorded, the subdivider shall provide for the installation of all improvements described in this Article and as required as a condition of final plat approval.
- B. Before the Board of Aldermen will approve the final plat, the applicant shall certify to the City through the submission of detailed "as-built" plans, that the improvements have been constructed substantially in conformance with the approved plans and specifications and that the improvements are free and clear of any and all liens and encumbrances and are ready for dedication to the City.
 - 1. The "as-built" plans shall show actual elevations of all elevation points shown on the approved improvement plans, computation of all actual grades, computation of actual detention volume, actual dimensions and locations of all structures and locations of all improvements relative to all easements or rights-of-way. "As-built" plans for all sewer laterals shall be located by giving a distance from the upstream manhole down to the lateral connector.
 - 2. The information to be included in the "as-built" plans may be provided, if appropriate, on the approved construction plans; but, if for any reason placing said notations on the construction plans is inappropriate or difficult, then this information shall be presented on a separate drawing or drawings.
 - 3. The "as-built" survey shall be sealed by a land surveyor registered in the State of Missouri, with the design engineer's seal and supplied and paid for by the subdivider, along with any additional engineering fees incurred by the City in connection with review or analysis of the "as-built" survey.

Section 405.460. Protection Against Defects. [Ord. No. 1251 §1(803), 10-15-2002]

- A. The developer shall post a performance bond or other sufficient surety, acceptable to the Board of Aldermen, to guarantee that the developer will correct all defects in such improvements or facilities that occur within one (1) year after the offer of dedication of such facilities or improvements is accepted by the City.
- B. The term "*defects*" refers to any condition in facilities or improvements dedicated to the public that requires the City to make repairs in such facilities or improvements over and above the amount of maintenance that normally would be required. If such defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this Chapter.

Section 405.470. Monuments and Markers. [Ord. No. 1251 §1(804), 10-15-2002]

- A. *Monument Location.* Monuments shall be placed at the nearest block corner or at a distance of approximately six hundred sixty (660) feet, at the point where the curve in a street right-of-way meets

with the tangent to the curve, and at all controlling corners of the subdivision. Monuments shall have the registration number of the land surveyor in charge or the corporate registration number or name legibly stamped or imprinted thereon, and shall comply with the Missouri Minimum Standards for Property Boundary Surveys.

- B. The surveyor shall select a type of monument providing a degree of permanency consistent with that of the adjacent terrain and physical features as required by these standards. All monuments shall be solid and free from movement. They shall be set in the ground at least to the depth of the minimum length given unless they are encased in concrete. With the exception of drill holes and cut crosses, the precise position of the corner shall be marked by a point on a cap and the cap shall be inscribed with the registration number of the land surveyor in responsible charge, or the corporate number or name of the company.
- C. *Permanent Monuments.* Permanent monuments shall be selected from the following:
1. Concrete monuments consisting of reinforced concrete at least four (4) inches square or in diameter and no less than twenty-four (24) inches in length with its precise position marked by a point on a brass or aluminum cap not less than one and one-half (1½) inches in diameter.
 2. Commercial cast iron survey markers no less than twenty-four (24) inches in length.
 3. Steel or coated steel rod markers not less than five-eighths (5/8) inch in diameter, iron pipe markers not less than three-quarter (¾) inch inside diameter, and not less than twenty-four (24) inches in length. These monuments shall have a permanently attached cap of the same metal or of a dissimilar metal if the metals are insulated with a plastic insert to reduce corrosion.
 4. Brass disk not less than two (2) inches in diameter, countersunk and well cemented in a drill hole in either solid rock or concrete.
- D. *Semi-Permanent Monuments.* Semi-permanent monuments shall be selected from the following:
1. Iron pipe markers not less than three-fourths (¾) inch outside diameter at least eighteen (18) inches in length and having a plastic metal cap.
 2. Steel rod markers not less than one-half (½) inch in diameter and not less than eighteen (18) inches in length and having a plastic or aluminum cap.
 3. In urban built-up areas, a cross cut in concrete, brick, or stone paving at the precise position of the corner or on a prolongation of a boundary line.
 4. In asphalt paving, railroad spikes, cotton picker spindles, and other metal devices that are solid and not easily removed or destroyed. P.K. nails and concrete nails are not to be used as semi-permanent monuments.
- E. *Existing Monuments.* Existing monuments shall be evaluated for permanency by the surveyor. In no instance shall the surveyor be required by these standards to remove existing monuments unless the installation of a new monument is necessary to preserve the position of the corner.
- F. *Witness Monuments.* When it is impractical to set a required monument, a witness monument shall be set. It should be placed five (5) feet or more away from the point at an even foot measurement. Witness monuments less than five (5) feet from the point must be clearly identified and shown on the plat. The location of the witness monument should be along a line of the survey or a prolongation of such line.

G. Monumentation On Subdivision Surveys.

1. Prior to recording a new subdivision plat, the surveyor shall establish semi-permanent or confirm existing monuments at each and every exterior corner on the boundaries of the tract of land being subdivided.
2. The surveyor shall establish at least three (3) permanent monuments for each block created. This requirement is waived when the survey does not create more than four (4) lots or parcels and new public or private streets, roads, or access easements.
3. The permanent monuments required above in Subsection (G)(2) shall be set prior to the recording of the plat if they will not normally be moved or destroyed by construction within six (6) months of their installation. If the required permanent monuments will be moved or destroyed by construction, they must be installed upon completion of the construction but in any event within twelve (12) months after the plat has been recorded. The plat shall show all monuments to be set and note when they will be set.
4. The surveyor shall within twelve (12) months after recording the plat mark all lot corners in the subdivision with semi-permanent monuments. The front lot corners may be monumented by notches or cross cut in concrete paving on the prolongation of the lot line.

H. *Parent Parcel Reference.* The plat shall show or reference the record source of the parent parcel from which the subdivision survey was made.

Section 405.480. General Requirements. [Ord. No. 1251 §1(805), 10-15-2002]

- A. The classification, extent, and location of all streets shall conform to the Branson West Comprehensive Plan and the Major Street Plan. Where not shown, the arrangement and design standards of streets shall conform to the provisions herein and the provisions of the Branson West Design Standards for Public Improvements.
- B. All streets, curbs and gutters shall be designed and constructed in accordance with the Branson West Design Standards for Public Improvements. The Commission shall not approve streets that will be subject to frequent or repeated inundation or flooding. Curb and gutter shall be required for all street construction except for local residential streets serving single-family subdivisions or single-family residential lots of one (1) acre or greater. Where ditch drainage is proposed, the subdivider may be required to install curb and gutter or other structural drainage facilities at locations specified by the City to insure flow of storm water from one drainage conveyance system to a different system.
- C. All street rights-of-way and pavement width requirements shall be in accordance with the provisions in the following table and the requirements of the Branson West Design Standards for Public Improvements.

Street Type	Minimum Right-of-Way	Minimum Pavement Width (in feet)
	Width (in feet)	
Local — residential	50	31 — curb and gutter 28 — ditch drainage
Local — all others	50	33
Collector — residential	60	38

Street Type	Minimum Right-of-Way Width (in feet)	Minimum Pavement Width (in feet)
Collector — all others	60	44
Arterial	80	52

Section 405.490. Street Names and Numbers. [Ord. No. 1251 §1(806), 10-15-2002]

Street names shall be assigned by the developer with the approval of the Commission. Names of new streets shall not duplicate existing or platted street names unless the new street is a continuation of an existing or platted street. Building numbers shall be assigned by the City in coordination with Stone County Emergency Services and the Postal Service.

Section 405.500. Street Signs. [Ord. No. 1251 §1(807), 10-15-2002]

Street name signs shall be placed at all intersections. Signs shall be constructed to meet the standards established by the Board of Aldermen.

Section 405.510. Private Streets. [Ord. No. 1251 §1(808), 10-15-2002]

Private streets are not allowed in the City of Branson West.

Section 405.520. Sidewalks. [Ord. No. 1251 §1(809), 10-15-2002]

- A. Sidewalks shall be required along both sides of streets classified as arterials and collectors. If the Commission finds that unusual or peculiar conditions prevail with respect to traffic and/or safety of pedestrians, the Commission may require different standards of walkway improvements to ensure safe pedestrian access to schools, parks, other public use areas or adjoining streets.
- B. Sidewalks shall be constructed in conformance with the provisions of the Branson West Design Standards for Public Improvements. Sidewalks may be constructed of other suitable materials if the Commission determines that:
 - 1. Such sidewalks will serve residents of the development as adequately as concrete walks; and
 - 2. Such sidewalks would be more environmentally desirable or more in keeping with the overall design of the development; and
 - 3. The City will not incur greater than normal expense in maintaining such sidewalks dedicated for public use.

Section 405.530. Blocks. [Ord. No. 1251 §1(810), 10-15-2002]

- A. Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required by the zoning district and to provide for convenient access, circulation and safety of street traffic.
- B. Block lengths shall not exceed one thousand two hundred (1,200) feet or be less than three hundred (300) feet, except under unusual conditions.
- C. A block should be arranged so as to provide two (2) tiers of lots and to allow for adequate pedestrian

access through the subdivision and to adjoining properties. The Commission may approve double frontage lots that would otherwise front on a major street or where topographic or other tract conditions prevent single frontage design. Where double frontage lots are permitted, access from the rear street is prohibited.

Section 405.540. Lots. [Ord. No. 1251 §1(811), 10-15-2002]

- A. All lots shall abut by their full frontage on a publicly dedicated street.
- B. Side lot lines shall be at approximate right angles to straight street lines or radial to curved street lines.
- C. In conformance with the requirements of the zoning district, corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- D. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome site specific difficulties of topography or orientation.
- E. Lots designed for multi-family, commercial or industrial use shall have limited entrances onto collector and arterial streets.
- F. Single-family and two-family lots should not be designed to take access on arterial streets.
- G. Lots subject to flooding and deemed uninhabitable by the Commission shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate flood hazards. Such land within the plat shall be set aside for such uses that shall not be endangered by periodic or occasional inundation or shall not result in unsatisfactory living conditions.
- H. All land area within the plat shall be designated as a lot, dedicated to and accepted by the City, or designated for particular use with adequate provisions for continued maintenance. Remnants of land not designated for private use, utilities, or other public purpose are not permitted.
- I. Building lines shall be shown on all lots intended for residential use and in some cases may be required on lots intended for business use.

Section 405.550. Lot Dimensions. [Ord. No. 1251 §1(812), 10-15-2002]

Minimum lot size, width, depth and minimum building setback lines shall conform to requirements of the zoning district.

Section 405.560. Lot Easements. [Ord. No. 1251 §1(813), 10-15-2002]

- A. Easements may be required for the installation of utilities and storm water improvements. Minimum easement width shall be twenty (20) feet, except that a wider easement may be required by the Commission as determined appropriate by the City. The size and location of drainage easements shall be approved by the City. All easements shall be of sufficient width to enable the access and movement of equipment necessary for maintenance and/or repair.
- B. All easements shall connect with easements established on adjoining properties.

Section 405.570. Utilities. [Ord. No. 1251 §1(814), 10-15-2002]

All utilities, including electric, telephone, and cable television, shall be installed according to the

specifications and minimum standards of the controlling utility provider.

Section 405.580. Lighting. [Ord. No. 1251 §1(815), 10-15-2002]

All public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this Chapter shall be sufficiently illuminated to ensure the safety of persons using such streets, sidewalks and other common areas. Street lights should be no greater than three hundred (300) feet in spacing, and should be located at intersections.

Section 405.590. Wastewater Disposal. [Ord. No. 1251 §1(816), 10-15-2002]

All development shall be provided with an approved system for wastewater disposal. The subdivider shall be responsible for installation of all sewer utilities in conformance with the provisions of the Branson West Design Standards for Public Improvements.

Section 405.600. Water Supply. [Ord. No. 1251 §1(817), 10-15-2002]

All development shall be provided with a potable water supply designed and installed in conformance with the requirements of the Branson West Design Standards for Public Improvements.

Section 405.610. Storm Water Management. [Ord. No. 1251 §1(818), 10-15-2002]

All development shall be provided for proper disposal of storm water affecting the development. Storm water drainage facilities shall be designed and installed in accordance with the requirements of the Branson West Design Standards for Public Improvements.

Building and Construction

Chapter 500

BUILDING CODES AND BUILDING REGULATIONS

ARTICLE I
Building Inspector

Section 500.010. Office of Inspector. [CC 1997 §5-1; Ord. No. 1213 §5-1, 5-12-1998]

There is hereby created the office of Building Inspector. The City Administrator performs the Building Inspector's responsibilities until such time as the City Administrator's work load prevents his/her having the necessary time, at which time the City Administrator would employ or appoint a Building Inspector.

ARTICLE II
Building Codes

Section 500.020. Adoption of Building Code. [CC 1997 §5-2; Ord. No. 1300, 10-11-2005; Ord. No. 11-2016, 11-8-2016]

- A. The International Building Code, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use of maintenance of building, mechanical, plumbing, and electrical systems in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Building Code, 2012 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.

With respect to determination of the fees charged by the City for building permits under the International Building Code, 2012 Edition, the building permit fee shall be four dollars (\$4.00) per thousand dollars of valuation of improvements, as determined by the greater of the cost estimated by the applicant or the valuation shown on the most recent Building Valuation Data, published by the International Code Council, using a Regional Cost Modifier 0.75.

- B. The International Mechanical Code, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Mechanical Code, 2012 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.
- C. The International Plumbing Code, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Plumbing Code, 2012 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.
- D. The International Residential Code, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of residential structures in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Residential Code, 2012 Edition, a copy of which being on

file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.

With respect to determination of the fees charged by the City for building permits under the International Residential Code, 2012 Edition, the building permit fee shall be four dollars (\$4.00) per thousand dollars of valuation of improvements, as determined by the greater of the cost estimated by the applicant or the valuation shown on the most recent Building Valuation Data, published by the International Code Council, using a Regional Cost Modifier 0.75

- E. The International Performance Code for Buildings and Facilities, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of performance code related items in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Performance Code for Buildings and Facilities, 2012 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.
- F. The International Fire Code, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of fire code related items in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Fire Code, 2012 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.
- G. The International Existing Building Code, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of existing buildings in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Existing Building Code, 2012 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.
- H. The International Property Maintenance Code, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of property maintenance related items in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Property Maintenance Code, 2012 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.

1. Chapter 3, Section 302.4 of the 2012 International Property Maintenance Code, as incorporated in the Ordinances of the City of Branson West, shall be amended to read as follows: "All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches." **[Ord. No. 4-2018, 6-12-2018]**
- I. The NEC Electrical Code, 2011 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said NEC Electrical Code, 2011 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.
- J. The International Fuel Gas Code, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of fuel gas related items in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Fuel Gas Code, 2012 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.
- K. The International Private Sewage Disposal Code, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of private sewage disposal related items in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Private Sewage Disposal Code, 2012 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.
- L. The International Swimming Pool and Spa Code, 2012 Edition, with all appendices, as published by the International Code Council, one (1) copy of which is on file in the office of the City Clerk of Branson West, Missouri (and has so been the ninety (90) days prior to the adoption of this Subsection), is hereby adopted as the code of the City of Branson West, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of swimming pools and spas in the City and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said International Swimming Pool and Spa Code, 2012 Edition, a copy of which being on file with the City Clerk, is adopted and incorporated herein by the reference as if fully set out herein.

Section 500.030. General Penalty.

- A. Whenever in any technical code adopted in this Article or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly

vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of any technical code adopted in this Article or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.

- B. Every day any violation of any technical code adopted in this Article 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 any technical code adopted in this Article, 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 any technical code adopted in this Article, an attempt to do the act is likewise prohibited.

ARTICLE III
Building Regulations

Section 500.040. Permit To Move Structure. [CC 1997 §5-7]

Anyone wishing to move a building or mobile home into the City, for use other than for resale, must first obtain a building permit to do so and the building or mobile home must fully conform to the requirements. This building permit does not apply to mobile homes being moved to an established mobile home park.

Section 500.050. Unlawful Continuance. [CC 1997 §5-10; Ord. No. 1054, 1-10-1995]

Any person who shall continue any work in or about the structure 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 liable to a fine as set forth in Section 500.030.

Section 500.060. Prerequisite To Issuance of Permits. [Ord. No. 1220 §5-11, 11-10-1998; Ord. No. 8-2013, 5-14-2013]

Prior to granting a permit, the City Clerk and City Building Inspector shall ensure that the applicant is in compliance with all City ordinances and State laws, including, but not limited to, ensuring that the applicant is current on all obligations owed the City. If the applicant assures the City Clerk by its application that it is in compliance and it is subsequently determined that the applicant is not in compliance, said non-compliance shall be grounds for suspending or revoking said permit.

Section 500.070. Standard Specifications For Construction Materials and Methods.⁷³

The set of standard specifications titled as:

Division 100 Sanitary Sewer System

Division 200 Potable Water System

Division 300 Storm Sewers and Appurtenances

Division 400 Streets and Roadways

Division 500 Sidewalks and Drives

Standard Details

are hereby established as the standards by which the infrastructure of Branson West be built and is on file in the City offices.

Section 500.080. Plan Review and Building Permit Fees. [Ord. No. 46-2007 §1, Attachment C, 12-13-2007; Ord. No. 11-110 §§1 — 2, 4-12-2011; Ord. No. 11-2016, 11-8-2016]

- A. The Board of Aldermen hereby establishes that the building permit fee for one-family to four-family residential structure should be four dollars (\$4.00) per thousand dollars (\$1,000.00) of value of each such structure, with a minimum of sixty-five dollars (\$65.00). The building permit fee is in addition to the plan review fee, which shall be one hundred twenty-five thousandths percent (0.125%) of the valuation, with a minimum plan review fee of forty dollars (\$40.00).

73. Editor's Note: As to Design Standards for Public Improvements, Ch. 400, Art. XI.

B. *Fee Schedule.*

2012 ⁷⁴ International Building Code		Type of Construction (2012 IBC)								
Use Groups		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1	Assembly, theaters, with stage	1.78	1.73	1.69	1.6	1.5	1.5	1.55	1.4	1.35
A-1	Assembly, theaters, no stage	1.61	1.56	1.52	1.43	1.33	1.33	1.38	1.23	1.18
A-2	Assembly, nightclubs	1.28	1.24	1.21	1.14	1.06	1.06	1.1	0.97	0.94
A-2	Assembly, restaurants, banquet halls, bars	1.26	1.23	1.18	1.12	1.04	1.05	1.09	0.94	0.92
A-3	Assembly, churches	1.63	1.57	1.53	1.44	1.35	1.34	1.4	1.24	1.2
A-3	Assembly, libraries, museums, community halls, etc.	1.28	1.22	1.17	1.09	0.98	0.99	1.05	0.88	0.85
A-4	Assembly, arenas	1.26	1.23	1.18	1.12	1.04	1.05	1.09	0.94	0.92
B	Business	1.22	1.17	1.13	1.06	0.94	0.94	1.02	0.83	0.8
E	Education	1.36	1.31	1.28	1.2	1.11	1.06	1.16	0.96	0.95
F-1	Factory and Industrial, moderate hazard	0.77	0.73	0.68	0.65	0.56	0.57	0.63	0.47	0.45
F-2	Factory and Industrial, low hazard	0.76	0.72	0.68	0.63	0.56	0.56	0.61	0.47	0.44
H-1	High hazard, explosives	0.74	.07	0.67	0.62	0.54	0.54	0.6	0.46	N.P.
H-2 through H-4	High hazard	0.74	.07	0.67	0.62	0.54	0.54	0.6	0.46	0.42
H-5	HPM	1.22	1.17	1.13	1.06	0.94	0.94	1.02	0.83	0.8

74. Editor's Note: Ord. No. 11-2016 adopted the 2012 version of this Code, reference to the 2003 IBC was updated by implication within this table.

2012 International Building Code		Type of Construction (2012 IBC)								
Use Groups		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
I-1	Institutional, supervised environment	1.23	1.18	1.15	1.09	1	1	1.06	0.91	0.88
I-2	Institutional, incapacitated	1.81	1.76	1.72	1.65	1.53	N.P.	1.6	1.42	N.P.
I-3	Institutional, restrained	1.41	1.36	1.32	1.25	1.15	1.14	1.21	1.04	0.96
I-4	Institutional, day care facilities	1.23	1.18	1.15	1.09	1	1	1.06	0.91	0.88
M	Mercantile	0.98	0.94	0.89	0.84	0.75	0.76	0.8	0.66	0.64
R-1	Residential, hotels	1.34	1.29	1.26	1.19	1.11	1.11	1.18	1.02	0.98
R-2	Residential, multi-family	1.12	1.06	1.04	0.96	0.89	0.89	0.97	0.81	0.77
R-3 and IRC	Residential, 1 and 2 family	0.93	0.9	0.87	0.83	0.79	0.79	0.82	0.73	0.69
R-4	Residential, care/assisted living	1.23	1.18	1.15	1.09	1	1	1.06	0.91	0.88
S-1	Storage, moderate hazard	0.73	0.69	0.64	0.6	0.51	0.53	0.58	0.43	0.41
S-2	Storage, low hazard	0.71	0.68	0.64	0.59	0.51	0.51	0.57	0.43	0.4
U	Utility	0.56	0.53	0.5	0.46	0.4	0.4	0.43	0.33	0.31
All	Open shells	0.73	0.69	0.64	0.6	0.51	0.51	0.58	0.43	0.41
All	Unfinished basements \$15.00 per square foot									
All	Finished basements \$30.00 per square foot									
R-3	Garages \$14.00 per square foot									

2012 International Building Code		Type of Construction (2012 IBC)								
Use Groups		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
R-3	Sheds \$10.00 per square foot									
R-3	Decks \$8.00 per square foot									
R-3	Carports \$5.00 per square foot									

**Minimum fee for residential building permit sixty-five dollars (\$65.00) and forty-five dollars (\$45.00) per inspection fee for each site visit by the City's Building Inspector.*

Project Valuation Equation: (Gross area) x (Area modifier*) x (Type of construction factor from table above) = Cost of construction

*Area modifier is .75 (as established by the ICC).

Chapter 505**DANGEROUS BUILDINGS****Section 505.010. Purpose and Scope. [Ord. No. 1255 §1, 6-10-2003]**

The purpose is to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public and shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in Branson West, Missouri.

Section 505.020. Dangerous Buildings Defined. [Ord. No. 1255 §1(5-11), 6-10-2003]

- A. All buildings that are detrimental to the health, safety or welfare of the residents of Branson West and that have any or all of the following defects shall be deemed "dangerous buildings":
1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting, enclosing or outside walls or covering.
 3. Those that have improperly distributed loads upon the floors or roofs or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
 4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.
 5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
 6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
 7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
 8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
 9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

Section 505.030. Dangerous Buildings Declared Nuisance. [Ord. No. 1255 §1(5-12), 6-10-2003]

All dangerous buildings, as defined by Section 505.020, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein.

Section 505.040. Standards For Repair, Vacation or Demolition. [Ord. No. 1255 §1(5-13), 6-10-2003]

- A. The following standards shall be followed in substance by the Building Inspector in ordering repair, vacation or demolition of any dangerous building.
1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.
 2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
 3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.
 4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this City or Statute of the State of Missouri, it shall be repaired or demolished.

Section 505.050. Building Inspector. [Ord. No. 1255 §1(5-14), 6-10-2003]

The Building Inspector, all Police Officers and all other City employees so designated by the Mayor or Administrator may act as Building Inspectors within the meaning of this Chapter.

Section 505.060. Duties of Building Inspector — Procedure and Notice. [Ord. No. 1255 §1(5-15), 6-10-2003]

- A. The Building Inspector shall have the duty under this Chapter to:
1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
 2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
 3. Inspect any building, wall or structure reported by the Police Department of this City or any fire district of this County as probably existing in violation of this Chapter.
 4. Notify in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Stone County, of any building found by him/her to be a dangerous building within the standards set forth in Section 505.020.

The notice required shall state that:

- a. The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.

- b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.
 - c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Stone County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done, provided that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.
- 5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
 - 6. Report in writing to the Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
 - 7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
 - 8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Stone County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

Section 505.070. Building Commissioner. [Ord. No. 1255 §1(5-16), 6-10-2003]

The Administrator, or in his/her absence the Mayor, shall act as Building Commissioner under this Chapter.

Section 505.080. Duties of The Building Commissioner. [Ord. No. 1255 §1(5-17), 6-10-2003]

- A. The Building Commissioner shall have the power pursuant to this Chapter to:
 - 1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City

department or retain services of an expert whenever the Building Commissioner deems such service necessary.

2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons having interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, the Building Commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.

Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks in a newspaper qualified to publish legal notices, at least ten (10) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County wherein the land is located, to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein.

Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3. Make written findings of fact from evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 505.020.
4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Building Commissioner shall issue an order based upon his/her findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons having an interest in said building as shown by the land records of Stone County to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of Branson West or the owner or any person having an interest in said building as shown by the land records of Stone County may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by Branson West of the lien against the land where the dangerous building stands. If the evidence does not support finding that a building or structure is a dangerous building, no order shall be issued.
5. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the Building Commissioner shall certify the cost of the work borne by the City of Branson West for such repair, vacation or demolition or cleaned up to the City Clerk as a special assessment represented by a special tax bill against the real property affected, said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owners unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo.
6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Building Commissioner as provided in Subsection (5) of this Section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of

any insurance policy based upon covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in Subdivisions (a) and (b) of this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

- a. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the ordinance.
 - b. The City shall release the proceeds and any interest that 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 the receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of this Section. If the City has proceeded under the provisions of Subsection (5) of this Section, all monies in excess of that necessary to comply with the provisions of Subsection (5) of this Section for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
7. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owners until paid.
 8. Subsection (6) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
 9. Subsection (6) of this Section does not make the City a party to any insurance contract and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
 10. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (6) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (6) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection.

Section 505.090. Appeal. [Ord. No. 1255 §1(5-18), 6-10-2003]

Any owner, occupant, lessee, mortgagee, agent or any other persons having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of the County wherein the land is located may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of Stone County pursuant to the procedure established in Chapter 536, RSMo.

Section 505.100. Emergencies. [Ord. No. 1255 §1(5-19), 6-10-2003]

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and

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the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building and cleanup of the property. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 505.080(5).

Section 505.110. Violations — Disregarding Notices or Orders. [Ord. No. 1255 §1(5-20), 6-10-2003]

- A. The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section 100.160 of this Code.
- B. Any person removing any notices provided for in this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with Section 100.160 of this Code.

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Chapter 510

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I
In General

Section 510.010. Definitions. [CC 1997 §20-1]

All Title III, Section 300.010 definitions apply to this Chapter.

Section 510.020. Street Intersections With State Highway. [CC 1997 §20-2]

A. When a City street intersects with a State highway, the following conditions must prevail:

1. The width of the street must be a minimum of forty (40) feet wide from the State highway to a point sixty (60) feet away from the State highway.
2. Two (2) exits and one (1) entrance with a median between the entrance and exits in order to avoid conflict with other vehicular traffic.

Section 510.030. through Section 510.100. (Reserved)

ARTICLE II
Excavations

Section 510.110. Permit Required — Cleanup. [CC 1997 §20-26]

No person shall dig or excavate on or under any street, avenue, alley or sidewalk in the City, for any purpose whatever, without having first obtained a permit from the City Clerk. Such applicant shall post a bond in an amount to be determined by the City Engineer with the City conditioned upon him/her restoring the street, avenue, alley or sidewalk to its original condition within ninety (90) days from the commencement of such excavation. The bond may be returned to the applicant upon the approval of the Street Superintendent but if not restored within the ninety (90) day period, such applicant shall forfeit the bond posted.

Section 510.120. Barricades and Lights — Generally. [CC 1997 §20-27]

No person shall make any excavation in, on, under, across or adjoining any square, street, avenue, alley or sidewalk and shall leave such excavation open and unguarded. Red lights shall be kept burning throughout the night at intervals of not more than one hundred fifty (150) feet the whole length of the margin of any such excavation.

Section 510.130. Barricades and Lights — Removal, Etc. [CC 1997 §20-28]

No unauthorized person shall remove, break or extinguish any lantern or danger signal which has been placed on any street or alley to protect persons against accidents.

ARTICLE III

Vacation of Streets, Alleys and Public Grounds**Section 510.140. Vacation of Streets, Alleys, Etc. [CC 1997 §20-41]**

Any person owning property abutting upon any public square, public park, street, avenue, alley or other highway or any part thereof may petition the Board of Aldermen to vacate all or any part of said public square, public park, street, avenue, alley or other highway, giving a distinct description of the property to be vacated and the names of the owner of the property abutting thereon. Thereupon, the petitioner shall cause notices of the proposed vacation to be posted in three (3) prominent places in the vicinity of the area to be vacated or, in lieu thereof, the petitioner shall cause a notice of the proposed vacation to be published at least once a week on the same day of each week for three (3) weeks in the newspaper published in Stone County, Missouri; and no vacation shall take place until the petitioner shall have filed with the City Clerk proof that notice has been given of such proposed vacation as required herein.

Section 510.150. Consent of Adjoining Property Owners Required. [CC 1997 §20-42]

The Board of Aldermen shall not vacate any street, avenue, alley or other highway unless the consent of persons owning two-thirds (2/3) of the front feet abutting on the portion of the street, avenue, alley or other highway to be vacated shall be obtained therefor, which consent shall be in writing, acknowledged and furnished to the City Clerk.

Section 510.160. Action of The Board of Aldermen — Effect of Protest. [CC 1997 §20-43]

The Board of Aldermen shall not finally pass any ordinance vacating any area for at least thirty (30) days following the posting of notice or the first (1st) publication thereof as provided in Section 510.140 of this Chapter. After said thirty (30) day period, the Board of Aldermen may proceed to vacate the area sought to be vacated with such restrictions and reservations as it may deem for the public good, unless written opposition shall have been filed with the City Clerk by any person owning property abutting on a public square, public park, street, avenue, alley or other highway or part thereof, proposed to be vacated within the thirty (30) day period aforesaid, in which case the Board of Aldermen shall not act to vacate any such area until an additional period of thirty (30) days shall have passed, when, if all objectors shall consent to the vacation, the Board of Aldermen may vacate the same as aforesaid. If all the objectors shall not have consented, the Board of Aldermen may approve the vacation as aforesaid only upon a finding that the public interest requires such vacation despite the objections thereto.

Section 510.170. Ordinance Vacating Property To Be Filed in The Office of The Recorder of Deeds. [CC 1997 §20-44]

Whenever the Board of Aldermen shall vacate any area in the City, the City Clerk shall cause a certified copy of the ordinance of vacation to be filed for recording in the office of the Recorder of Deeds for Stone County, Missouri.

Section 510.180. City May Initiate Vacation Proceedings. [CC 1997 §20-45]

Notwithstanding any of the provisions of Section 510.140 of this Chapter, the Board of Aldermen may initiate proceedings for the vacation of any public square, public park, street, avenue, alley or other highway or part thereof in accordance with the provisions of this Article insofar as they are applicable.

Section 510.190. Fee To Accompany Petition. [CC 1997 §20-46]

No petition shall be accepted or received from any person for the vacation of all or any part on any public square, public park, street, avenue, alley or other highway unless said petition shall be accompanied by a fee of fifteen dollars (\$15.00) to defray the costs of administrative processing.

Business and Occupation

Chapter 600**ALCOHOLIC BEVERAGES****Section 600.005. Short Title.** [CC 1997 §3-45; Ord. No. 1122 §§1 — 3, 4-25-1996]

This Chapter may be cited as the "Liquor Control Ordinance of Branson West, Missouri".

Section 600.010. Definitions.⁷⁵ [CC 1997 §3-1; Ord. No. 1122 §§1 — 3, 4-25-1996; Ord. No. 73-2009 §3-1, 5-12-2009]

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section.

INTOXICATING LIQUOR — Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume. 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.

MALT LIQUOR — That intoxicating 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, containing not in excess of five percent (5%) by weight, and commonly called or known as "*beer*".

PERSON — Includes any individual, association, joint stock company, syndicate, club, any entity recognized by the Missouri Secretary of State such as a partnership or corporation, receiver, trustee, conservator or other officer appointed by any State or Federal court.

PREMISES — Includes that portion of any building in which a licensee hereunder has his/her place of business and any additional building or portion thereof used in connection therewith, and the entire lot or parcel of land on which such buildings are situated, or which are used in connection with such buildings.

TASTING PERMIT — A permit issued to any person who is licensed to sell intoxicating liquor in the original package at retail under this Chapter, allowing that license holder to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the license holder to sell wine, malt beverages or distilled spirits for on-premises consumption.

WHOLESALER — Any person who maintains, or is in charge of, any place of business or depot in the City where intoxicating liquor is kept or stored for sale to any other licensed dealer.

WINE — Includes any wine containing not in excess of fourteen percent (14%) of alcohol by weight which is manufactured exclusively from grapes, berries and other fruits and vegetables.

Section 600.020. License Required.⁷⁶ [CC 1997 §3-16; Ord. No. 1122 §§1 — 3, 4-25-1996]

It shall be unlawful for any person to manufacture, distill, blend, sell or offer for sale, either at wholesale or retail, within the City, any intoxicating liquor without first having obtained a license therefor from the City.

Section 600.030. Qualifications For Licenses.⁷⁷ [CC 1997 §3-17; Ord. No. 1122 §§1 — 3, 4-25-1996;

75. State Law References — Liquor control law, §§311.010 et seq., RSMo.; definition of "intoxicating liquors", §311.020, RSMo.

76. State Law Reference — Authority of city to require liquor licenses, §311.220, RSMo.

Ord. No. 1123 §1(h)(i), 5-7-1996]

- A. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the County, Town, City or Village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the County, Town, City or Village; and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the Twenty-First Amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this Section contained shall prevent the issuance of licenses to non-residents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this State.
- B. *Qualifications.*
1. No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the Twenty-First Amendment to the Constitution of the United States, or shall not be a person of good moral character.
 2. No license issued under this Chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor. Each employer shall report the identity of any employee convicted of a felony to the Division of Liquor Control. The Division of Liquor Control shall promulgate rules to enforce the provisions of this Subdivision.
 3. No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent (5%) by weight, except to a resident corporation as defined in this Section.

Section 600.040. Application For License.⁷⁸ [CC 1997 §3-18; Ord. No. 1122 §§1 — 3, 4-25-1996]

- A. All applications for license within the scope of this Chapter shall be made in writing to the Board of Aldermen.
- B. All applications required by this Chapter, except for the sale of malt liquor, shall be accompanied by an inventory and an appraisal of the stock of goods, other than intoxicating liquor, at the proposed place of business. Said inventory and appraisal shall be made under oath and shall be the value according to the invoices at the time of the making of the application of said license.
- C. No license within the scope of this Chapter shall be granted at the same meeting of the Board of

77. State Law Reference — Similar provisions under liquor control law, §311.060, RSMo.

78. State Law References — Application for license under liquor control law, §§311.210, 311.230, RSMo.

Aldermen at which the application therefor is presented except by unanimous vote of said Board; provided however, that said application may be considered by the Board of Aldermen at the first (1st) meeting of said Board at which the application is presented if the applicant has first served written notice upon each member of the Board, at least five (5) days before the meeting of said Board, at which said application is to be presented, of his/her intention to present said application.

Section 600.050. Issuance of License Generally. [CC 1997 §3-19; Ord. No. 1122 §§1 — 3, 4-25-1996]

The City Clerk shall issue a license within the scope of this Chapter to any person who complies with all of the requirements of this Chapter to the satisfaction of the Board of Aldermen and who produces a receipt from the City Collector confirming that the fees levied by this Chapter have been paid.

Section 600.060. Issuance of License Prohibited Near Schools, Churches.⁷⁹

- A. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the Board of Aldermen, except that when a school, church or place of worship shall hereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within one hundred (100) feet of the proposed licensed premises.
- B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 311.218, RSMo., or to a license issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of federal taxes.
- C. Subsection (A) of this Section shall not apply to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety (90) days.

Section 600.070. License Fees Designated.⁸⁰ [CC 1997 §3-21; Ord. No. 1122 §§1 — 3, 4-25-1996; Ord No. 1139 §1, 9-10-96; Ord. No. 73-2009 §3-21, 5-12-2009]

- A. The annual fee to be paid to the City for the license required under this Chapter shall be one and one-half (1½) times the State fee for the same license. The following licenses are available with the limits set out herein:
 - 1. For manufacturing, distilling, or blending intoxicating liquor in excess of five percent (5%) of alcohol by weight.
 - 2. For manufacturing, distilling or blending intoxicating liquor not in excess of five percent (5%) of alcohol by weight.
 - 3. For the sale of intoxicating liquor, at wholesale, in excess of five percent (5%) of alcohol by weight.

79. State Law Reference — Authority of city to prohibit sale near schools and churches, §311.080(2), RSMo.

80. State Law Reference — Authority of city to prescribe license fee, §311.220(2), RSMo.

4. For the sale of intoxicating liquor not in excess of five percent (5%) of alcohol by weight, at wholesale.
 5. For the sale of all kinds of intoxicating liquor by the drink which license shall include the right to sell intoxicating liquor in the original package.
 6. For the sale by the drink of malt liquor containing not in excess of five percent (5%) by weight, which license shall include the right to sell such liquors in the original package.
 7. For the sale of all kinds of intoxicating liquor in the original package not to be consumed on the premises where sold.
 8. For the sale in the original package of malt liquor containing not in excess of five percent (5%) of alcohol by weight not to be consumed on premises where sold.
 9. Any person or business possessing the qualifications required by Chapter 311, RSMo., and who now or hereafter meets the requirements of and complies with the provision of said Chapter 311 and of Section 311.097, RSMo., thereof and is licensed by the State of Missouri to sell intoxicating liquor between the hours of 9:00 A.M. and Midnight on Sunday by the drink at retail for consumption on the premises of such restaurant bar as described in the application. Such restaurant bar shall pay an additional fee equal to one and one-half (1½) times the State fee for Sunday sales. Such fees shall be payable at the same time and in the same manner as other licenses fees.
 10. For the sale of all kinds of intoxicating liquor in the original package on Sunday between the hours of 9:00 A.M. and Midnight not to be consumed on the premises where sold.
 11. Restaurant-bar liquor license — no limited number.
See Section 600.080.
 12. For the purpose of conducting wine, malt beverage and distilled spirit tastings on the licensed premises. Each tasting permit shall allow up to four (4) tastings in a calendar month. Fee is to equal one and one-half (1½) times the fee charged by the State Division of Alcohol and Tobacco Control under Section 311.294, RSMo.
- B. All such licenses shall be issued as of July first (1st) and expire on the last day of June the following year. All license fees collected by the City shall be accounted for and paid into the City General Revenue Fund. If the license is used for less than one (1) year, the fee shall be one-twelfth (1/12) of the annual fee for each month, or fraction thereof, remaining in the licensed year. No refunds for licenses purchased shall be made for any period. Licenses are not inclusive, and a separate license must be purchased for sales falling within any Subsection (1) through (12) above.

Section 600.080. Restaurant Bar and Certain Transient Guest Accommodations, Sunday Sales, When — Restaurant Bar Defined — Temporary License, New Business, When.

- A. Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses the qualifications required by this Chapter, and who now or hereafter meets the requirements of and complies with the provisions of this Chapter, may apply for, and the City may issue, a license to sell intoxicating liquor, as in this Chapter defined, between the hours of 9:00 A.M. on Sunday and Midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application or on the premises of any establishment having at least forty (40) rooms for the overnight accommodations of transient guests. As used in this Section, the term "*restaurant*

bar" means any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

- B. The authority for the collection of fees by Cities and Counties as provided in Section 311.220, RSMo., and all other laws and regulations of the State relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a restaurant bar or on the premises of any establishment having at least forty (40) rooms for the overnight accommodations of transient guests in the same manner as they apply to establishments licensed under Sections 311.085, 311.090 and 311.095, RSMo., and in addition to all other fees required by law, a restaurant bar or on the premises of any establishment having at least forty (40) rooms for the overnight accommodations of transient guests shall pay a fee equal to one and one-half (1½) times the State license fee payable at the same time and in the same manner as its other license fees.
- C. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

Section 600.090. Resorts, Seasonal Resort Restaurants, Restaurants, Sale of Liquor By The Drink, Resort Defined — Temporary License, New Businesses, When.

- A. Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses the qualifications required by this Chapter, and who now or hereafter meets the requirements of and complies with the provisions of this Chapter, may apply for, and the City may issue, a license to sell intoxicating liquor, as defined in this Chapter, by the drink at retail for consumption on the premises of any resort as described in the application. As used in this Section the term "*resort*" means any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (B) of this Section. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this Subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.
- B. A seasonal resort restaurant is a restaurant which is not a new restaurant establishment and which is open for business eight (8) or fewer consecutive months in any calendar year. Fifty percent (50%) of all gross sales of such restaurant shall be sales of prepared meals. Any new seasonal resort restaurant establishment having been in operation for less than twelve (12) weeks may be issued a temporary

license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety (90) days if the seasonal resort restaurant establishment can show a projection for annualized gross sales of which fifty percent (50%) shall be sales of prepared meals. The temporary license fee and the annual license fee shall be prorated to reflect the period of operation of the seasonal resort restaurant. The license shall be valid only during the period for which application was made and for which the fee was paid. Any seasonal resort restaurant upon resuming business for its season of operation shall not be considered a new establishment for purposes of issuing a temporary license. Nothing in this Subsection shall prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment of fees, and compliance with the requirements of this Chapter.

- C. The times for opening and closing the establishments as fixed in Section 311.290, RSMo., the authority for the collection of fees as provided in Section 311.220, RSMo., and all other laws and regulations of the State relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to resorts in the same manner as they apply to establishments licensed under Section 311.090, RSMo.
- D. Any new resort or restaurant establishment having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety (90) days if the resort or restaurant establishment can show a projection of an annual gross receipts of not less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment. The license fee shall be equal to one and one-half (1½) times the State license fee.

Section 600.100. Collector To Issue Receipt Upon Payment of License Fee. [CC 1997 §3-22; Ord. No. 1122 §§1 — 3, 4-25-1996; Ord. No. 1123 §1(k), 5-7-1996]

The City Collector shall issue a receipt to any person who has paid the license fee(s) levied by this Chapter. The City Clerk shall serve as City Collector.

Section 600.110. Forfeiture of License Fee. [CC 1997 §3-23; Ord. No. 1122 §§1 — 3, 4-25-1996]

In the event any license issued pursuant to this Chapter is revoked or forfeited, for cause or otherwise, the City shall not return any part of the license fee paid for said license.

Section 600.120. Duration of License. [CC 1997 §3-24; Ord. No. 1122 §§1 — 3, 4-25-1996]

All licenses issued pursuant to this Chapter shall expire on June thirtieth (30th) of each calendar year. License fees shall be prorated for those individuals and entities who obtain licenses on a date other than July first (1st) of any calendar year. The City can revoke any license issued pursuant to this Chapter for cause as herein provided.

Section 600.130. Contents of License.⁸¹ [CC 1997 §3-26; Ord. No. 1122 §§1 — 3, 4-25-1996]

Every license issued pursuant to this Chapter shall describe the premises at which intoxicating liquor may be sold and the kind of intoxicating liquor to be sold therein.

Section 600.140. License Controls Kinds of Sales.⁸² [CC 1997 §3-27; Ord. No. 1122 §§1 — 3,

81. State Law Reference — Similar provisions under liquor control law, §311.240(3), RSMo.

4-25-1996]

Any license issued pursuant to this Chapter shall not be deemed to authorize or permit the sale of different kinds of intoxicating liquor other than that described in said license.

Section 600.150. License Controls Place, Time of Operation. [CC 1997 §3-28; Ord. No. 1122 §§1 — 3, 4-25-1996]

No person, agent or employee of any person, in any capacity, shall sell intoxicating liquor in any place or at any other time than that designated in the license pursuant to this Chapter.

Section 600.160. License Non-Transferable.⁸³

- A. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this law may make application and the City may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.
- B. Whenever one (1) or more members of a partnership withdraws from the partnership the City, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

Section 600.170. Separate License Required For Each Place of Business.⁸⁴ [CC 1997 §3-30; Ord. No. 1122 §§1 — 3, 4-25-1996]

A separate license within the purview of this Chapter shall be required for each place of business.

Section 600.180. Possession Restricted. [CC 1997 §3-31; Ord. No. 1122 §§1 — 3, 4-25-1996]

No person shall possess intoxicating liquor within the City unless the same has been acquired from some person holding a license or unless the intoxicating liquor is kept with the written permission of the State Supervisor of Liquor Control, and the package in which intoxicating liquor is contained has been labeled and sealed with the official seal prescribed under State law; provided however, that nothing in this Chapter shall be construed as to prevent the natural fermentation of fruit juices in any home for the exclusive use of the occupants of the home and their guests.

Section 600.190. Hours of Sale.⁸⁵

No person having a license issued pursuant to this Chapter, nor any employee of such person, shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday, upon or about his or her premises. If the person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in this Section between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday. Where such

82. State Law Reference — Similar provisions, §311.240(3), RSMo.

83. State Law Reference — Transferability of license under liquor control law, §311.250, RSMo.

84. State Law Reference — Similar provisions under liquor control law, §311.240(1), RSMo.

85. State Law References — Similar provisions under liquor control law, §§311.290, 311.298, RSMo.

licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one (1) room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this Section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A "closed place" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this Section shall be deemed guilty of an ordinance violation. Nothing in this Section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this Section by a wholesaler licensed under the provisions of Section 311.180, RSMo., to a person licensed to sell the intoxicating liquor at retail.

Section 600.195. Certain Holidays, Sale By The Drink On Sunday Allowed.

When January first (1st), March seventeenth (17th), July fourth (4th), or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of Section 600.190, or any other provision of law to the contrary.

Section 600.200. Sales in Original Package.⁸⁶ [CC 1997 §3-33; Ord. No. 1122 §§1 — 3, 4-25-1996; Ord. No. 73-2009 §3-33, 5-12-2009]

- A. Intoxicating liquor sold at retail in the original package shall not be sold in a quantity less than one-half (½) pint nor shall the original package be opened on the premises of the vendor.
- B. No intoxicating liquor purchased in the original package shall be consumed on the premises, except that the license holder may allow wine, malt beverage and distilled spirit tasting on the licensed premises on the dates and at the times set forth in the State permit allowing the license holder to do so on the licensed premises. At no time may the license holder sell wine, malt beverages or distilled spirits for consumption on the licensed premises.
- C. No license shall be issued for the sale of intoxicating liquor in the original package except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses:
 - 1. Drug store.
 - 2. Cigar store and tobacco store.
 - 3. Grocery store.
 - 4. General merchandise store.
 - 5. Confectionery store.
 - 6. Delicatessen store.
- D. No license shall be issued for the sale of intoxicating liquor in the original package to any person who

86. State Law Reference — Similar provisions under liquor control law, §311.200(1), RSMo.

does not have and keep in his/her store a stock of goods having a value according to invoices at the time of making the application for said license, and at all times thereafter, of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquor.

Section 600.210. Sales of Malt Liquor. [CC 1997 §3-34; Ord. No. 1122 §§1 — 3, 4-25-1996]

Malt liquor and/or wine may be sold by the drink at retail for consumption on the premises where sold when the person desiring to sell the same has been licensed therefore pursuant to this Chapter; provided however, that a licensee authorized to sell malt liquor and/or wine at retail by the drink for consumption on the premises where sold shall not be permitted to obtain a license for the sale of intoxicating liquors, other than malt liquor and/or wine, in the original package.

Section 600.220. Sale Prohibitions — Drunkards, Minors.

Any licensee under this Chapter, or his/her employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his/her parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of an ordinance violation, except that this Section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

Section 600.230. Persons Eighteen Years of Age or Older May Sell or Handle Intoxicating Liquor, When.

- A. Except as provided in Subsections (B), (C) and (D) of this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
- B. In any place of business licensed in accordance with Section 311.200, RSMo., persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carryout, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
- C. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.
- D. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption

on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages.

Section 600.240. Purchase or Possession By Minors Prohibited.

Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in Section 311.020, RSMo., or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) or more by weight of alcohol in such person's blood is guilty of a misdemeanor. For purposes of prosecution under this Section or any other provision of this Chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one (21) years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

Section 600.245. Misrepresentation of Age By Minor To Obtain Liquor — Use of Altered Driver's License, Passport or I.D. Cards, Penalties.

- A. Any person of the age of seventeen (17) years and under the age of twenty-one (21) years who shall represent that he/she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of an ordinance violation. Any person under the age of seventeen (17) years who shall represent that he/she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, may be considered a delinquent child and may be dealt with in accordance with the provisions of Chapter 211, RSMo.
- B. In addition to any other penalties established in Subsection (A) of this Section and established in Sections 577.500 to 577.530, RSMo., any person who is less than twenty-one (21) years of age who uses a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, shall be guilty of an ordinance violation and shall be subject to a fine of five hundred dollars (\$500.00) for each separate offense.

Section 600.250. Drinking in Public. [CC 1997 §3-40; Ord. No. 1122 §§1 — 3, 4-25-1996]

No person within the City shall drink any intoxicating liquor on any street or sidewalk, or in any railway station, theater, or public vehicle, or in any public place or building.

Section 600.260. Permitting Unlawful Activity. [CC 1997 §3-41; Ord. No. 1122 §§1 — 3, 4-25-1996]

It shall be unlawful for any person to own, operate, lease, occupy or control any building, car, shed, room, basement, structure, tent or booth and knowingly permit intoxicating liquor to be unlawfully manufactured, sold, stored, kept or consumed therein or thereon.

Section 600.270. Revocation of License.⁸⁷ [CC 1997 §3-42; Ord. No. 1122 §§1 — 3, 4-25-1996]

- A. The Board of Aldermen may, after a hearing, revoke any license issued pursuant to this Chapter if the licensee has not at all times kept an orderly place, or if he/she has violated any of the provisions of this Chapter or for any other good cause shown after having first given said licensee not less than ten (10) days' notice in writing of the application to revoke his/her license. Said notice shall contain the ground or grounds for revocation and shall command the licensee to be present at the regular or called meeting of the Board of Aldermen and show cause, if any, why said license should not be revoked; provided however, that said licensee at said hearing shall have the right to be represented by counsel and produce witnesses and evidence in his/her behalf; provided further, that said notice shall be served by the Police Chief upon the licensee by leaving a copy thereof with the licensee, or any person or employee in charge of the place of business of said licensee.
- B. Upon the conviction of any person licensed pursuant to this Chapter for a violation of any of the provisions of this Chapter, said conviction shall automatically operate to revoke the license hereunder issued to such person.

Section 600.280. Violation Bars Issuance, Renewal of License. [CC 1997 §3-43; Ord. No. 1122 §§1 — 3, 4-25-1996]

No person convicted of violating any of the provisions of this Chapter shall be issued a license or renewal thereof for a period of one (1) year from the date of said conviction.

Section 600.290. Certification of Convictions. [CC 1997 §3-44; Ord. No. 1122 §§1 — 3, 4-25-1996]

Upon conviction of any person for violating any provisions of this Chapter, it shall be the duty of the Municipal Judge to certify said conviction to the Board of Aldermen.

Section 600.300. Tasting Permit. [Ord. No. 73-2009 §3-46, 5-12-2009]

- A. The City Clerk shall issue a tasting permit to any person licensed to sell intoxicating liquor in the original package not to be opened or consumed on the premises who:
 - 1. Is in compliance with the provisions of this Chapter, State law and the regulations of the State Division of Alcohol and Tobacco Control;
 - 2. Has made application to the City Clerk; and
 - 3. Has paid the permit fee set forth in Subsection 600.070(12).
- B. Any person who is licensed to sell intoxicating liquor in the original package not to be opened or consumed on the premises and who obtains a tasting permit may provide a sampling or tasting of wine, malt beverages or distilled spirits not more than four (4) days per calendar month and is subject to the following:
 - 1. Such sampling or tasting shall be limited to a serving of one (1) ounce samples.
 - 2. Consumption of the sample must take place within ten (10) feet of the point where the sample is served.
 - 3. No sampling or tasting is permitted for any person under the age of twenty-one (21) years.
 - 4. The person holding or conducting the sampling or tasting must notify the City Police

87. State Law References — Revocation of license under liquor control law, §§311.555, 311.556, 311.600, RSMo.

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Department at least twenty-four (24) hours in advance of the time of such sampling or tasting.

5. Except as specifically permitted in this Section, all other requirements of this Chapter shall remain in full force and effect.

BUSINESS LICENSES AND REGULATIONS

Chapter 605

BUSINESS LICENSES AND REGULATIONS

ARTICLE I
Business Licenses — Generally

Section 605.010. Definitions. [CC 1997 §10-1]

For the purpose of this Chapter, the terms "*business*", "*trade*" and "*occupation*" shall be construed to mean all manner of businesses, trades, and avocations whatsoever transacted, conducted, and carried on for gain, profit, or as a means of livelihood in the City of Branson West, Stone County, Missouri.

Section 605.020. Required Generally. [CC 1997 §10-2; Ord. No. 10-2015, 7-7-2015]

It shall be the duty of every person or persons, firm, partnership, corporation, and every other business entity recognized by the Missouri Secretary of State transacting, conducting and carrying on business, trade or avocation whatsoever for gain, profit, or as a means of livelihood within the corporate limits of the City of Branson West, Missouri, to apply to and secure from the City Clerk of said City, or other representative of said City authorized to receive such monies and issue such license, a license for transacting, conducting and carrying on such business, trade or avocation before he/she, they or it shall transact, conduct and carry on such business, trade or avocation within City limits.

The licenses issued by the City Clerk under this Section shall have a duration of one (1) year annual license or for a period of up to five (5) days (referred to as a special event business license).

Section 605.030. Tax Amount Levied. [CC 1997 §10-3; Ord. No. 1118 §1, 4-18-1996; Ord. No. 10-2015, 7-7-2015]

There is hereby levied a license tax on all businesses, trades, occupations, and avocations hereinafter set out and which are transacted, conducted and carried on within the corporate limits of said City; the amount to be fifty dollars (\$50.00) per year for each business, unless such person qualifies as a "peddler" defined in Article II, or ten dollars (\$10.00) for a special event business license.

Section 605.040. Persons Not To Be Charged For Business License.

- A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and after December 31, 2003, no investment funds service corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty-five thousand dollars (\$25,000.00) annually, any law, ordinance or Charter to the contrary notwithstanding.
- B. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his/her profession unless that person maintains a business office within the City of Branson West.

Section 605.050. Duration of License. [CC 1997 §10-5; Ord. No. 1237 §10-5, 3-13-2001; Ord. No. 10-2015, 7-7-2015]

All annual licenses shall run from the first (1st) day of June until the last day of May the following year.

If license is purchased after January first (1st), the fee will be prorated at five dollars (\$5.00) per month for the remaining part of that year and will expire on May thirty-first (31st). No refunds will be made for licenses purchased for any part of a remaining year.

A special event business license shall run for the duration of the special event business license issued under Zoning Code Section 420.020 which is referenced in the application for the special event business license.

Section 605.060. Transferability of License. [CC 1997 §10-6]

No license issued under the provisions of the Chapter shall be transferred to another person or business entity.

Section 605.070. Record of License Issued. [CC 1997 §10-7]

The City Clerk is required to keep accurate records of all licenses issued under the provisions of this Chapter, and shall record to whom issued, for what business, the period of time and the amount of tax received on same.

ARTICLE II

Peddlers**Section 605.080. License Required. [CC 1997 §10-35]**

It shall be unlawful for any person or persons, firm, partnership, corporation, or any other business entity recognized by the Missouri Secretary of State, or anyone acting as agent, employee or in any other manner therefor, to engage in the business of peddling any goods, wares, merchandise, or services within the corporate limits of the City of Branson West, Missouri, without first having obtained a license therefor from the City Clerk. Except however, it shall not be necessary to obtain such license whenever the above described activity is transacted with the owner of or agent from a licensed place of business in the City.

Section 605.090. Definitions. [CC 1997 §10-36]

Within the meaning of this Chapter, a "*peddler*" is defined to be any person or business entity who shall deal in the selling of patents, patent rights, patent or other medicines, goods, wares, merchandise, books, magazines, stationery, and services, except agricultural and horticultural products, who has not an established place of business in said City in which sales are made and conducted, but who goes about from place to place to sell the same.

Section 605.100. Future Deliveries. [CC 1997 §10-37]

It shall be unlawful for any person or business entity, or agent or employee, to engage in the business of soliciting or canvassing orders for future delivery of goods, wares or merchandise at retail from stocks not carried in the City without first having obtained a license therefor from the City Clerk.

Section 605.110. Fee. [CC 1997 §10-38; Ord. No. 1237 §10-38, 3-13-2001]

The license fee for either peddling or soliciting and canvassing shall be twenty-five dollars (\$25.00) plus an additional ten dollars (\$10.00) per salesman, which sum shall be paid to the City Clerk before issuance of such license and shall be valid for a period of five (5) days. The City Clerk shall not issue or re-issue a license to any person or entity who cannot show satisfactory proof of payment of all relevant sales tax upon demand.

Section 605.120. Penalty. [CC 1997 §10-39; Ord. No. 1237 §10-39, 3-13-2001]

Any person or business entity, or anyone acting as agent, employee or in any other manner engaged in the above described activity, defined as "peddling", in the City of Branson West, Missouri, without first having obtained a license as herein provided shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

Chapter 610**SECURITY/GUARD SERVICES****Section 610.010. Definition. [Ord. No. 1241 §I, 2-12-2002]**

For the purposes of this Chapter, the following word shall have the meaning set out herein:

SECURITY SERVICES — Any company, business, corporation, individual, partnership or firm that provides security, including, but not limited to, patrol (both foot and vehicle), bodyguard service, investigative services, including, but not limited to, surveillance, background investigations, civil paper service, photography work, and loss prevention service, including, but not limited to, shoplifting prevention, and money transportation and movement, including, but not limited to, guard service, and any other similar or related services whether personnel are uniformed or non-uniformed, provide such service in marked/distinguished vehicles or not, whether personnel are armed or unarmed and whether personnel use, carry or maintain or display any identifying insignias, badges, name tags, business cards or any other identifying and distinguishing items or equipment.

Section 610.020. Permit Required. [Ord. No. 1241 §I, 2-12-2002]

- A. It shall be unlawful for any person, business, firm or corporation to engage in or carry on the operation of a security service or offer security/guard services of any type without first obtaining a permit from the Chief of Police prior to City merchant's license.
- B. It shall be the responsibility of the security service to notify in writing the City of Branson West and the Branson West Police Department of any change in the application on the first (1st) weekday after the change is made.

Section 610.030. Application Form For Security Services Permit. [Ord. No. 1241 §II, 2-12-2002]

- A. The application for a security services permit form as provided by the Police Department shall contain the following:
 - 1. Name, address and phone number of business.
 - 2. Name, address and phone number of local supervisor/manager.
 - 3. Names, addresses, phone numbers and descriptions of all employees of said company that will or may be involved in patrol either on foot or in vehicle, whether in uniform or not, which during said employment would require them to move about from place to place (business to business) within the City limits.

Section 610.040. Uniform and Vehicles Requirement. [Ord. No. 1241 §III, 2-12-2002]

- A. If uniforms and/or vehicles are used, it shall be required that uniforms, vehicles and markings with identifying insignias must include the word "security" or "guard" but shall not include the word "police" or "patrol". Nothing shall be worn or used that closely resembles uniforms, equipment or vehicles used and worn by the Branson West, Missouri, Police Department.
- B. Uniforms, if used by security/guard personnel, shall have to be approved in their style, color and design, by the Chief of Police prior to being used. Badge design, style and colors shall have to be approved by the Chief of Police.

Section 610.040

SECURITY/GUARD SERVICES

- C. "Security services" personnel using vehicles of any type, whether marked or unmarked, may not display or use (illuminated or not) any red or blue light (commonly referred to or considered as emergency lights) of any type at anytime on any vehicle on any public street, highway, parking lot normally considered open to public or any other public properties within the corporate limits of this City, including volunteer Firemen and/or volunteer Police serving in the capacity as security/guard services.

Section 610.050. Firearms. [Ord. No. 1241 §IV, 2-12-2002]

Persons that carry any type of firearm or other lethal weapon shall adhere to all State, Federal and local laws applicable to same, and under no circumstances shall carry such firearm or other weapon concealed either upon the person or within a vehicle, or concealed by any other means. Armed personnel must be reported, including type of firearm, serial number, or weapon used and carried.

Section 610.060. Reporting of Criminal Activity. [Ord. No. 1241 §V, 2-12-2002]

It shall be required that security/guard personnel report all crimes and suspicious activity to the Police Department as quickly and safely as possible, and shall remain available for contact by authorities following notification. Security/guard personnel shall follow all directives of authorities after notification and contact is made.

Section 610.070. Exception. [Ord. No. 1241 §VI, 2-12-2002]

Non-uniformed loss prevention personnel employed for the sole purpose of preventing merchandise loss through shoplifting or employee theft shall be exempt from this Chapter.

Section 610.080. Two-Way Radios/Communications. [Ord. No. 1241 §VII, 2-12-2002]

It shall be unlawful for any security/guard personnel to operate, talk, or utilize the Branson West Police frequency, or any other radio frequency used by the City of Branson West, unless the security/guard personnel management has received written permission signed by the Chief of Police and such shall be notarized by a City Official. Such written permission shall be produced upon demand by any authorized law enforcement official. Upon receiving written permission, abuse of or unauthorized use will result in a revocation or suspension of such permission by the Chief of Police and/or same of security/guard permit and/or merchant license.

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Chapter 615

GROSS RECEIPTS TAX

ARTICLE I
Electric Light and Power Companies

Section 615.010. Definitions. [CC 1997 §21-1]

The term "*electric light and power company*" when used in this Article is defined as any person, firm, joint venture, partnership, corporation or business enterprise engaged in selling, furnishing, distributing, transmitting and supplying of electricity, and/or electric power, and/or electric energy, and/or electric service to customers, whether or not such firm, person, joint venture, partnership, corporation or business enterprise is regulated by the Missouri Public Service Commission as to rates charged to customers and service to said customers.

Section 615.020. Electric Utility Tax. [CC 1997 §21-2; Ord. No. 6-2022, 6-14-2022]

Every electric light and power company, their successors and assigns, as the same is defined by Section 615.010 and performing the function or functions described in said Section and which operates in whole or in part within the corporate limits of the City of Branson West, Missouri as the said City shall from time to time be constituted, shall, for the privilege of doing business and engaging in said occupation therein, pay to the City of Branson West, Missouri a license and occupation tax.

Section 615.030. Tax Based Upon Gross Receipts; Reaffirmation. [CC 1997 §21-3; Ord. No. 6-2022, 6-14-2022]

- A. The license and occupation tax herein provided shall be a sum equal to four percent (4%) of the gross receipts derived from the transaction of such licensee's business as described in Section 615.010 within the corporate limits of the City of Branson West, Missouri, as said City shall from time to time be constituted.
- B. The gross receipts tax imposed upon electric corporations, including but not limited to Liberty Utilities pursuant to Section 615.020 and 615.030 of the Code of Branson West shall be maintained at its existing rate of four percent (4%), despite the tariff increase awarded by the PSC to Liberty Utilities effective on June 1, 2022.

Section 615.040. Gross Receipts Defined. [CC 1997 §21-4]

- A. The term "*gross receipts*" when used in this Chapter shall mean:
 - 1. Except as otherwise provided in Subsection (B) hereof, all monies collected and received by licensee from the sale, furnishing, distribution, transmission and supplying of electricity, and/or electric power, and/or electric energy, and/or electric service to all of licensee's customers within the corporate limits of the City of Branson West, Missouri as said City shall from time to time be constituted, before any deductions are made therefrom by the licensee for any expenses, costs, or charges of any kind.
 - 2. All monies collected and received by licensee from the sale or lease of goods and products to all of licensee's customers within the corporate limits of the City of Branson West, Missouri, as said City shall from time to time be constituted, before any deductions are made therefrom by the licensee for any expenses, costs or charges of any kind.
- B. "*Gross receipts*" shall not include:
 - 1. Late charges and interest collected and received by licensee.

2. All monies collected and received by licensee from the following customers of licensee:
Churches and schools.

Section 615.050. Tax Period and Payment. [CC 1997 §21-5]

The licensee shall pay the tax herein provided (monthly) (quarterly), said tax to be computed upon the basis of gross receipts collected and received by licensee which are subject to said tax from the first (1st) day through the last day of each (month) (quarter) during which licensee is doing business and engaged in said occupation, beginning on the effective date of this Chapter.

Section 615.060. Dates For Payment and Reports. [CC 1997 §21-6]

The exact date after the end of each period on which licensee shall pay the tax herein provided, the form and contents of reports filed by licensee with the City of Branson West, Missouri showing the gross receipts which are subject to said tax and the date on which said reports are due, shall be as mutually agreed upon by the City of Branson West, Missouri and the licensee in writing prior to licensee providing services, and the terms of said agreement shall remain on file with the City Clerk.

Section 615.070. Tax Not Exclusive. [CC 1997 §21-7]

The license and occupation tax herein provided shall be in addition to all other taxes, payments or fees now or hereafter required by law or ordinance.

City of Branson West, MO
Section 615.070

GROSS RECEIPTS TAX

Chapter 620**MOBILE VENDING UNITS (FOOD TRUCKS)****Section 620.010. Purpose. [Ord. No. 7-2022, 8-9-2022]**

The purpose of this Chapter is to regulate mobile vending units in a manner that protects the public health, safety, and welfare, while accommodating economic activity by mobile vending unit operators to promote an active and social pedestrian environment within appropriate areas of the City. This Chapter is intended to function in conjunction Chapter 400, Articles IV and V (Zoning Districts and Zoning Map and Zoning District Regulations) which set forth the permitted zoning districts in which mobile vending units may operate and Chapter 605 (Business Licenses and Regulations).

Section 620.020. Manner Of Operation. [Ord. No. 7-2022, 8-9-2022]**A. Location And Placement.**

1. Mobile vending units are permitted in every Commercial ("C-1" and "C-2") and Manufacturing ("I-1" and "I-2") Zoning District in Article IV of this Chapter.
2. In residential zoning districts ("A-1," "R-1," "R-2," "R-3" and "R-MP"), mobile vending units shall only permitted in association with the following:
 - a. Mobile vending units participating in City-run events such as but not limited to festivals and major and minor events as described in Section 400.420 (Temporary Uses), with prior approval by the City Administrator (or designee);
 - b. Mobile vending units operating within City of Branson West public parks or on City of Branson West-owned right-of-way immediately adjacent to public parks;
3. Prior to authorization by the City, mobile vending unit operators shall obtain written permission from the property owner to conduct business on private property.
4. Mobile vending units shall operate within areas of a lot or parcel that are paved with asphalt, concrete or other material that provide equivalent protection against potholes, erosion, and dust and must be located on a paved surface large enough to accommodate the vendor and customer vehicles, unless it is part of an approved special event.
5. Mobile vending units shall not operate within the following areas:
 - a. Designated fire lanes or "no parking" zones.
 - b. Locations which restrict or interfere with vehicular ingress or egress of either abutting properties or the property from which they are operating, in a manner that creates a public nuisance, increase traffic congestion or delay, constitutes a hazard to life and property, or obstructs adequate access for fire, police or public safety vehicles.
6. Mobile vending units shall not utilize PA systems, bells, or similar devices designed to attract attention when stationary.

B. Location Registration.

1. Every mobile vending unit licensed to operate in the City of Branson West shall complete a

location registration form describing the location and hours of operation at least twenty-four (24) hours prior to selling from any permitted location in the City. The location registration shall include written permission from the property owner allowing the mobile vending unit to operate on the subject parcel.

C. Hours Of Operation.

1. Mobile vending units shall only operate between the hours of 7:00 A.M. and 10:00 P.M.
2. The mobile vending unit shall not be stored at a personal residence within the City of Branson West unless located within a fully enclosed structure.
3. The mobile vending unit shall not be left over night on any premises.

D. Vehicle Appearance, Maintenance And Peripheral Setup. Mobile vending units shall be kept in good mechanical and structural condition and adhere to the following:

1. A clean exterior and interior.
2. Equipped with signs to alert traffic to proceed with caution past the truck while the truck is serving customers.
3. The company name/operator affixed in a professional manner on the sides and rear of the vehicle.
4. Generators or fuel tanks shall be affixed to the vehicle or placed on the ground at least fifty (50) feet from the mobile vending unit in a manner that will not pose a fire or safety hazard.
5. No tents, tables, chairs, or other materials shall be placed at the designated vending area, except as permitted under Subsection (D)(10) below.
6. Signage shall be limited to signs permanently or magnetically affixed to the mobile vending unit.
7. Mobile vending units shall only be permitted to connect to City water, electric, or other utility to conduct business with written consent of the City.
8. Mobile vending units must provide for the sanitary collection of all refuse, litter, and garbage generated during food preparation and service by the mobile vending unit and by patrons using the service, and remove all such waste materials from the location before the mobile vending unit departs.
9. Accessory cooking units such as barbeque smoker shall be subject to approval by the City Administrator prior to use. Further, a mobile food vendor preparing and selling barbeque shall be required to locate its hot box in an area where access is restricted to the vendor and/or its employees only, unless such hot box is located inside of a truck, van, trailer, etc., which prevents patrons from being near the hot box.
10. Outdoor seating is permitted only after the City's receipt of a written and signed document stating the number of seats and a plan for seating from the owner of the property where the vendor is requesting to operate its vending trailer, cart or stand, or the seating is in conjunction with an approved special event.

E. Sale Of Alcoholic Beverages. The sale of alcoholic beverages shall be governed by the terms of

Codified Ordinances of the City of Branson West.

F. Required Insurance, License, And Permits.

1. Every mobile vending unit and/or ice cream vending vehicle shall indemnify and hold harmless the City of Branson West from suits or actions brought against the City for or on account of any injuries or damages received or sustained by any party of parties for or from the said vendor.
2. Each applicant for a mobile food vendor license shall provide written evidence of commercial general liability insurance, a Missouri sales tax permit, and a food handler's license for each employee, and any other information reasonably requested by the City's application form to verify compliance with the City's ordinances.
3. Required licenses and permits must be prominently displayed either in the window or in a location where they are easily visible to customers.
4. Every operator of a mobile vending unit or ice cream vending vehicle shall, before doing or offering to do business, procure from the City an occupational license in accordance with Chapter 605 (Business Licenses and Regulations) of this Code.
 - a. A fee shall be paid in accordance with the City of Branson West's adopted fee requirements, prior to issuance of the occupational license.
 - b. The issuance of a business license shall be subject to the operator first acquiring the appropriate license or permit from the applicable County Health Department. The operator shall also sign an acknowledgement that he or she will adhere to all provisions of this Section.
5. Annual Renewal Of Occupational License. Mobile vending unit and ice cream vending vehicles operators shall renew their occupational license with the City of the amount to be fifty dollars (\$50.00) per year. All annual licenses shall run from the first day of June until the last day of May the following year. If license is purchased after January first, the fee will be prorated at five dollars (\$5.00) per month for the remaining part of that year and will expire on May 31st. No refunds will be made for licenses purchased for any part of a remaining year. The issuance of an occupational license shall be subject to proof that the operator has renewed the appropriate license or permit with the appropriate County Health Unit.
6. Sales Tax. The mobile vending unit operator must have proof of sales tax permit.

G. Public Health Standards.

1. Any mobile vending unit operating in the City of Branson West shall be properly permitted by the applicable County Health Department based on the location from which operations will occur.
2. No food, food products, or beverages for public consumption shall be kept, offered for sale, transported, or handled except in accordance with the rules and regulations of the State of Missouri and the applicable County Health Department.
3. Mobile food vendors are responsible for keeping the sidewalk, parking lot, or street within twenty (20) feet of their stands clean of all trash generated by their vending operations, and for washing that area or any eating areas occupied by their stand in a manner that will prevent rodent and/or pest infestation.

4. Mobile food vendors must remove from the permitted site at the end of each day all trash, litter, garbage, refuse and waste, including but not limited to greasy cooking water, greywater, ashes, grease, etc., generated by their vending operations. No greywater, ashes, or grease may be deposited on the ground and must be disposed of in a proper manner. No vendor may place or deposit any trash, litter, garbage, refuse or any other wastes generated by his or her licensed operations on the sidewalk, in any public receptacle, or on any private property without the express permission of the property owner.
- H. Suspension And Revocation Of License. Suspension or revocation of a license shall occur in accordance with the Codified Ordinances of the City of Branson West.
- I. Fire Safety Requirements. All mobile vending units must meet the requirements of the Southern Stone County Fire Protection District and any applicable ordinances of the City relating to fire safety.
- J. Ice Cream Vending Vehicles. Vehicles from which only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products, frozen water-based food products, and pre-packaged beverages are sold which are consistently moving and not parked in any one (1) location for extended periods may operate in any zoning district. Said vehicles shall adhere to the following:
 1. Ice cream vending vehicles shall be licensed with the City of Branson West to operate and adhere to all required insurance and permit requirements per Subsection (F) of this Section.
 2. PA sound systems, bells and other similar devices designed to attract attention shall not be used when the ice cream vending vehicle is stationary.
 3. Ice cream vending vehicles shall only operate between the hours of 10:00 A.M. and 10:00 P.M.
 4. Ice cream vending vehicles shall not be stored at a personal residence within the City of Branson West unless located within a fully enclosed structure.
 5. Ice cream vending vehicles shall:
 - a. Have a clean exterior and interior;
 - b. Be equipped with signs to alert traffic to proceed with caution past the truck while the truck is serving customers;
 - c. Have the company name/operator affixed in a professional manner on the sides and rear of the vehicle.
 - d. Meet all public health requirements per Subsection (G) of the Section.

Utilities

Title VII Notes

Editor's Note—Ord. no. 64-2008 §1, October 14, 2008 adopted an identity theft prevention program for the public utility department, and is on file in the city offices.

Cross Reference: As to Design Standards for Public Improvements, Ch. 400, Art. XI.

GENERAL PROVISIONS

Chapter 700

GENERAL PROVISIONS

ARTICLE I
Combined Systems

Section 700.010. Combined Waterworks and Sewerage System. [Ord. No. 1014 §§1 — 2, 8-25-1992]

- A. It is hereby found, determined and declared to be necessary for the public health, safety, welfare and benefit of the City of Branson West, Missouri, and its inhabitants that the existing waterworks of said City and the existing sewerage system of said City, and all future improvements and extensions thereto, be combined and that they shall henceforth be operated and maintained as a combined waterworks and sewerage system.
- B. From and after August 25, 1992, the waterworks of the City and the sewerage system of said City and all future improvements and extensions thereto, whether to the waterworks or to the sewerage system or to both, shall be and the same are combined and it is hereby declared that said waterworks and said sewerage system, and all future improvements and extensions thereto as aforesaid, henceforth be operated and maintained as a combined waterworks and sewerage system.

ARTICLE II

General Water, Sewer and Underground Utility Regulations**Section 700.020. Mandatory Water and Sewer Connection Within City Limits. [CC 1997 §18-5; Ord. No. 1131 §1, 7-23-1996; Ord. No. 4-2015, 4-14-2015]**

- A. If municipal water and/or sewer service is available to a property owner of property situated within the incorporated limits of the City of Branson West, Missouri, then such property owner must discontinue use of water and/or sewer service other than the municipal water and/or sewer service provided by the City and shall connect to and be served by the municipal water and/or sewer service furnished by the City of Branson West, Missouri, within one hundred twenty (120) days after the date of written notice to do so, unless the City Administrator has approved a 120-day extension, as provided in Subsection (B). Municipal water and/or sewer service is available to the property owner when a municipal water and/or sewer line is located within three hundred fifty (350) feet of the building to be served with water and/or sewer service.
- B. If the City Clerk has received an application for a 120-day extension for the period of mandatory connection for water or sewer service, or both by the 90th day after the date of the previous 120-day notice, the City Administrator may extend the connection period for connection to the City's water or sewer systems, or both, upon the presentation of satisfactory evidence of the following:
 - 1. The expense of connection to the City's water system or sewer system, not both, exceeds ten thousand dollars (\$10,000.00) in labor and materials, as substantiated by a bid signed by a contractor.
 - 2. The existing on-site wastewater treatment system on the affected property is functioning as designed, without evidence of surfacing effluent, or damaged tanks or leach fields.

The City Administrator may issue a second 120-day extension in cases of financial hardship, construction delays due to unforeseeable circumstances, and other good cause, including cooperation in the design and location of lift stations.

- C. The City Administrator is authorized to prepare forms for application for extensions and to consult with the City's engineering consultants regarding the cost estimates provided by applicants.
- D. The City's policy is to encourage cooperation of property owners in constructing facilities for connection to the City's sewer collection system. In furtherance of this policy, the City agrees to allow sewer lift stations serving more than one (1) tract of real estate to be located within the public right of way and to become (if constructed to City standards) the maintenance responsibility of the City. The City will not allow grinder pumps serving a single tract of real estate to be located in the public right of way and will not accept maintenance responsibility for grinder pumps.

Section 700.030. Letters of Intent To Serve. [CC 1997 §18-8; Ord. No. 1130 §1 — 6, 6-18-1996]

- A. All holders of letter of intent to serve must respond to the offer of gallonage in the letter by performing the following steps within thirty (30) days of the issuance of the letter.
 - 1. Applicant must submit their request in writing to the City of Branson West;
 - 2. City approval of the design and layout of the sewage collection system for the development must be obtained;

3. The plans and specifications must have been approved by the Missouri Department of Natural Resources;
 4. Applicant must prepay all sewer connection and impact fees;
 5. Applicant must submit all utility application with the City;
 6. Prepaid monies are not refundable.
- B. Completion of the above five (5) steps will validate their letter of intent to serve and reserve for their use the gallonage stated in said letter for a period of three hundred sixty-five (365) days.
- C. A letter of intent to use from the holder of the letter stating their intent to use the gallonage set forth in the letter within the next one hundred eighty (180) days will prolong the above reservation for an additional one hundred eighty (180) days past the date set in Subsection (B) above. Only one (1) such extension is available per letter.
- D. Letters of intent to serve are non-transferrable and non-assignable. They are valid only for the original issuee and only for the original plans submitted and approved by the City. Letters of intent to serve are not transferable with the land.
- E. Letters of intent to serve are not contractual in nature and are not a guarantee of service. The City will provide service in accordance with the letters issued and validated in accordance with the criteria in this Section to the best of their ability and capacity as defined by the Missouri Department of Natural Resources at the time service is desired.

Section 700.040. Sewers To Be Approved By City and DNR. [CC 1997 §18-10; Ord. No. 1056 Art. I, 2-16-1995]

- A. Sewer lines shall be designed by an engineer and submitted for approval to the City and the Missouri DNR prior to the commencement of any construction. Upon completion and prior to being connected to the City sewer system, the design engineer shall certify the sewer lines were constructed and tested in accordance with the approved plans.
- B. Following approval by the City Engineer or Public Works Director and certification by the design engineer, and satisfaction of other requirements of Chapters 700 and 710, the City will accept the sewer lines for operation and maintenance.

Section 700.050. Extension of City Sewer Lines. [CC 1997 §18-11; Ord. No. 1056 Art. II, 2-16-1995; Ord. No. 1151 §§1, 4 — 6, 1-24-1997; Ord. No. 1156 §4a, 1-24-1997]

- A. The customer who requests sanitary sewer service which requires extension of the sewer lines of the City shall request and may be granted the right to make such extension by the City. The customer shall obtain the services of an engineer who shall prepare design plans for the required extensions. The plans shall be submitted to the City and Missouri DNR for approval prior to beginning any work.

The customer shall obtain the services of a contractor who shall install the sewage works in accordance with the approved plans.

- B. The engineer shall prepare the plans in accordance with the following minimum specifications:
1. Minimum line size for gravity sewer lines shall be eight (8) inches.
 2. The minimum house line size for pressure sewer lines shall be one and one-half (½) inches.

3. The design shall conform to the Missouri Department of Natural Resources rules published as "Division 20, Chapter 8, Waste Treatment Design, latest edition.
 4. Gravity flow sewers shall be designed and connected to existing City sewers. Where existing City sewers are not available for connection by gravity flows, a sewage pumping station and pressure main shall be installed. The required sewage works shall meet all the requirements of the Missouri Department of Natural Resources and the City Engineer or Public Works Director.
 5. The design shall include building sewer connection, "T" or "Y", and sufficient service line a point within ten (10) feet of the property to be served. Each end of the service line shall be accurately recorded and provided to the City in the form of "as built" plans.
 6. The design shall include a review of the City's ability to treat the projected organic and hydraulic loading to be discharged from the extension.
- C. Connection to the City sewer lines may only be made with the prior written consent of the City Engineer or Director of Public Works, and must be made under their direct supervision. A five (5) day temporary connection may be approved for the purposes of testing the newly constructed lines only. No permanent connection may be approved or made until the following conditions are satisfied:
1. All construction has been completed to City specifications and all requirements set out in Chapters 700 and 710 of the City Code are satisfied, with written verification from the City Engineer or Director of Public Works.
 2. All requirements imposed by the Missouri DNR are satisfied.
 3. All necessary easements have been granted, accepted and recorded, and all applicable impact, connection, and other fees have been paid in full.
 4. A copy of the "as built" drawings prepared by the design engineer has been filed with the City, and a copy of lien waivers given by all parties to the line construction (if applicable) are on file with the City Clerk.
 5. Any other special conditions imposed by the City in writing as a condition of approval of the plans or construction have been satisfied.
- D. The customer shall be responsible for all cost of engineering, construction and any associated cost resulting from the extension of the sewage works. The customer shall indemnify the City from any loss or damage that may, directly or indirectly, be occasioned by the installation or maintenance of the sewer works.

Section 700.060. (Reserved)⁸⁸

Section 700.070. Special Circumstances. [CC 1997 §18-13; Ord. No. 1129 §§1 — 2, 5-30-1996]

- A. Nothing herein contained shall be so construed as to prohibit the City from entering into an agreement under special conditions with a customer involving an extension of sewer main. Such an agreement must be approved by a majority of the Board of Aldermen without a tie breaking vote at a regularly scheduled meeting and announce publicly at the meeting at which the approval for the agreement is

⁸⁸. Editor's Note — Section 700.060 "sewer connection fee waiver" was removed during the addendum process and prior to adoption of the code. Former section 700.060 derived from CC 1997 §18-12; ord. no. 1056 §III, 2-16-95. This section is reserved for the city's future use.

given.

- B. Nothing herein contained shall be so construed as to prohibit the City from entering into an agreement with an owner outside of the City limits as long as the property is within a reasonable distance to the existing City limits.

Section 700.080. Water Lines To Be Approved By City and DNR. [CC 1997 §18-15; Ord. No. 1057 Art. I, 2-16-1995]

- A. The water service mains shall be designed by an engineer and submitted for approval to the City and the Missouri DNR prior to the commencement of any construction. Upon completion and prior to being connected to the City water system, the design engineer shall certify the water service mains were constructed and tested in accordance with the approved plans.
- B. Following approval by the City Engineer or Public Works Director and certification by the design engineer, and satisfaction of other requirements of Chapters 700 and 705, the City will accept the water lines for operation and maintenance.

Section 700.090. Extension of City Water Lines. [CC 1997 §18-16; Ord. No. 1057 Art. II, 2-16-1995; Ord. No. 1113 §1, 3-5-1996]

- A. The customer within the corporate City limits who requests water service which requires extension of the water service mains of the City shall request and may be granted the right to make such extension by the City. A building service line shall not cross another property other than a public right-of-way for connection to the water main of the City.
- B. The customer shall obtain the services of an engineer who shall prepare design plans for the required extensions. The plans shall be submitted to the City and Missouri DNR for approval prior to beginning any work.
- C. The customer shall obtain the services of a contractor who shall install the lines, etc., in accordance with the approved plans. The contractor shall give the City at least forty-eight (48) hours' notice of intent to commence before work is begun.
- D. The engineer shall prepare the plans in accordance with the following minimum specifications:
 - 1. All plan designs, materials, and construction methods shall conform to the "Design Guide for Community Public Water Supplies" issued by the Missouri Department of Natural Resources, Public Drinking Water Program, latest edition.
 - 2. Minimum main size shall be four (4) inches and shall extend to the last building lot or the customer's property line.
 - 3. Fire hydrants shall be eight hundred (800) feet or less apart. No structure shall be more than four hundred (400) feet from a fire hydrant. Dead end mains shall have a hydrant placed at the end.
 - 4. Any building plumbing serving a business or a multi-family residence shall be installed so that water serving separate office, business or living space may be metered and billed separately, or with prior written approval of the City, a single master meter may be installed.
 - 5. Customer must provide "as-built" plans to the City upon completion and prior to use.
 - 6. The design shall include a review of the City's ability to provide the projected peak flows during

the peak day usage from the past three (3) years of City experience.

- E. Connection to the City water lines may only be made with the prior written consent of the City Engineer or Director of Public Works, and must be made under their direct supervision. A five (5) day temporary connection may be approved for the purposes of testing the newly constructed lines only. No permanent connection may be approved or made until the following conditions are satisfied:
 - 1. All construction has been completed to City specifications and all requirements set out in Chapters 700 and 705 of the City Code are satisfied, with written verification from the City Engineer or Director of Public Works.
 - 2. All requirements imposed by the Missouri DNR are satisfied.
 - 3. All necessary easements have been granted, accepted and recorded, and all applicable connection, deposits, and other fees have been paid in full.
 - 4. A copy of the "as built" drawings prepared by the design engineer has been filed with the City, and a copy of lien waivers given by all parties to the line construction (if applicable) are on file with the City Clerk.
 - 5. Any other special conditions imposed by the City in writing as a condition of approval of the plans or construction have been satisfied.
- F. The customer shall be responsible for all cost of engineering, construction and any associated cost resulting from the extension of the water service mains. The customer shall indemnify the City from any loss or damage that may, directly or indirectly, be occasioned by the installation or maintenance of the water service.
- G. The City will provide written approval for the extension. The City reserves the right to not approve any extension. The City reserves the right to require a main larger than six (6) inches be installed.

Section 700.100. (Reserved)⁸⁹

Section 700.110. General Water and Sewer Bedding Specifications. [CC 1997 §18-20; Ord. No. 1119 §1, 4-18-1996; Ord. No. 1157, 1-24-1997]

- A. In addition to the requirements and recommendations set out in Chapters 700, 705, and 710, the following minimum bedding requirements shall be followed. All distribution and collection lines for sewer and water being served or to be served by the City of Branson West shall be properly bedded according to the following specifications:
 - 1. A six (6) inch layer of granular stone material shall be laid in the bottom of the trench after said trench has been dug to the proper depth.
 - 2. Granular stone material shall be crushed limestone consisting of aggregate particles meeting the requirements of ASTM C-33, latest revision, gradation 67, one (1) inch to No. 8 size as follows:

⁸⁹. Editor's Note — Section 700.100 "water connection fee waiver" was removed during the addendum process and prior to adoption of the code. Former section 700.060 derived from CC 1997 §18-17; ord. no. 1057 art. III, 2-16-95; ord. no. 1227 §18-17, 2-24-99. This section is reserved for the city's future use.

Sieve Size	Percent Passing
1 inch	100
¾ inch	90 — 100
3/8 inch	20 — 55
No. 4	0 — 10
No. 8	0 — 05

3. The pipeline shall be assembled on top of the granular stone material. The pipeline shall be bedded on both sides and on the top with six (6) inches of granular stone material after it is assembled. The trench shall then be refilled with suitable backfill material and properly compacted.
4. The City representative shall inspect installation of sewer and/or water lines to ensure compliance with these specifications.

Section 700.120. Separation of Lines. [CC 1997 §18-21; Ord. No. 1121 §§1 — 2, 4-25-1996; Ord. No. 1230 §2, 6-8-1999]

- A. There shall be a minimum ten (10) foot separation between the water line and sewer line.
- B. No other utility lines may be placed in a trench in which a water or sewer line is located.
- C. Variance may be approved by the City Engineer or a representative thereof upon written request.

Section 700.130. Underground Electrical Service. [CC 1997 §18-25; Ord. No. 1127 §§1 — 5, 5-21-1996; Ord. No. 1230 §3, 6-8-1999]

- A. At no time shall an underground electric line cross a water or sewer line.
- B. All underground electric lines shall be in conduit.
- C. Underground electric lines shall exit from conduit in junction boxes only.
- D. An underground electric service may be laid with trench lay cable without conduit, but may not cross water or sewer lines.
- E. Any variance from these specifications shall only be allowed with the prior written acceptance of the variance by the City Engineer or representative thereof.

Section 700.140. Violation of This Chapter. [CC 1997 §18-26; Ord. No. 1151 §7, 1-24-1997]

Notwithstanding and in addition to any penalties which may otherwise be applicable, any connection to City water or sewer lines made without prior written permission from the City as described above shall be deemed an offense of trespass on City property with a fine as set forth in Section 100.160. Further, such an unlawful connection shall be subject to immediate disconnection without notice, and the person causing the unlawful connection to occur shall be liable to indemnify the City for all expenses incurred in disconnecting and/or reconnecting the City line, to include any incidental or collateral damages suffered by the City and innocent third (3rd) parties as a result of said disconnection.

Section 700.150. Building Permits Required For Water and Sewer Main Construction. [Ord. No.

1205 §§1 — 4, 3-24-1998]

- A. No water or sewer main construction shall begin within the City limits unless a building permit has been first been issued.
- B. No permit shall be issued until an easement for the proposed water or sewer main has been placed in the care of the City Administrator.
- C. All such easements given shall grant to the City easement of at least ten (10) feet on either side of the main laid.
- D. All such easements given shall constitute a single easement, covering the entire water or sewer main to be constructed within the development.

Section 700.160. Developer Constructing Utility Lines For A Development — Connection Fee. [Ord. No. 1208 §§1 — 4, 3-24-1998]

- A. A connection fee of one hundred dollars (\$100.00) to be collected for a water service connection.
- B. This fee is to be collected before a building permit will be issued.
- C. The City will furnish the meter setter and set the meter upon receiving the customer deposit.
- D. No connection fee due for sewer.

WATER REGULATIONS

Chapter 705

WATER REGULATIONS

ARTICLE I

In General**Section 705.010. Unlawful Use of Water. [CC 1997 §17-1; Ord. No. 1216 §4, 6-25-1998]**

- A. It shall be unlawful for any person to take any water from any cock, faucet, or hydrant connected with the waterworks of the municipal Water Department or to tap or surreptitiously connect with the water pipes of said department or to receive any water other than through a water meter installed by said department.
- B. It shall be unlawful for any person to connect to City water lines while connected to a private water supply, in such a way that water from the private source could occupy the same lines or the waters could otherwise commingle.
- C. It shall be unlawful to fail to comply with mandatory water connection within City limits as set forth in Section 700.020.
- D. Violation of this Section is a misdemeanor. If any person is convicted of violating any Subsection of this Section, in addition to criminal penalties, the municipal Water Department shall discontinue water service to such person until any fine, cost, or charges are fully paid and the condition resulting in the conviction has been remedied.

Section 705.020. Material For Water Lines. [CC 1997 §17-2; Ord. No. 1119 §1, 4-18-1996; Ord. No. 1157, 1-24-1997]

- A. *Installation.* All service pipes from the mains to the premises served shall be installed by, and at the cost of, the owner of the property to be served or the applicant for the service. No service shall be installed unless it conforms to the minimum requirements of the Missouri Division of Health, a copy of which shall be kept on file by the City Clerk and shall be open to inspection by any person interested. Shutoff boxes or service boxes shall be placed on every service line. Such boxes shall be so located that they are easily accessible and shall be protected from frost.
- B. All distribution lines for water being served or to be served by the City shall be properly bedded according to the following specifications:
 - 1. A six (6) inch layer of granular stone material shall be laid in the bottom of the trench after said trench has been dug to the proper depth.
 - 2. Granular stone material shall be crushed limestone consisting of aggregate particles meeting the requirements of ASTM C-33, latest revision, gradation 67, one (1) inch pipe to No. 8 size as follows:

Sieve Size	Percent Passing
1 inch	100
¾ inch	90 — 100
3/8 inch	20 — 55
No. 4	0 — 10
No. 8	0 — 05

3. The pipeline is to be assembled on top of the granular stone material. The pipeline shall be bedded on both sides and on the top with six (6) inches of granular stone material after it is assembled. The trench shall then be filled with suitable backfill material and properly compacted.
 4. The City representative shall inspect installation of water lines to ensure compliance with these specifications prior to any use of the line.
- C. *Repairs.* All repairs for service pipes and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The City may, in case of an emergency, repair any service pipes and if this is done, the cost of such repair work shall be repaid to the City by the owner of the premises.

Section 705.030. Depth of Water Lines. [CC 1997 §17-3; Ord. No. 1230 §1, 7-13-1999]

Any water line installed shall be buried at a depth of at least thirty-six (36) inches.

Section 705.040. through Section 705.140. (Reserved)

ARTICLE II
Service Charges

Section 705.150. Security For Payment of Water Bill. [CC 1997 §17-16; Ord. No. 1184 §2, 7-1-1997; Ord. No. 59-2008 §17-16, 8-12-2008; Ord. No. 06-2024, 5-14-2024]

- A. All applicants for City water service, prior to being furnished such service, must deposit with the City Clerk the sum set out below, or twice that sum for each water service connection to a dwelling or other structure located entirely outside the City limits (regardless of whether any part of the parcel on which the dwelling or other structure is located is partially inside the City limits), to be known as a water security deposit:

Type of Establishment	Water Security Deposit
Single-family residential unit	\$100.00
Multi-family residential unit (per unit)	\$100.00
Resort, timeshare, motel (per unit)	\$35.00
Barber shop or beauty shop, salon or spa	\$125.00
Grocery or convenience store	\$200.00
Medical or chiropractic clinic	\$200.00
Laundry or restaurant	\$600.00
Car wash	The greater of \$600.00 or twice monthly estimated bill
All other commercial or industrial users	Twice monthly estimated bill

- B. All or any portion of the water security deposit may be applied by the City Clerk or utility Clerk at the time any bill owed by the customer becomes delinquent or at the termination of service.

Section 705.160. Refund On Security Deposit. [CC 1997 §17-17]

The deposit required by Section 705.150 (known as a service charge) shall be refunded, without interest, at the termination of service, after all charges that may be due and payable by the customer have been paid.

Section 705.170. Water Service Connection Fee. [CC 1997 §17-18; Ord. No. 1227 §17-18, 2-24-1999; Ord. No. 59-2008 §17-18, 8-12-2008]

- A. Any applicant for water service, or any current customer receiving water service from the City, who desires to connect to the City's water system, or who desires a new or additional connection to the City's water system, shall first pay to the City a connection fee equal to one thousand three hundred fifty dollars (\$1,350.00) per inch of line to be connected, if the water meter to be installed is larger than a three-fourths ($\frac{3}{4}$) inch meter. If the water meter to be installed is the standard three-fourths ($\frac{3}{4}$) inch meter, the applicant shall first pay to the City a six hundred fifty dollar (\$650.00) connection fee. The connection fee is non-refundable and shall be in addition to the deposit required by Section 705.150 and any other special fees, costs or assessments set out by the City. This does not pertain to developments who have, as of this date, submitted plats and received approval.
- B. *Outside City Limits.* For each water connection to a dwelling or other structure located entirely

outside the City limits (regardless of whether any part of the parcel on which the dwelling or other structure is located is partially inside the City limits), the water service connection fee will be two (2) times the water service connection fee for users within the City limits.

Section 705.180. Water Service Rates. [CC 1997 §17-19; Ord. No. 1134 §1(20-19), 7-9-1996; Ord. No. 114-2011, 9-13-2011; Ord. No. 14-2013, 11-12-2013; Ord. No. 7-2014, 11-18-2014; Ord. No. 13-2015, 12-8-2015; Ord. No. 13-2016, 12-13-2016; Ord. No. 4-2017, 9-12-2017; Ord. No. 8-2018, 10-9-2018; Ord. No. 6-2019, 9-10-2019; Ord. No. 8-2020, 9-22-2020; Ord. No. 02-2024, 2-13-2024⁹⁰]

The rates for water users within the City shall be as follows:

Customer Type	Monthly Rate Per Connection	Monthly Usage Rate Per 1,000 Gallons
Residential User Inside City	\$15.00	\$2.89
Residential User Outside City	\$30.00	\$5.78
Commercial User Inside City	\$15.00	\$2.89
Commercial User Outside City	\$30.00	\$5.78
Wholesale Purchaser (Notch Condominium)	\$30.00	\$5.78

Section 705.190. (Reserved)⁹¹

Section 705.200. Date Payable. [CC 1997 §17-22]

All bills for water service furnished by the City shall be due and payable on or before the fifteenth (15th) day of the month following the month during which the water was furnished.

Section 705.210. Interest Added When Delinquent. [CC 1997 §17-23]

All bills for water service furnished by the City remaining unpaid after the fifteenth (15th) day of the month following the month for which said bills are issued shall be considered delinquent and a penalty charge in an amount of twenty percent (20%) shall be added thereto.

Section 705.220. Termination of Services — Notice. [CC 1997 §17-24]

The City Clerk shall make a list of all bills for water service furnished by the City remaining unpaid on the twentieth (20th) day of the month following the month for which said bills are used, and a copy thereof shall be delivered to one (1) of the linemen in the employ of the City for the purpose of disconnecting within a three (3) day period water service. No notice shall be necessary to any customer that his/her water service will be disconnected after said twenty (20) day period has elapsed.

90. Editor's Note: This ordinance shall be effective with the May 2024 billing cycle, so that proration (which would necessitate reading water meters twice in one month) is not required.

91. Editor's Note: Former Section 705.190, Water Rates Outside The City Limits, was repealed by Ord. No. 02-2024, 2-13-2024. Prior history includes: CC 1997 §17-20; Ord. No. 1134; Ord. No. 114-2011; Ord. No. 14-2013; Ord. No. 7-2014; Ord. No. 13-2015; Ord. No. 13-2016; Ord. No. 4-2017; Ord. No. 8-2018; Ord. No. 6-2019; and Ord. No. 8-2020. See now Section 705.180, Water Service Rates.

Section 705.230. Renewal of Service. [CC 1997 §17-25]

Any consumer of water furnished by the City whose service has been discontinued because of delinquency in the payment of his/her account shall not have said service renewed until the total amount of his/her account plus a reconnection charge of forty-five dollars (\$45.00) has been paid to the City.

Section 705.240. Discontinuance of Water Service. [CC 1997 §17-26; Ord. No. 02-2024, 2-13-2024]

- A. Water service will be discontinued to any water user or property on account of temporary vacancy of such property upon written request of the water user, without in any way affecting the agreement in force, and upon payment of all charges due as provided in the rules and regulations of the City.
- B. In the event that water service is discontinued for any reason other than the temporary vacancy of the property, then reconnection shall be made only in the event that all previously unpaid bills, plus ten percent (10%) interest thereon, shall be paid before reconnection shall be allowed for such water user or property.
- C. In the event that an applicant for water services has purchased or otherwise acquired the property and holds title thereto and the previous landowner had discontinued water service other than because of the temporary vacancy thereof, said applicant shall not be required to pay the above reconnection charge as a result of the conduct or actions of the previous landowner, but shall be required to pay only the standard deposit and connection charges.
- D. In the case of a water user who had been disconnected, whether for non-payment or at the water user's request, then such water user or landowner shall pay a reconnection charge of forty-five dollars (\$45.00) to the City to defray the City's cost of reconnection.
- E. Except in the case of failure of the water user to pay the bill owed the City for water service as set forth in these rules and regulations, the City will not discontinue the service of any water user for violation of any rule or regulation of the City without written notice as provided in Section 705.220, mailed to such customer at his/her address as shown upon the City's records, or personally delivered to the water user what rule has been violated for which service will be discontinued if the violation is permitted to continue. Provided however, that where misrepresentation of use of water is detected, or where the City's regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the water user's premises, service may be shut off without notice in advance. Subject to the foregoing provisions, service rendered under any application, contract or agreement may be discontinued by the City for any of the following reasons:
 - 1. For willful or indifferent waste of water due to any cause.
 - 2. For failure to protect from injury or damage the meter connections, or for failure to protect and maintain the service pipe, or fixtures on the property of the water user (or the property occupied by the water user) in a condition satisfactory to the City.
 - 3. For molesting or tampering by the water user, or others with the knowledge of the water user, with any meter, connection, service pipe, curb cock, seal, valve or any other appliances of the City's controlling or regulating the water user's water supply.
 - 4. For failure to provide the City's employees free and reasonable access to the property supplied, or for obstructing the way of ingress to the meter or other appliances controlling or regulating the water user's water supply.
 - 5. For non-payment of any account for water supplied for water service, or for meter or service

maintenance, or for any other fee or charge accruing under these rules and regulations, and the rate schedule of the City.

6. In case of vacancy of the premises.
 7. For violation of any rules and regulations of the City.
 8. For any practice or act prohibited by the Missouri Division of Health.
 9. For failure to allow any City employee, officer, agent, or representative the right to inspect the water user's premises for any purpose set forth in these rules and regulations.
- F. The discontinuance of the supply of water to a property for any reason shall not prevent the City from pursuing any lawful remedy by action at law or otherwise for the collection of monies due from the water user or property owner.
- G. Water will not be turned on the to any property unless there is at least one (1) adult person therein at such time to see that all water outlets in the premises are closed and no leaks are apparent to prevent damage by escaping water.
- H. Only an employee, officer or agent of the City may turn on water and all applicants and water users are expressly forbidden to do so.

Section 705.250. through Section 705.320. (Reserved)

ARTICLE III
Water Meters

Section 705.330. Property of Department. [CC 1997 §17-36]

All water meters shall at all times remain the property of the municipal Water Department.

Section 705.340. Persons With Authority To Install. [CC 1997 §17-37]

The employees of the municipal Water Department, or licensed plumbers authorized by the City, shall have the authority to install a water meter on the line leading from the main to the premises of any user who desires to use water from the City.

Section 705.350. Location. [CC 1997 §17-38]

All water meters shall be installed at such places as may be designated by the municipal Water Department.

Section 705.360. Multiple Unit Users. [CC 1997 §17-39]

- A. As used in this Section, "*additional unit*" shall mean any separate family, separate business, separate premises, separate house or separate trailer obtaining water from any common lead-in service line serving another unit user.
- B. Where there is an additional unit user from any single service line connected to water main, the City may require the owner of the property to install a proper division of the lead-in service line and proper interior piping so that each unit user from the single lead-in line may be metered by an individual water meter. In the event such property owner shall fail or neglect to make such alterations on the lead-in line, the City, after ten (10) days' notice to such property owner by mail, may proceed to install a water meter for each additional unit at the expense of the property owner, or the City may, at the option of the City, charge such property owner double the rate for the first two thousand (2,000) gallons or less of water used per month as set forth in Sections 705.180 and 705.190 of this Revised Code of Ordinances. If the City chooses to charge the property owner double the rate, then such property owner shall be entitled to the use of four thousand (4,000) gallons of water per month before additional charges for water usage are made.

Section 705.370. Test For Inaccuracy. [CC 1997 §17-40]

In the event any customer of the City water service believes that his/her water meter is inaccurate, he/she may make an application to the City Clerk for a test of said meter. It shall then be the duty of the employees of the municipal Water Department to remove said meter and subject the same to a test. If the water meter is found to be faulty, it shall be replaced with an accurate meter without charge. If such test shall disclose that the water meter is not faulty, said meter shall be replaced and a charge of five dollars (\$5.00) for service shall be charged to the next succeeding bill of said consumer.

Section 705.380. Repairs. [CC 1997 §17-41]

- A. Any repairs to water meters caused by wear or damage through normal use or by any cause not the fault of the property owner shall be made at the expense of the municipal Water Department.
- B. In the event that any water meter is damaged through any fault of the property owner, the City shall, for the first (1st) offense, advise the property owner of the cause of the damage and the City may, at its option, repair such meter at the cost of the municipal Water Department, or it may, at its option,

repair the same and charge the amount of repairs to the customer.

- C. In the event of damage to a water meter a second (2nd) time through the fault of any customer, the same shall be repaired by the municipal Water Department and the cost thereof shall be charged to the customer using said meter.

Section 705.390. Tampering. [CC 1997 §17-42; Ord. No. 11-91 §9, 11-12-1991]

It shall be a misdemeanor for any person or persons to tamper with any water main, water meter, or water line, or to make any connection to the water system of the City without permission of the City, or to reconnect service when service has been discontinued for non-payment of a bill for service until such bill, including the reconnection charge, has been paid in full. Upon conviction, there shall be imposed a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

Section 705.400. through Section 705.450. (Reserved)

ARTICLE IV
Water Emergency Proclamation

Section 705.460. Issuance. [CC 1997 §17-51]

Whenever the water supply in the City is low, or whenever the pressure maintained in the water tower or water mains of the City is low, due to conditions of drought or other emergencies which may arise, it shall be the duty of the Mayor to issue a proclamation stating the facts and prohibiting any person from using City water for any purpose other than for essential household and business needs or placing other restrictions upon use as the circumstances dictate; provided however, that the Mayor may in said proclamation permit the temporary use of water for gardens, shrubbery and the like use for certain periods as may be set out therein.

Section 705.470. Notice. [CC 1997 §17-52]

Any proclamation issued by the Mayor within the purview of this Chapter shall be posted in two (2) public places in the City and shall be published at least once in the newspaper calculated to bring said proclamation to the notice of the residents of the City.

Section 705.480. Effective Dates. [CC 1997 §17-53]

Any proclamation issued by the Mayor within the scope of this Chapter shall take effect immediately upon its being posted and published and shall be effective until rescinded by a proclamation issued by the Mayor indicating a termination of the emergency.

Section 705.490. Enforcement. [CC 1997 §17-54]

The Mayor shall have the power to appoint any number of persons necessary to enforce the provisions of this Article, who shall have the power of special Police Officers with authority to make arrests for any violation of this Article.

Section 705.500. Violations. [CC 1997 §17-55]

Any person who uses any water furnished by the City in violation of this Article shall be punished as provided in Section 100.160 of this Code, in addition to other civil or criminal charges which may be brought.

Section 705.510. through Section 705.560. (Reserved)

ARTICLE V
Lead Ban Policy

Section 705.570. Lead Ban Policy. [Ord. No. 92-7A §§I — III, 7-24-1992]

A. *General Policy.*

1. *Purpose.* The purpose of this Article is:
 - a. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
 - b. To protect City residents from lead contamination in the City's public drinking water system and their own private plumbing systems.
2. *Application.* This Article shall apply to all premises served by the public drinking water system of the City of Branson West.
3. *Policy.* This Article will be reasonably interpreted by the Water Purveyor. It is the Purveyor's intent to ban the use of lead-base material in the construction or modification of the City's drinking water system or private plumbing connected to the City system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgment of the Water Purveyor or his/her authorized representative, lead based materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead based materials removed from the plumbing system and replaced with lead-free materials. If the lead based materials are not removed from the plumbing system, the Water Purveyor shall have the right to discontinue water service to the premises.

B. *Definitions.* The following definitions shall apply in the interpretation and enforcement of this Article.

CONSUMER — The owner or person in control of any premises supplied by or in any manner connected to a public water system.

LEAD BASED MATERIALS — Any material containing lead in excess of the quantities specified in the definition of "lead free".

LEAD FREE —

- a. When used with respect to solder and flux, refers to solders and flux containing not more than two-tenths percent (0.2%) lead; and
- b. When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than eight percent (8.0%) lead.

PUBLIC DRINKING WATER SYSTEM — Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

WATER PURVEYOR — The owner, operator or individual in responsible charge of a public water system.

C. *Lead Banned From Drinking Water Plumbing.*

1. No water service connection shall be installed or maintained to any premises where lead based materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.
2. If a premises is found to be in violation of Subsection (C)(1), water service shall be discontinued until such time that the drinking water plumbing is lead free.

ARTICLE VI
Cross-Connection Control

Section 705.580. Cross-Connection Control — General Policy. [Ord. No. 92-7B §I, 7-24-1992]

A. *Purpose.* The purpose of this Article is:

1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
2. To promote the elimination, containment, isolation, or control of existing cross-connections, actual or potential, between the public or consumer's potable water systems and non-potable water systems, plumbing fixtures and industrial process systems.
3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. *Application.* This Article shall apply to all premises served by the public potable water system of the City of Branson West.

C. *Policy.* This Article will be reasonably interpreted by the Water Purveyor. It is the Water Purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The Water Purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The Water Purveyor and consumer are jointly responsible for preventing contamination of the water system within the consumer's premises.

If, in the judgment of the Water Purveyor or his/her authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his/her own expense; and failure, refusal or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

Section 705.590. Definitions. [Ord. No. 92-7B §II, 7-24-1992]

The following definitions shall apply in the interpretation and enforcement of this Article:

AIR-GAP SEPARATION — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

AUXILIARY WATER SUPPLY — Any water source or system, other than the public water supply, that may be available in the building or premises.

BACKFLOW — The flow, other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

BACKFLOW PREVENTION DEVICE — Any device, method, or type of construction intended to prevent backflow into a potable water system.

CONSUMER — The owner or person in control of any premises supplied by or in any manner connected to a public water system.

CONTAINMENT — Protection of the public water supply by installing a cross-connection control device or air-gap separation on the main service line to a facility.

CONTAMINATION — An impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

CROSS-CONNECTION — Any physical link, between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

HAZARD, DEGREE OF — An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. *HAZARD — HEALTH* — Any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
2. *HAZARD — PLUMBING* — A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device.
3. *HAZARD — POLLUTIONAL* — An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
4. *HAZARD — SYSTEM* — An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

INDUSTRIAL PROCESS SYSTEM — Any system containing a fluid or solution which may be chemically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into a potable water supply.

ISOLATION — Protection of a facility service line by installing a cross-connection control device or air-gap separation on an individual fixture, appurtenance or system.

POLLUTION — The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

PUBLIC POTABLE WATER SYSTEM — Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

SERVICE CONNECTION — The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

WATER PURVEYOR — The owner, operator or individual in responsible charge of a public water system.

Section 705.600. Cross-Connections Prohibited. [Ord. No. 92-7B §III, 7-24-1992]

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the Water Purveyor, and as required by the laws and regulations of the Missouri Department of Natural Resources.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the Water Purveyor and the Missouri Department of Natural Resources.
- C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Water Purveyor as necessary for the protection of health and safety.

Section 705.610. Survey and Investigations. [Ord. No. 92-7B §IV, 7-24-1992]

- A. The consumer's premises shall be open at all reasonable times to the Water Purveyor, or his/her authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the Water Purveyor or his/her authorized representative, the consumer shall furnish information on water use practices within his/her premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his/her premises to determine whether there are actual or potential cross-connections to his/her water system through which contaminants or pollutants could backflow into his/her or the public potable water system.

Section 705.620. Type of Protection Required. [Ord. No. 92-7B §V, 7-24-1992]

- A. The type of protection required by this Article shall depend on the degree of hazard which exists, as follows:
 - 1. An approved air-gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
 - 2. An approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
 - 3. An approved air-gap separation or an approved reduced pressure principle backflow prevention device or an approved double-check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

Section 705.630. Where Protection Is Required. [Ord. No. 92-7B §VI, 7-24-1992]

- A. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the Water Purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- B. An approved air-gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Water Purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following situations:
 - 1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Water Purveyor and the Missouri Department of Natural Resources.
 - 2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
 - 3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
 - 4. Premises having a repeated history of cross-connections being established or re-established.
 - 5. Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.
 - 6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 - 7. Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.
- C. The following types of facilities fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principal backflow prevention device is required by the Water Purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Water Purveyor and the Missouri Department of Natural Resources:
 - 1. Aircraft and missile plants,
 - 2. Automotive plants,
 - 3. Auxiliary water systems,
 - 4. Beverage bottling plants,
 - 5. Breweries,
 - 6. Building complexes,

7. Canneries, packing houses and reduction plants,
8. Car washing facilities,
9. Chemical manufacturing, processing, compounding or treatment plants,
10. Chemically contaminated water systems,
11. Civil work,
12. Dairies and cold storage plants,
13. Film laboratories,
14. Fire protection systems,
15. Hazardous waste storage and disposal sites,
16. Hospitals, mortuaries, clinics,
17. Irrigation and sprinkler systems,
18. Laundries and dye works,
19. Metal manufacturing, cleaning, processing and fabricating plants,
20. Oil and gas production, storage or transmission properties,
21. Paper and paper products plants,
22. Plating plants,
23. Power plants,
24. Printing and publishing facilities,
25. Radioactive material processing plants or nuclear reactors,
26. Research and analytical laboratories,
27. Rubber plants — natural and synthetic,
28. Sand and gravel plants,
29. Schools and colleges,
30. Sewage and storm drainage facilities — pumping stations,
31. Waterfront facilities and industries, and
32. Zoological and horticultural gardens.

Section 705.640. Backflow Prevention Devices. [Ord. No. 92-7B §VII, 7-24-1992]

- A. Any backflow prevention device required by this Article shall be of a model or construction approved by the Water Purveyor and the Missouri Department of Natural Resources.
 1. Air-gap separation to be approved shall be at least twice the diameter of the supply pipe,

measured vertically above the rim of the vessel, but in no case less than one (1) inch.

2. A double-check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the Water Purveyor, and shall appear on the current list of approved backflow prevention devices established by the Missouri Department of Natural Resources.
- B. Existing backflow prevention devices approved by the Water Purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Article so long as the Water Purveyor is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location, or requires more than minimum maintenance, or when the Water Purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this Article.

Section 705.650. Installation. [Ord. No. 92-7B §VIII, 7-24-1992]

- A. Backflow prevention devices required by this Article shall be installed at a location and in a manner approved by the Water Purveyor and shall be installed at the expense of the water consumer.
- B. Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- C. Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid.

Section 705.660. Inspection and Maintenance. [Ord. No. 92-7B §IX, 7-24-1992]

- A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this Article are installed to have inspections, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
 1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
 2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every thirty (30) months.
 3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five (5) years.
- B. Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by the Water Purveyor or a State of Missouri certified backflow prevention device tester.
- C. Whenever backflow prevention devices required by this Article are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- D. The water consumer must maintain a complete record of each backflow prevention device from

purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections and repairs. Records of inspections, tests, repairs and overhauls shall be made available to the Water Purveyor upon request.

- E. Backflow prevention devices shall not be by-passed, made inoperative, removed or otherwise made ineffective without specific authorization by the Water Purveyor.

Section 705.670. Violations. [Ord. No. 92-7B §X, 7-24-1992]

- A. The Water Purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Article is not installed, tested and maintained in a manner acceptable to the Water Purveyor, or if it is found that the backflow prevention device has been removed or by-passed or if an unprotected cross-connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Article to the satisfaction of the Water Purveyor.

City of Branson West, MO

Section 705.670

BRANSON WEST CODE

SEWERS AND SEWAGE DISPOSAL

Chapter 710

SEWERS AND SEWAGE DISPOSAL

ARTICLE I
General and Residential

Section 710.010. Definitions. [CC 1997 §16-1; Ord. No. 10-89 Art. I, 10-19-1989; Ord. No. 1179, 1997]

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building (including all appurtenances to the line) to the public sanitary sewer easement.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

PERSON — Any individual, firm, company, association, society, corporation, or other group or entity.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

PUBLIC SANITARY SEWER EASEMENT — An easement granted the City for public sewer purposes, which has been signed by the individual granting the easement, recorded at the Stone County Recorder's office, and signed by an official of the City having the authority of the Board to accept the easement.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER — A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SHALL — Is mandatory; *MAY*: Is permissive.

SLUG — Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

STORM DRAIN (SOMETIMES TERMED "STORM SEWER") — A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — The Superintendent of Sewage Works and/or of Water Pollution Control of the City, or the Mayor, or their authorized deputy, agent or representative.

SUSPENDED SOLIDS — Solids that either float on the surface of, or are in suspension, in water, sewage, or other liquids and which are removable by laboratory filtering.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

Section 710.020. Use of Public Sewers Required. [CC 1997 §16-2; Ord. No. 10-89 Art. II, 10-19-1989]

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings, or properties used for human habitation, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required, at his/her expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the structure.
- E. A chemical toilet or privy vault may be used by a building contractor only, and by no other person, firm or corporation. The use of a chemical toilet requires a permit (permit fee, twenty dollars (\$20.00)). This permit will be valid for only thirty (30) days. If the chemical toilet has been operated in an acceptable manner during the thirty (30) days, the permit may be extended for an additional sixty (60) consecutive days at no charge.
- F. Every person, entity or organization selling or offering to sell products, including roadside peddlers, tent shows, craft shows, etc., must have a merchant's license to sell or offer to sell. Their merchant's license must be accompanied with a statement showing that acceptable toilet facilities will be used by them and they must have the signature of the store owner or manager of the building where they intend to use the toilet facilities.

Section 710.030. Private Sewage Disposal. [CC 1997 §16-3; Ord. No. 10-89 Art. III, 10-19-1989]

- A. Where a public sanitary or combined sewer is not available under the provisions of Section

710.020(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.

- B. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Missouri. Private sewage disposal systems employing subsurface soil absorption facilities will not be allowed where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- C. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Subsection (B), a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- D. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- E. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- F. When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

Section 710.040. Building Sewers and Connections. [CC 1997 §16-4; Ord. No. 1032 §1, 12-14-1993; Ord. No. 1119 §1, 4-18-1996; Ord. No. 1157, 1-24-1997; Ord. No. 59-2008 §§16-5—16-6, 8-12-2008]

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. A sewer permit, connection and inspection fee shall be paid to the City of Branson West at the time the application to construct and/or connect to City sewer is filed as follows: **[Ord. No. 16-2013, 11-12-2013]**

Inside City limits—residential	\$500.00
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*For each sewer connection to a dwelling or other structure located entirely outside the City limits (regardless of whether any part of the parcel on which the dwelling or other structure is located is partially inside the City limits), the sewer connection fee will be two (2) times the connection fee for users within the City limits.

Inside City limits—commercial	\$700.00
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*For each sewer connection to a dwelling or other structure located entirely outside the City limits (regardless of whether any part of the parcel on which the dwelling or other structure is located is partially inside the City limits), the sewer connection fee will be two (2) times the connection fee for users within the City limits.

- C. A sewer impact fee shall be paid to the City of Branson West at the time the application to construct and/or connect to City sewer is filed according to the following schedule.

Inside City limits—residential \$250.00

*For each sewer impact fee to a dwelling or other structure located entirely outside the City limits (regardless of whether any part of the parcel on which the dwelling or other structure is located is partially inside the City limits), the sewer impact fee will be three (3) times the impact fee for users within the City limits.

Non-residential *

* The following non-residential fees shall apply as applicable, with the minimum impact fee for these and unspecified businesses being two hundred fifty dollars (\$250.00).

Bauty/barber shop	\$50.00/chair
Campground/RV park	\$25.00/space
Car dealership	\$40.00/employee
Convenience store	\$120.00/set of pumps
Eating establishment	\$10.00/seat
Filling station	\$120.00/set of pumps
Laundromat	\$50.00/washing machine
Medical clinic	\$100.00/employee
Motel	\$40.00/room
Office suite	\$5.00/employee
Retail establishment	\$5.00/employee
Shopping mall	\$55.00/1,000 square feet
Supermarket	\$20.00/employee
Tavern/bar	\$10.00/seat

- D. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- E. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- F. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Article.
- G. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling and trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. Except where specified otherwise, all distribution and collection lines for sewer being served or to be served by the City shall be properly bedded according to the following specifications:

1. A six (6) inch layer of granular stone material shall be laid in the bottom of the trench after said trench has been dug to the proper depth.
2. Granular stone material shall be crushed limestone consisting of aggregate particles meeting the requirements of ASTM C-33, latest revision, gradation 67, one (1) inch pipe to No. 8 size as follows:

Sieve Size	% Passing
1 inch	100
$\frac{3}{4}$ inch	90—100
$\frac{3}{8}$ inch	20—55
No. 4	0—10
No. 8	0—05

3. The pipeline is to be assembled on top of the granular stone material. The pipeline shall be bedded on both sides and on the top with six (6) inches of granular stone material after it is assembled. The trench shall then be filled with suitable backfill material and properly compacted.
4. The City representative shall inspect installation of sewer lines to ensure compliance with these specifications prior to any use of the line.

When a person or entity other than the City has been duly authorized to construct public sewer lines on behalf of the City or which it will dedicate to City use, to which building sewer(s) will be connected, the above construction specifications of this Subsection (G) shall be deemed to apply to any and all such public sewer construction.

- H. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- I. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- J. The connection of the building sewer into sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- K. The applicant for the building sewer permit shall notify the Superintendent when the building is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his/her representative.
- L. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property

disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 710.050. Use of Public Sewers. [CC 1997 §16-5; Ord. No. 10-89 Art. V, 10-19-1989]

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, or injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - 3. Any waters or wastes having a pH lower than five and one-half (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.
 - 5. Any waters or wastes having:
 - a. A five (5) day BOD greater than three hundred (300) parts per million by weight, or
 - b. Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or
 - c. Having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:
 - (1) Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight,
 - (2) Reduce the suspended solids to three hundred fifty (350) parts per million by weight, or
 - (3) Control the quantities and rates of any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the

Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

- D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (sixty-five degrees Celsius (65°C)).
 2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F) (zero degrees (0°) and sixty-five degrees Celsius (65°C)).
 3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of one-half ($\frac{1}{2}$) horsepower (0.51 hp metric) or greater shall be subject to the review and approval of the Superintendent.
 4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
 6. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal or other public agencies of jurisdiction for such discharge to the receiving water.
 7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
 8. Any waters or wastes having a pH in excess of nine and one-half (9.5).
 9. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to

constitute a significant load on the sewage treatment works.

- d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- 10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving water.
- E. If any waters or waste are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or passes the characteristics enumerated in Subsection (D) of this Section, and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
 - 1. Reject the wastes.
 - 2. Require pretreatment to an acceptable condition for discharge to the public sewers.
 - 3. Require control over the quantities and rates of discharge; and/or
 - 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection (J) of this Section.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

- F. Grease, oil, and sand interceptors shall be provided when required by Section 710.060 or, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the waste. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.
- I. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be

considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted method to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

- J. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

Section 710.060. Grease Traps Required. [CC 1997 §16-6; Ord. No. 1137, 9-10-1996]

- A. All businesses where oils and greases are cleaned off of eating and food preparation utensils or equipment shall be required to install an approved grease trap to intercept any fats, oils or greases before they enter the City of Branson West's wastewater system.
- B. The following drain lines shall run into a grease interceptor:
1. Dishwasher,
 2. Three (3) vat sink,
 3. Any food prep sink used for thawing out or washing meats, poultry, or fish,
 4. Mop sinks,
 5. Ice cream dipper wells,
 6. Floor drains in kitchen area,
 7. A drain from the trash pad to the grease interceptor should be considered if there is a bulk grease bin at the trash pad site.
- C. *Garbage Disposal.* Bulk or drained off grease should not be dumped in disposal. Grease-producing food should not be run through the disposal; if they are, then the disposal will need to be run to the grease interceptor.
- D. The size of the grease interceptor will depend upon the number of seats and/or type of food being prepared. The minimum size will be two hundred (200) gallons for up to thirty (30) seats; one thousand (1,000) gallons for up to two hundred fifty (250) seats; one thousand five hundred (1,500) gallons for two hundred fifty (250) through three hundred fifty (350) seats; and two thousand (2,000) gallons for three hundred fifty (350) seats plus, unless otherwise approved by the Public Works Department. They shall also be readily available for grease removal and cleaning. The site of the interceptor shall be at the discretion of the Public Works and Health Departments.
- E. Grease interceptors shall be inspected upon installation, before being covered up, by a representative of the Public Works Department.

Section 710.065. Cleaning Agents Containing A Certain Amount of Phosphorus. [Ord. No. 1219 §§1—4, 9-22-1998]

A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

CITY OF BRANSON WEST — The corporate limits of the City of Branson West proper as well as any City, corporation, business, school or individual connected to or using the Branson West sanitary sewer system.

CLEANING AGENT — A laundry detergent, dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound, or other substance that is intended to be used for cleaning purpose.

PHOSPHORUS — Elemental phosphorus.

B. *Exemptions.*

1. This Section does not apply to a cleaning agent that is:

- a. A detergent used in dairy, beverage, or food processing cleaning equipment;
- b. A phosphoric acid product, including a sanitizer, brightener, acid cleaner, or metal conditioner;
- c. A detergent used in hospital, veterinary hospitals or clinics, or health care facilities or in agricultural production;
- d. A detergent used by industry for metal cleaning or conditional;
- e. Manufactured, stored, or distributed for use or sale outside of State;
- f. Used in laboratory, including a biological laboratory, research facility, chemical laboratory, and engineering laboratory;
- g. Used in a commercial laundry that provides laundry services for a hospital, health care facility, or veterinary hospital.

2. The duration of these exemptions shall be for one (1) year after this ordinance.

C. *Restrictions.*

1. Except as provided in Subsection (B) of this Section, after January 1, 1999, a person shall not use, sell, manufacture, distribute or dispose within the City of Branson West any cleaning agent that contains more than zero percent (0.0%) phosphorus by weight expressed as elemental phosphorus except for an amount not exceeding five-tenths percent (0.5%) phosphorus that is incidental to manufacturing.
2. After January 1, 1999, a person shall not use, sell, manufacture, distribute or dispose within the City of Branson West any cleaning agent used in a dishwashing machine, whether commercial or household, that exceeds eight and seven-tenths percent (8.7%) phosphorus by weight.

D. *Seizure Of Products Of Violation.* Authorized deputies may seize any cleaning agent held for sale, distribution, or use in violation of this Section. The seized cleaning agents are considered forfeited.

Section 710.070. Powers of Authority of Inspections. [CC 1997 §16-7; Ord. No. 10-89 Art. VII, 10-19-1989]

A. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation,

measurement, sampling, and testing in accordance with the provisions of this Chapter. The Superintendent or his/her representatives shall have no authority to inquire into any processes including, metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- B. While performing the necessary work on private properties referred to in Subsection (A) above, the Superintendent or authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as it is caused by negligence or failure of the company to maintain safe conditions as required in Section 710.050(H).
- C. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 710.080. Penalties. [CC 1997 §16-8; Ord. No. 10-89 Art. VIII, 10-19-1989]

- A. Any person found to be violating any provision of this Chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof; except in cases of unauthorized connection to City sewer lines, which may be disconnected without notice as provided in Section 700.140, or in cases of tampering, destruction, or other acts which have caused or may cause physical damage, where the offender may be immediately cited and prosecuted under all applicable criminal and/or civil provisions. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. In addition to other applicable penalties, any person who shall continue any violation beyond the time limit provided for in Subsection (A) shall be guilty of a misdemeanor, and on conviction thereof may be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each twenty-four (24) hour period in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

Section 710.090. Validity. [CC 1997 §16-9; Ord. No. 10-89 Art. IX, 10-19-1989]

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any Section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part or parts.

Section 710.100. through Section 710.200. (Reserved)

ARTICLE II
Charges and Commercial Usage

Section 710.210. Definition of Terms Used Herein. [CC 1997 §16-21]

The following terms shall have the meanings set out below unless otherwise specified. Those terms not defined below shall be defined as set out in Section 710.010.

APARTMENT — A room or suite of rooms located in a building in which there are three (3) or more such rooms or suites.

BEAUTY SHOP OR BARBERSHOP — A business that offers hair care or other personal hygiene services.

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

CAMPGROUND OR RV PARK — An area where one (1) or more tents, campers, or recreational vehicles (RV) can be or are intended to be parked, designed or intended to be used as temporary living facilities for one (1) or more families and intended primarily for automobile transients.

CAR DEALERSHIP — A business where new and/or used cars and trucks are offered for retail sale, and major and minor automotive repair services, including parts, may be provided for compensation.

CITY — The City of Branson West, Missouri.

CONDOMINIUM — A legal arrangement in which a dwelling unit in an apartment building is individually owned but to which the common areas are owned, controlled, and maintained through an organization controlled by the individual owners.

CONVENIENCE STORE — A business establishment where diversified goods (including groceries, sundries, motor oil, and gasoline, for example) are available for retail sale, generally by means of customer self-service.

EATING ESTABLISHMENT — A business that serves food to customers for consumption on the premises or for carry-out.

FILLING STATION — Any building, structure, or land used for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage and primarily normal domestic wastes or wastes from sanitary convenience.

LAUNDROMAT — A business that provides home-type washing and drying machines for hire to be used by the customer on the premises.

MEDICAL CLINIC — An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) or more physicians, dentists, etc., practicing either together or individually.

MOTEL — A building or group of buildings used primarily for the temporary residence of motorists or travelers for compensation; as such, it is open to the public and which does not contain kitchen facilities or a cook stove.

NON-RESIDENTIAL CUSTOMER — Any person, firm, partnership, corporation, or other entity

occupying any building or structure which is connected to the City sewer system, and not classified as a residential customer.

NORMAL DOMESTIC WASTEWATER — Wastewater that has a five (5) day BOD concentration not in excess of three hundred (300) mg/l and a suspended solids concentration not in excess of three hundred fifty (350) mg/l.

OFFICE SUITE — An office building or any other facility where office space is provided or service, retail or wholesale activities occur and where goods are not consumed or used on the premises and which is not classified otherwise.

OPERATION AND MAINTENANCE — All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

REPLACEMENT — Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

RESIDENTIAL CUSTOMER — Any person(s) occupying any building or structure which is connected to the City sewer system, the principal use of which is a place of abode for any person or persons on other than a temporary basis.

RETAIL BUSINESS — Any person, firm, partnership, corporation, or other entity occupying any building or structure which is connected to the City sewer system, the principal use of which is for engaging in commerce or trade, and having a financial profit as the primary aim and not classified otherwise.

SHOPPING MALL — A number of retail businesses contained within a single structure or building in which ingress and egress to and from individual businesses is made through a common area within the structure or building.

SUPERMARKET — A retail market selling food and household merchandise.

SS (DENOTING SUSPENDED SOLIDS) — Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

TAVERN OR BAR — A business where customers are served alcoholic and non-alcoholic beverages to be consumed on the premises with the sale of such beverages accounting for at least seventy-five percent (75%) of the business's annual revenues.

TOXIC WASTE — Any waste which is deleterious to treatment plant operation or to sludge utilization, which constitutes a hazard to humans or animals, or which will create a hazard on the receiving waters of the sewage treatment plant effluent.

USEFUL LIFE — The estimated period during which the sewage treatment works will be operated.

USER CHARGE — That portion of the sewer service charges which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

WASTEWATER — Sanitary sewage, water or other liquids entering the sanitary sewage system of the City.

Section 710.220. Security Deposit For Sewer Service Required. [CC 1997 §16-22; Ord. No. 1184 §§1—2, 7-1-1997; Ord. No. 59-2008 §16-22, 8-12-2008; Ord. No. 06-2024, 5-14-2024]

- A. In addition to sewer connection fees, sewer impact fees and water service connection fees and security deposits, all applicants for City sewer use, prior to beginning service, must submit with their application a security deposit in the following amounts or twice the following amounts for each sewer connection to a dwelling or other structure located entirely outside the City limits (regardless of whether any part of the parcel on which the dwelling or other structure is located is partially inside the City limits), to be known as a water security deposit:

Type of Establishment	Sewer Security Deposit
Single-family residential unit	\$125.00
Multi-family residential unit (per unit)	\$125.00
Resort, timeshare, motel (per unit)	\$75.00
Barber shop or beauty shop, salon or spa	\$150.00
Grocery or convenience store	\$300.00
Medical or chiropractic clinic	\$250.00
Laundry or restaurant	\$600.00
Car wash	The greater of \$600.00 or twice monthly estimated bill
All other commercial or industrial users	Twice monthly estimated bill

- B. All or any portion of the sewer security deposit may be applied by the City Clerk or Utility Clerk at the time any bill owed by the customer becomes delinquent or at the termination of service.

Section 710.230. Sewer Service Rates. [CC 1997 §16-23; Ord. No. 33-2007 §16-23, 4-10-2007; Ord. No. 59-2008 §16-23, 8-12-2008; Ord. No. 115-2011, 9-13-2011; Ord. No. 15-2013, 11-12-2013; Ord. No. 1-2015, 1-13-2015; Ord. No. 14-2015, 12-8-2015; Ord. No. 14-2016, 12-13-2016; Ord. No. 5-2017, 9-12-2017; Ord. No. 9-2018, 10-9-2018; Ord. No. 5-2019, 9-10-2019; Ord. No. 9-2020, 9-22-2020; Ord. No. 02-2024, 2-13-2024⁹²; Ord. No. 04-2024, 4-9-2024]

- A. The City shall collect sewer service rates for the use of the City's sanitary sewer collection and treatment system from the owners or occupants of each residence, building or structure which is connected to the City's sanitary sewer system or which discharges lawful effluent into the City's sewer system by another lawful means.
- B. Except as otherwise provided by ordinance, sewer service charges shall be based on the quantity of water used by, on or in the property or premises subject to such charges; shall be computed by applying the rates herein established; and shall be payable as provided by ordinance.
- C. The rates for sewer users shall be as follows:

92. Editor's Note: This ordinance shall be effective with the May 2024 billing cycle, so that proration (which would necessitate reading water meters twice in one month) is not required.

Customer Type	Monthly Sewer Service Charge Per Connection	Monthly Usage Rate Per 1,000 Gallons
Residential User Inside City	\$26.00	\$5.43
Residential User Outside City	\$52.00	\$10.86
Commercial User Inside City	\$26.00	\$5.43
Commercial User Outside City	\$52.00	\$10.86
Wholesale Purchaser (Notch Condominium)	\$52.00	\$10.86

- D. The rates for customers who deliver wastewater by truck to the City's wastewater treatment system shall be charged per delivery as follows, regardless of the actual quantity of wastewater delivered into the City's wastewater treatment system, to be billed by the City based on observed numbers of deliveries:

Size of Tank Delivering Wastewater in Gallons	Rate per delivery
2,500 to 3,500	\$42.00
3,501 to 4,000	\$48.00
4,001 to 5,000	\$60.00
5,001 to 6,000	\$72.00
6,001 to 6,500	\$78.00
6,501 to 7,000	\$84.00

- E. The monthly sewer rates stated in the preceding Subsection (C) shall be doubled for each connection to a dwelling or other structure located entirely outside the City limits (regardless of whether any part of the parcel on which the dwelling or other structure is located partially inside the City limits).

Section 710.240. Determination of Usage. [CC 1997 §16-24]

- A. The gallons of sewer usage shall be presumed to equal the gallons of water usage as set out immediately below. Except as otherwise herein provided, sewer service charges shall be based on the following:
1. On the quantity of water used from any source or sources of supply as measured by a water meter or meters acceptable to the City.
 2. On the quantity of sanitary sewage, industrial wastes, water or other liquids entering the sanitary sewage system of the City and measured by a sewage meter acceptable to the City.
 3. On the quantity of water used as determined by the City or other authorized representative of the City.
 4. On the quantity of sanitary sewage, industrial wastes, water or other liquids entering the sanitary sewage system of the City as determined by the City or other authorized representatives of the

City.

5. On the quantity of the metered water used entering the sanitary sewage system as determined by the City, or other authorized representative of the City.

- B. *Installation Of Water And Sewage Meters.* Should a substantial portion of the water consumed by a customer be used in a commercial or industrial process which precludes the water being discharged into the sanitary sewer, the City will require such customers to install and maintain one (1) or more sewage meters or additional water meters in such a manner as to determine the quantity of water actually entering the sanitary sewage works.

Where such meters are installed, they shall be of a type approved by the City and shall be installed and maintained in continuous efficient operation by the user at his/her own expense.

- C. *Maintenance Of Meters.* Where installed, all water meters on private supplies or sewage meters shall be maintained by the owner, at his/her expense, in continuous efficient operation at all times. The readings of any such meter which, in the opinion of the City, has not been so maintained will be disregarded and the City or its authorized representative shall determine the sewage volume delivered to the sanitary system of the City during the time covered by discredited meter readings.

Section 710.250. Surcharges For Extraordinary Use. [CC 1997 §16-25]

Extra Charge For Discharge Of Toxic Substances. Any customer who discharges a toxic substance which is deleterious to the treatment process or to sludge utilization shall be liable for all costs incurred by the City in returning the treatment process or sludge to its proper condition. Such extra charges shall be determined by the treatment plant operation subject to review and approval by the Board of Aldermen and shall include, but not be limited to, costs of labor, chemicals, and equipment directly used in correcting the toxic conditions.

Section 710.260. Method of Billing. [CC 1997 §16-26]

All sewer service charges established by this Chapter shall be stated on a written bill rendered monthly, and showing the sewer service charge and extra charges, if applicable. Any user of the City sewer system who is delinquent in the payment of the sewer service charge provided herein shall be subject to being disconnected from the sewer system. No person who has been disconnected from the sewer system shall be again connected thereto until he/she has paid to the City all delinquent sewer bills in full together with a reconnection fee of forty-five dollars (\$45.00).

Section 710.270. Adjustments. [CC 1997 §16-27]

- A. When it appears that an inequity has occurred, the Superintendent or City Clerk may submit a report to the circumstances and make recommendations for adjustments of sewer service charges to the Board of Aldermen. Any recommendations for adjustments must be approved by said Board before such adjustments shall be effective.
- B. The Board may establish flat billing rates for certain customers for whom the establishment of sewer usage by water flow is impossible or impractical. Such rate schedule shall be kept by the City Clerk.

Section 710.280. Inspection — Inspectors — Powers and Authority. [CC 1997 §16-28]

The elected officials of the City of Branson West, Missouri, and duly authorized employees of said City bearing identification shall, at reasonable times, be permitted to enter upon all properties for the purpose

of inspection, observation, measurements, sampling and testing in accordance with the provisions of this Chapter.

Section 710.290. Accounting System For Sewer Funds. [CC 1997 §16-29]

- A. All monies collected under the authority of this Chapter shall accrue to one (1) of two (2) sewer funds which shall herewith be established. A Sewer Operation and Maintenance Fund shall be established to provide for routine expenses incurred in providing sewer service. A Sewer Replacement Fund shall be established to provide for replacement of major items of equipment as their useful life expires.
- B. A minimum amount of two thousand six hundred dollars (\$2,600.00) per year from the funds collected under this Chapter shall be deposited to the Sewer Replacement Fund. Disbursements from this fund shall be only for purchasing and installing equipment, accessories, or appurtenances to the sewer system which might be required to enable the sewer system to continue operating at its design capacity.
- C. The remaining funds collected under this Chapter shall be deposited to the Sewer Operation and Maintenance Fund. Disbursements from this fund shall be only for the purpose of operating and maintaining the sewer system.

Section 710.300. Transfer of Monies To Funds. [CC 1997 §16-30]

- A. In the event either of the sewer funds shall be deficient for operation and maintenance or replacement needs at a given time, monies may be transferred from other City funds, provided however, that such monies shall be replaced through prompt collection of revenues under this Chapter or through adjustment of the rate schedule in this Chapter.
- B. Any excess monies in the Operation and Maintenance Fund at the end of each fiscal year shall be carried forward in that fund and shall not be transferred to any other City fund.

Section 710.310. Review of Rate Schedule. [CC 1997 §16-31; Ord. No. 4-89, N/A]

- A. At the end of each fiscal year, the balances in the sewer funds shall be reviewed to insure adequate rate schedules for the following year.
- B. Any Operation and Maintenance Fund balance carried forward shall be identified by class and credited to the amount due from the customer class in order to meet the budgeted sewer system expenses for the following year. The rate schedule adopted for any fiscal year shall be adequate to insure adequate operation and maintenance funds, and to maintain a sufficient replacement fund to cover costs of anticipated major equipment replacements.

Cross Reference

Chapter CR**CROSS REFERENCE****Section CR.010. Cross Reference.**

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
1-82	Superseded/CC 1997		
2-87	11-10-1987	1	100.020
2-88	Superseded/3-88		
3-88	Superseded/1022		
4-89	N/A	na	710.310
10-89	10-19-1989	Art. I – III	710.010 – 710.030
		Art. V	710.050
		Art. VII – IX	710.070 – 710.090
3-90A	Superseded/1122		
90-3B	N.G.A.		
91-6	Superseded/CC 1997		
11-91	11-12-1991	9	705.390
92-1	Superseded/CC 1997		
92-2	2-25-1992	1 – 4	100.030
92-7	Superseded/CC 1997		
92-7A	7-24-1992	I – III	705.570
92-7B	7-24-1992	I – X	705.580 – 705.670
93-8	Superseded/CC 1997		
1006	1992	14-16 – 14-17	200.020
1010	1992	na	135.010
1014	8-25-1992	1 – 2	700.010
1020	5-11-1993	6-300 – 6-301	125.300
1022	Superseded/1214		
1027	Superseded		
1130	6-18-1996	1 – 6	700.030
1031	Superseded/CC 1997		
1032	12-14-1993	1	710.040
1035	Repealed/1044		

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
1040	Superseded		
1042	Superseded		
1043	Superseded		
1044	N.G.A.		
1045	Superseded/1115		
1050	12-3-1994	2-34	110.170
1051	Superseded/1126		
1054	1-10-1995	na	500.050
1057	2-16-1995	Art. I – Art. III	700.080 – 700.100
1056	2-16-1995	Art. I – III	700.040 – 700.060
1061	3-7-1995	2-47	110.230
1062	Superseded/1125		
1063	Superseded/1184		
1064	4-4-1995	na	135.010
1084	Superseded/1126		
1101	Superseded		
1109	Superseded/1184		
1110	Superseded/1184		
1113	3-5-1996	1	700.090
1114	3-12-1996	1	110.170
1115	Superseded		
1116	Superseded		
1118	4-18-1996	1	605.030
1119	4-18-1996	1	700.110, 705.020, 710.040
1121	4-25-1996	1 – 2	700.120
1122	4-25-1996	1 – 3	600.005 – 600.050, 600.070, 600.100 – 600.150, 600.170 – 600.180, 600.200 – 600.210, 600.250 – 600.290
1123	5-7-1996	1(a)	100.060
		1(c)	100.040
		1(e)	110.015
		1(h)(i)	600.030

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
		1(k)	600.100
1124	5-21-1996	1 – 2	135.020
1125	Superseded		
1126	5-21-1996	171 – 179	115.140 – 115.220
1127	5-21-1996	1 – 5	700.130
1129	5-30-1996	1 – 2	700.070
1130	6-18-1996	1 – 6	700.030
1131	7-23-1996	1	700.020
1132	Superseded		
1134	7-9-1996	1(20-19)	705.180
		2(20-20)	705.190
1135	Superseded		
1136	Superseded		
1137	9-10-1996	na	710.060
1138	9-12-1996		Adopting Ordinance
1139	9-10-1996	1	600.070
1140	9-12-1996	na	115.020
1142	9-24-1996	1 – 2	110.230
1144	Superseded		
1145	Superseded		
1146	11-12-1996	2(a, b)	125.270
1149	N.G.A./Repealer		
1151	1-24-1997	1, 4 – 6	700.050
		7	700.140
1152	N.G.A.		
1154	Superseded/1251		
1155	Superseded		
1156	1-24-1997	4a	700.050
1157	1-24-1997	na	700.110, 705.020, 710.040
1158	N.G.A./Repealer		
1167	Superseded/1222		
1170	N.G.A.		
1171	4-11-1997	1 – 2	125.040

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
1175	5-30-1997	na	135.040
1179	1997	na	710.010
1184	7-1-1997	1 – 2	710.220
		2	705.150
1185	8-12-1997	1 – 7	Adopting Ordinance
1188	Superseded		
1191	1-15-1998	1 – 2	115.150 – 115.160
		3 – 4	115.190 – 115.200
1192	N.G.A.		
1197	2-18-1998	na	205.050
1198	Superseded		
1199	Superseded		
1202	3-24-1998	na	200.140
1203	3-24-1998	na	500.070
1204	Tabled		
1205	3-24-1998	1 – 4	700.150
1206	3-24-1998	2-9	115.040
		na	115.210
		2-165(d)	120.030
		na	200.070
		na	200.090
		na	200.140
1207	3-24-1998	na	115.200
1208	3-24-1998	1 – 4	700.160
1210	Did not pass		
1212	Did not pass		
1213	5-12-1998	5-1	500.010
1214	Superseded/1236		
1215	N.G.A.		
1216	6-25-1998	3	210.140
		4	705.010
1217	Tabled		
1218	Did not pass		

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
1219	9-22-1998	1 – 4	710.065
1220	11-10-1998	5-11	500.060
1221	11-24-1998	2-34	110.170
1222	Superseded		
1223	12-8-1998	2-45	110.220
1224	12-15-1998	na	135.030
1225	N.G.A.		
1227	2-24-1999	18-17	700.100
		17-18	705.170
1229	Superseded/1300		
1230	7-13-1999	2 – 3	700.120 – 700.130
1	705.030		
1231	Did not pass		
1232	Did not pass		
1233	6-13-2000	8-27	210.250
1234	11-14-2000	11-3	200.035
1235	Superseded		
1236	1-11-2001	25-14	105.050
1237	3-13-2001	10-5	605.050
		10-38 – 10-39	605.110 – 605.120
1238	Superseded/1300		
1240	10-9-2001	2-47	110.230
1241	2-12-2002	I – VII	610.010 – 610.080
1242	1-8-2002	2-13	115.700
1243	Not found		
1244	Not found		
1245	Superseded		
1248	1-14-2003	2-19	115.120
1249	N.G.A.		
1250	10-15-2002	1(101 – 107)	400.010 – 400.070
		1(201 – 202)	400.080 – 400.090
		1(301 – 317)	400.100 – 400.260
		1(401 – 403)	400.280 – 400.300

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
		1(501 – 510)	400.310 – 400.400
		1(601 – 609)	400.410 – 400.490
		1(701 – 706)	400.500 – 400.550
		1(801 – 809)	400.560 – 400.640
		1(901 – 905)	400.650 – 400.690
		1(1000 – 1011)	400.700 – 400.810
1251	10-15-2002	1(101) – (108)	405.010 – 405.080
		1(201 – 202)	405.090 – 405.100
		1(301 – 308)	405.110 – 405.180
		1(401 – 402)	405.190 – 405.200
		1(501 – 505)	405.210 – 405.250
		1(601 – 610)	405.260 – 405.350
		1(701 – 708)	405.360 – 405.430
		1(801 – 818)	405.440 – 405.610
(Supp#2)		na	Ch. 400, Art. XI
1252	10-15-2002	1	400.270
1253	Did not pass		
1254	6-10-2003	1	215.010
		1(13-10 – 13-20)	215.020 – 215.120
1255	6-10-2003	1(5-11 – 5-20)	505.010 – 505.110
1256	6-10-2003	1(12-13) – 1(12-16)	125.320 – 125.350
1258	N.G.A.		
1259	Did not pass		
1269	Superseded		
1271	1-13-2004	1, 5 – 6	135.030
1272	Superseded		
1280	11-9-2004	1 – 4	210.200
1281	Superseded		
1282	Superseded		
1286	12-14-2004	na	200.030
1291	Rescinded		
1299	N.G.A.		
1300	10-11-2005	na	500.020

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
07-2006	Superseded		
08-2006	5-9-2006	na	210.135
09-2006	5-9-2006	na	315.115
10-2006	Superseded		
14-2006	Superseded/37-2007		
16-2006	Superseded		
17-2006	Superseded		
18-2006	Superseded		
23-2006	Not received		
26-2006	Superseded		
27-2006	Superseded		
33-2007	4-10-2007	16-23	710.230
37-2007	Superseded/46-2007		
40-2007	7-10-2007	1 – 2	400.730
44-2007	11-13-2007	1	120.020
46-2007	12-13-2007	1, Attachment C	500.080
58-2008	8-12-2008	1	115.120
59-2008	8-12-2008	17-16	705.150
		17-18	705.170
		16-5 – 16-6	710.040
		16-22 – 16-23	710.220 – 710.230
64-2008	10-14-2008	I – VII	140.010 – 140.070
66-2009	N.G.A.		
70-2009	4-14-2009	1	120.020
73-2009	5-12-2009	3-1	600.010
3-21	600.070		
3-33	600.200		
3-46	600.300		
Res. 09-R-01	6-9-2009	na	200.030
75-2009	7-14-2009	1(103)	400.030, 405.030
80-2009	Superseded		
91-2010	4-22-2010	1	120.020
96-2010	8-16-2010	1	115.120

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
11-110	4-12-2011	1 – 2	500.080
114-2011	9-13-2011	na	705.180 – 705.190
115-2011	9-13-2011	na	710.230
Supp. #1, 7/13			
9-2012	8-14-2012	1	115.120
5-2012	9-11-2012	na	Adopting Ord.
8-2013	5-14-2013	na	500.060
13-010	N.G.A.		
14-2013 (Supp #4)	11-12-2013	na	705.180; 705.190
15-2013 (Supp #4)	11-12-2013	na	710.230
16-2013 (Supp #4)	11-12-2013	na	710.040
Supp 2, Sep 2019			
1-2014	5-13-2014		NGA
3-2014	8-24-2014	1	115.120
5-2014	7-8-2014		NGA
6-2014	10-14-2014		NGA
7-2014	11-18-2014	na	705.180 — 705.190
1-2015	1-13-2015	na	710.230
2-2015	1-13-2015		NGA
3-2015	2-9-2015		NGA
4-2015	4-14-2015	1	700.020
5-2015	4-14-2015		NGA
6-2015	5-12-2015	1 — 2, 4	400.245; Note @ Ch. 500
7-2015	5-12-2015		NGA
8-2015	6-14-2015		NGA
9-2015	7-14-2015		NGA
10-2015	7-7-2015	1	605.020, 605.030, 605.050
11-2015	9-8-2015		NGA
12-2015	9-8-2015		NGA
13-2015	12-8-2015	na	705.180 — 705.190
14-2015	12-8-2015	na	710.230

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
15R-1	3-11-2015		NGA
1-2016	3-7-2016		NGA
2-2016	3-30-2016		NGA
3-2016	6-21-2016	1 — 2	400.420
4-2016	7-12-2016		NGA
5-2016	7-12-2016		NGA
6-2016	7-12-2016		NGA
7-2016	7-12-2016		NGA
8-2016	8-9-2016	1	115.120
9-2016	9-13-2016		NGA
10-2016	9-13-2016		NGA
11-2016	11-8-2016	na	500.020
12-2016	11-8-2016		NGA
13-2016	12-13-2016	na	705.180 — 705.190
14-2016	12-13-2016	na	710.230
1-2017	7-11-2017		NGA
2-2017	6-20-2017		NGA
3-2017	8-8-2017		NGA
4-2017	9-12-2017	na	705.180 — 705.190
5-2017	9-12-2017	na	710.230
6-2017	9-12-2017		NGA
7-2017	10-17-2017	1	200.085
1-2018	2-20-2018		NGA
2-2018	6-12-2018		NGA
3-2018	6-12-2018		NGA
4-2018	6-12-2018	na	500.020
5-2018	7-24-2018	1	115.120
6-2018	9-11-2018		NGA
7-2018	9-13-2018	1 — 2	115.300 — 115.301
8-2018	10-9-2018	na	705.180 — 705.190
9-2018	10-9-2018	na	710.230
1-2019	2-12-2019		NGA
14-002	7-18-2014		NGA

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
2-2019	4-16-2019	1	120.020
3-2019	6-3-2019		NGA
4-2019	8-13-2019	1	400.090
		2	400.310, 400.360, 400.370, 400.380, 400.390, 400.400
		3 — 4, 14 — 19	400.455
5-2019	9-10-2019	na	710.230
6-2019	9-10-2019	na	705.180 — 705.190
7-2019	9-10-2019		NGA

Ord. No.	Adoption Date	Subject	Disposition	Supp. No.
1-2020	1-7-2020	Annexation: Zoning Map Amendment	NGA	3
2-2020	1-7-2020	Agreement	NGA	3
3-2020	3-10-2020	Smoking Prohibited in Workplaces and Public Places	Ch. 230	3
4-2020	5-1-2020	Budget	NGA	3
5-2020	7-15-2020	Amendment to Block Grant Agreement	NGA	3
6-2020	8-5-2020	Officers and Employees Amendment	Ch. 115	3
7-2020	9-8-2020	Temporary Face Covering Regulations -- Covid19	NGA	3
8-2020	9-22-2020	Water Regulations Amendment	Ch. 705	3
9-2020	9-22-2020	Sewers and Sewage Disposal Amendment	Ch. 710	3
10-2020	9-22-2020	Budget	NGA	3
11-2020	10-7-2020	Easement	NGA	3
12-2020	11-10-2020	Temporary Face Covering Regulations -- Covid19	NGA	3
13-2020	11-10-2020	Personnel Policy Manual Amendment	Ch. 120	3
14-2022	11-10-2020	Personnel Policy Manual Amendment	Ch. 120	3
1-2021	1-19-2021	Municipal Court Amendment	Ch. 125	3
2-2021	7-13-2021	Budget	NGA	3
3-2021	9-14-2021	Budget	NGA	3
4-2021	9-14-2021	Demolition of White Oak Inn	NGA	3

Ord. No.	Adoption Date	Subject	Disposition	Supp. No.
5-2021	10-12-2021	Speed Regulations Amendment	Ch. 320	3
1-2022	2-8-2022	Public Improvements on Silver Square, Phases 1 and 2	NGA	3
2-2022	4-12-2022	Rezoning: Zoning Map Amendment	NGA	3
3-2022	6-14-2022	Annexation: Zoning Map Amendment	NGA	3
4-2022	6-14-2022	Offenses Amendment	Ch. 210	3
5-2022	6-14-2022	Budget	NGA	3
6-2022	6-14-2022	Gross Receipts Tax Amendment	Ch. 615	3
7-2022	8-9-2022	Zoning Regulations Amendment; Mobile Vending Units (Food Trucks)	Ch. 400; Ch. 620	3
8-2022	9-8-2022	Budget	NGA	3
9-2022	9-8-2022	Truck Routes Amendment	Sch. IV, Tbl. IV-A	3
10-2022	10-11-2022	Budget	NGA	3
11-2022	10-11-2022	Agreement	NGA	3
12-2022	11-14-2022	Subdivision Regulations Amendment	Ch. 405	3
13-2022	10-11-2022	Budget	NCM	5
14-2022	11-10-2022	Personnel Policy Manual Amendment	Ch. 120	5
15-2022	12-13-2022	Budget	NCM	5
Res. No. 23-R-01	1-10-2023	Filing for Fund Program for Loans	NCM	5
01-2023	2-14-2023	Zoning Regulations: Zoning Districts and Zoning Map Amendment	Ch. 400, Art. IV	5
02-2023	5-18-2023	Budget	NCM	5
Res. No. 23-R-03	5-18-2023	Adopting Comprehensive Plan	NCM	5
Res. No. 23-R-04	7-6-2023	Contract	NCM	5
03-2023	7-11-2023	Zoning Regulations Amendment	Ch. 400	5
Res. No. 23-R-05	8-8-2023	City as Sustainability Partner for the Support of the Reeds Spring Area Hall of Fame	NCM	5
Res. No. 23-R-06	8-8-2023	Grant	NCM	5
Res. No. 23-R-08	8-8-2023	Banking by City Treasurer	NCM	5

Ord. No.	Adoption Date	Subject	Disposition	Supp. No.
05-2023	8-15-2023	Finance and Taxation Amendment	Ch. 135	5
Res. No. 23-R-07	8-15-2023	Reimbursing Certain Capital Expenditures with Proceeds of Tax-Exempt Obligations	NCM	5
06-2023	8-29-2023	Finance and Taxation Amendment	Ch. 135	5
7-2023	9-5-2023	Budget	NCM	5
Res. No. 23-R-09	9-5-2023	LAGERS Retirement System	NCM	5
Res. No. 23-R-10	9-5-2023	Authorizing the City Treasurer to Open Such Bank Accounts for Deposits of City Funds and Make Transfers in and out of such Accounts	NCM	5
08-2023	10-10-2023	Municipal Electric Service Agreement	NCM	5
10-2023	11-14-2023	Agreement with Crawford, Murphy and Tilly, Inc.	NCM	5
11-2023	12-19-2023	Accepting the Grant of a Conservation Easement	NCM	5
01-2024	1-9-2024	Agreement with Missouri Highways and Transportation Commission	NCM	5
Res. No. 24-R-01	1-16-2024	Grant	NCM	5
02-2024	2-13-2024	Water Regulations Amendment; Sewers and Sewage Disposal Amendment	Ch. 705; Ch. 710	5
Res. No. 24-R-02	2-13-2024	Making of Loans and/or Grants to Authorized Applicants regarding the Missouri Safe Drinking Water Law	NCM	5
03-2024	4-9-2024	Budget	NCM	5
04-2024	4-9-2024	Sewers and Sewage Disposal Amendment	Ch. 710	5
05-2024	5-14-2024	Budget	NCM	5
06-2024	5-14-2024	Water Regulations Amendment; Sewers and Sewage Disposal Amendment	Ch. 705; Ch. 710	5
07-2024	5-7-2024	State Block Grant Agreement	NCM	5
Res. No. 24-R-04	5-14-2024	Participation in Missouri's Highway Safety Program	NCM	5
08-2024	8-13-2024	Budget	NCM	5
09-2024	8-13-2024	Annexation: Zoning Map Amendment	NCM	5
10-2024	8-13-2024	Annexation: Zoning Map Amendment	NCM	5

Ord. No.	Adoption Date	Subject	Disposition	Supp. No.
11-2024	8-13-2024	Annexation: Zoning Map Amendment	NCM	5
12-2024	8-13-2024	Conflicts of Interest	Ch. 117	5
13-2024	9-10-2024	Budget	NCM	5
14-2024	11-12-2024	Annexation: Zoning Map Amendment	NCM	5
15-2024	11-12-2024	Establishing Zoning on Annexed Property: Zoning Map Amendment	NCM	5
16-2024	11-12-2024	Planned Development	NCM	5

N.G.A. – Not generally applicable.

Superseded – Superseded means rendered obsolete by a later ordinance without being specifically repealed; if there is no ordinance number noted after the word superseded, the ordinance was rendered obsolete by provisions agreed upon at the editorial conference and implemented by the adopting ordinance of this Code.

Repealed – Specifically repealed by a later ordinance.

na – Not applicable.

N/A – Date not available.