Wood Heights Municipal Code

Last updated the fifth day of August two thousand and sixteen

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Chapter 1: Administration

Section 1: Ordnances:

Section 1.1 (Ord. 1)

Ordinance No. 1 Bill No. 1

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF WOOD HEIGHTS, AS FOLLOWS:

ARTICLE I

All provisions of Chapter 80, Revised Statues of the State of Missouri, 1949, as amended, are hereby adopted as the ordinances of the Town of Wood Heights, Ray County, Missouri, until such specific ordinances may from time to time be passed by this board.

ARTICLE II

Hereafter any such specific ordinances dealing with any subject not inconsistent to the general laws of the State of Missouri, shall repeal any such general rule of law now in force under the said chapter 80.

Read three times, passed, and approved, this the 28th day of November 1999

Section 1.2 Procedure to enact ordinances (Ord. 553)

Ordinance No. 553

AN ORDINANCE RELATING TO PROCEDURE TO INACT PRDINANCES SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SECTION 1: Ordinances; procedures to enact.

The style of the ordinances of the city shall be: "*Be it ordained by the board of the board of aldermen of the city of Wood Heights, Missouri, 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 shall 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 times prior to passage, both readings may occur in 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 a mayor's veto as herein provided by Section 2 of this ordinance

SECTION 2: Bills must be signed; mayor's veto.

Every bill duly passed by the board of aldermen and presented to the mayor and by him approved shall become an ordinance, and every bill presented as aforesaid, but returned with the mayor's objections 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 if two-thirds of all the members-elect shall vote in the affirmative, 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 neglect or refuse to sign any ordinance and return the same with his objections, in writing, at the next regular meeting of the board of aldermen, the same shall become a law without his signature.

SECTION 3: This ordinance shall take effect from and after its date of passage.

Read three times and passed, and approved by the mayor on May 7, 1991.

Section 1.3 Becoming a fourth class city (Ord. 315)

ORDINANCE NO.315

AN ORDINANCE TO CHANGE THE VILLAGE OF WOOD HEIGHTS, MISSOURI , FROM A VILLAGE TO A FOURTH CLASS CITY.

SECTION 1: An ordinance to place before the people of the Village of Wood Heights, Missouri on the April 4, 1978 election ballot the choice to change the village of Wood Heights, Missouri from a village to a fourth class city.

SECTION 2: If this ordinance passes the officers of the village will remain in office with the powers and functions of their office prior to the election. The mayor and the board of trustees will divide the city into wards, and call for an election of officers of such city and to submit by law such other matter or may be authorized by law.

SECTION 3: All officers will continue to discharge the duties of their respective offices and shall hold their offices until their successors are elected or appointed and qualified for their duties

Passed and approved February 7, 1978

Section 1.4 Financial accounting period (Ord 613)

ORDINANCE NO. 613 BILL NO. 613

AN ORDINANCE ESTABLISHING THE ANNUAL FINANCIAL ACCOUNTING PERIOD OR THE CITY OF WOOD HEIGHTS, MISSOURI, AND REPEALING ALL ORDINANCES OR SECTIONS THEREOF REGERING TO ANNUAL FINANCIAL ACCOUNTING PERIODS NOW IN EFFECT.

BE IT ORDIANED BY THE BOARD OF ALDERMEN OF THE CITY OF WIID HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. That this financial accounting period for the City of Wood Heights, Missouri, shall be as follows:

(1) July 1, 1997, through June 30, 1998, and from July 1st through June 30th of each year thereafter.

SECTION 2. Any ordinance or section of an ordinance now in effect, with reference to accounting periods prior to the passage and approval of this ordinance shall be hereby repealed so that the accounting periods quoted in Section 1 of this ordinance are in effect.

SECTION 3. That this ordinance shall be in full force and effect from after its data of passage and approval.

READ TWO TIMES AND PASSED THIS 19th day of February 1997.

Section 2: City employees

Section 2.1 City Officials

Section 2.1.1 Mayor and aldermen salary (Ord. 050111-2)

BILL NO.050111-2 ORDINANCE NO. 050111-2

AN ORDINANCE SETTING THE SALARY SCHEDULE FOR MAYOR AND ALDERMEN

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

Section 1. The salary of the position of Mayor shall be paid at the rate of one hundred dollars ($100.00) per month

Section 2. The salary of the position of Aldermen will be paid at the rate of twenty five ($25.00) per month

Section 3. Salaries will be paid in December and June of each year

Section 4. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be in full force and effect from and after the municipal election of April, 2006 or if a new Mayor is elected or appointed prior to that time.

Read two times and passed by the Board of Aldermen for the City of Wood Heights, Missouri on this 11th day of January, 2005.

Section 2.1.2 Aldermen at large (Ord. 060927)

BILL NO. 060927 ORDINANCE NO. 060927

AN ORDINANCE OF THE CITY OF WOOD HEIGHTS, MISSOURI, AMENDING THE ORDINANCE OF THE CITY OF WOOD HEIGHTS, MISSOURI, TO PROVIDE THAT HE BOARD OF ALDERMEN BE ELECTED AT-LARGE.

WHEREAS, The 93RD General Assembly enacted H.B. 977 providing fourth class cities under 1,000 population the option of electing the board of aldermen at-large, rather than from wards.

BE IT ORDAINED BY THE BOAD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1: At-large Elections. Election to the board of aldermen shall be at large. The seats of current aldermen shall be filled at-large as soon as the current term expires. Each year thereafter, one-half the board of aldermen shall stand for election at-large for a two year term.

SECTION 2: Wards Abolished The election wards are hereby abolished.

SECTION 3: Effective Date this ordinance shall be in full force and effect from and after its passage and approval

Passed this day of November, 2006

Section 2.1.3 City Treasure (Ord. 01-05-15, Ord. 193)

BILL NO. 01-05-15 ORDINANCE NO. 01-05-15

AN ORDINANCE CREATING THE OFFICE OF CITY TREASURER, APPOINTMENT, TENURE, QUALIFICATIONS FOR OFFICE, BOND, COMPENSATION, DUTIES, REMOVAL FROM OFFICE, SEVERANCE CLAUSE, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATE.

Be it ordained by the Board of Aldermen of the City of Wood Heights, Ray County, State of Missouri, as follows:

Section 1. Office of City Treasurer - There is hereby created and established the Office of City Treasurer for the City of Wood Heights, Missouri.

Section 2. Appointment and Tenure - A qualified person shall be appointed City Treasurer for the City of Wood Heights by the Mayor; such appointment shall be approved by the majority of the City Council. The person so appointed shall serve for an indefinite term.

Section 3. Qualifications - The person appointed to the Office of City Treasurer shall be at least twenty one (21) years of age and shall be a citizen of the City of Wood Heights. The person shall be or have the equivalent of a high school graduate or have the equivalent experience with a working knowledge of accounting, subject to background checks, such as, but not limited to prior employment and criminal histories, as may be required for said position.

Section 4. Bond - The City Treasurer, before entering upon the duties of his/her office, shall file with the City a bond in the amount of ($50,000); such bond shall be approved by the City Council and such bond shall insure the City of Wood Heights for the faithful and honest performance of the duties of City Treasurer and for rendering a full and proper account to the City of Wood Heights for funds which shall come into the possession or control of the City Treasurer. The cost of such bond will be paid by the City of Wood Heights; however should the City Treasurer be covered by a blanket bond to the same extent, such individual bond shall not be required.

Section 5. Compensation – The City Treasurer shall receive such compensation as may be determined from time to time by the City Council.

Section 6. Removal of City Treasurer – The City Treasurer will serve at the pleasure of the appointed authority. The Mayor, with the consent of a majority of the City Council, may remove the City Treasurer from office at will, and such City Treasurer may also be removed by a vote of the City Council, independently of the Mayor's approval or disapproval.

Section 7. Duties

A.) Bank Accounts: The City Treasurer shall be in charge of deposits, withdrawals, transfers, and maintaining accurate records of all bank accounts for the City of Wood Heights. He/She will, upon request, make available all records for review by the Mayor and/or the City Council.

B.) Preparation of bills for payment: The City Treasurer will be responsible for preparing, in a timely manner, all invoices for approval of payment by the City Council. The City Treasurer shall be responsible for preparing all checks for payment of approved invoices and collect the proper signatures on checks.

C.) Financial Reports: The City treasurer shall make monthly reports to the Mayor and City Council relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the budget. It shall be the City Treasurer's responsibility to prepare and publish any financial statement as prescribed by State statutes.

D.) Keep Records: The City Treasurer will have the responsibility of setting up and maintaining his/her own records. Any records that are maintained on computer files shall be duplicated and made compatible with the computer system used by personnel at City Hall. All computer files shall be maintained and updated on a regular basis.

E.) Budget: The City Treasurer shall be the Budget Officer of the City of Wood Heights and shall assemble estimates of the financial needs and resources of the City of Wood Heights for each ensuing year. The City Treasurer shall prepare a program of activities within the financial power of the City, embody in it a budget document with proper supporting schedules, and an analysis to be proposed the Mayor and City Council for their approval.

F.) Attend City Council meetings: The City Treasurer shall attend meetings of the City Council.

Section 8. Severance Clause – The provisions of this ordinance are declared to be severable and if any section, sentence, clause, or phrase of this ordinance, shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent of the City Council that this ordinance shall stand notwithstanding the invalidity of any part.

Section 9. Repeal of Conflicting Ordinances – All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 10. Effective Date – This ordinance shall take effect and be in force from and after it's passage and approval.

Read two times and passed this 15th day of May, 2001.

Autry Williams, Mayor

Attest:

Eileen McAvey
City Clerk

Seal:

Section 2.1.3.1 City Treasure Salary (Ord. 193)

BILL NO. 193

ORDINANCE NO. 193

AN ORDINANCE TO INCREASE THE SALARY OF CITY TREASURER.

Be in ordained by the council of the Village of Wood Heights, as follows:

Council hereby authorizes he salary of the Treasurer of the Village of Wood Heights to be established at $10.00 per month, effective the month of March 1971.

Passed and approved this 3rd day of March 1971.

Section 2.1.4 City Clerk Salary

O#123

BILL NO. 123
ORDINANCE NO. 123

AN ORDINANCE TO ADMEND ORDINANCE NO. 15 IN RELATION TO THE CITY CLERKS SALARY.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows:

The monthly salary of the City Clerk to be as follows:

Section 1: Water Department, $10.00 plus 5% of the monthly income.
Sewer Department, $10.00 plus 5% of the monthly income.
General Funds Department, $10.00 plus 5% of the monthly income.

Section 2: To install water meters $2.50 each.
To install water meter readers $5.00 each.
To take out water meters $2.50 each.

Section 3: The 5% of the monthly income is to exclude all deposits in all departments.

Section 4: To be retroactive for one month.

Read three times, signed and approved this 2nd day of September, 1969.

Signed
Joe Cox
Mayor Joe Cox

Attest: Don Flanigan
City Clerk

Section 2.1.5 City Administrator (Ord 9901-19B)

ORDINANCE NO. 9901-19B BILL NO. 9901-19B

AN ORDINANCE BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, COUNTY OF RAY, STATE OF MISSOURI ESTABLISHING A BOARD OF ADJUSTMENT FOR THE PLANNING AND ZONING COMMISSION ; APPOINTMENT OF MEMBERS; RULES AND REGULATIONS; PROCEDURES; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH:

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

SECTION 1. AFTER MATURE AND DELIBERATE CONSIDERATION FOR THE HEALTH AND WELFARE OF THE CITY OF WOOD HEIGHTS, THE BOARD OF ALDERMAN HEREBY ESTABLISHES A "BOARD OF ADJUSTMENT".

SECTION 2. THE BOARD OF ALDERMAN SHALL PROVIDE FOR THE APPOINTMENT OF A BOARD OF ADJUSTMENT, AND IN THE REGULATIONS AND RESTRICTIONS ADOPTED PURSUANT TO THE AUTHORITY OF CHAPTER 89, SECTIONS 89.010 TO 89.140 OF THE RSMo MAY PROVIDE THAT THE BOARD OF ADJUSTMENT MAY DETERMINE AND VARY THEIR APPLICATION IN HARMONY WITH THEIR GENERAL PURPOSE AND INTENT AND IN ACCORDANCE WITH GENERAL OR SPECIFIC RULES THEREIN CONTAINED. THE BOARD OF ADJUSTMENT SHALL CONSIST OF FIVE MEMBERS, WHO SHALL BE RESIDENTS OF WOOD HEIGHTS, MO. THE MEMBERSHIP OF THE FIRST BOARD APPOINTED SHALL SERVE RESPECTIVELY, ONE FOR ONE YEAR, ONE FOR TWO YEARS, ONE FOR THREE YEARS, ONE FOR FOUR YEARS, AND ONE FOR FIVE YEARS. THEREAFTER MEMBERS SHALL BE APPOINTED FOR TERMS OF FIVE YEARS EACH. THREE ALTERNATE MEMBERS MAY BE APPOINTED TO SERVE IN THE ABSENCE OF OR THE DISQUALIFICATION OF THEIR REGULAR MEMBERS. ALL MEMBERS AND ALTERNATES SHALL BE REMOVABLE FOR CAUSE BY THE BOARD OF ALDERMAN UPON WRITTEN CHARGES AND AFTER PUBLIC HEARING. VACANCIES SHALL BE FILLED FOR THE UNEXPIRED TERM OF ANY MEMBER WHOSE TERM BECOMES VACANT. THE BOARD SHALL ELECT ITS OWN CHAIRMAN WHO SHALL SERVE FOR ONE YEAR. THE BOARD SHALL ADOPT RULES IN ACCORDANCE WITH THE PROVISIONS OF ANY ORDINANCE ADOPTED PURSUANT TO CHAPTER 89, SECTIONS 89.010 TO 89.1040 OF THE RSMo. MEETINGS OF THE BOARD SHALL BE HELD AT THE CALL OF THE CHAIRMAN AND AT SUCH OTHER TIMES AS THE BOARD MAY DETERMINE. SUCH CHAIRMAN, OR IN HIS ABSENCE THE ACTING CHAIRMAN, MAY ADMINISTER OATHS AND COMPEL THE ATTENDANCE OF WITNESSES. ALL MEETINGS OF THE BOARD SHALL BE OPEN TO THE PUBLIC. THE BOARD SHALL KEEP MINUTES OF ITS PROCEEDINGS, SHOWING THE VOTE OF EACH MEMBER UPON QUESTION, OR, IF ABSENT OR FAILING TO VOTE, INDICATING SUCH FACT, AND SHALL KEEP RECORDS OF ITS EXAMINATIONS AND OTHER OFFICIAL ACTIONS, ALL OF WHICH SHALL BE IMMEDIATELY FILED IN THE OFFICE OF THE BOARD AND SHALL BE A PUBLIC RECORD. ALL TESTIMONY, OBJECTIONS THERETO AND RULINGS THEREON, SHALL BE TAKEN DOWN BY A REPORTER ASSIGNED BY THE BOARD FOR THAT PURPOSE.

SECTION 3.

THE BOARD OF ADJUSTMENT SHALL HAVE THE FOLLOWING POWERS:
A.) TO HEAR AND DECIDE APPEALS WHERE IT IS ALLEGED THERE IS ERROR IN ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY AN ADMINISTRATIVE OFFICIAL IN THE ENFORCEMENT OF THE "PLANNING AND ZONING COMMISSION" RULES AND REGULATIONS OR OF ANY ORDINANCE ADOPTED PURSUANT TO THE ORGANIZATION OF THE COMMISSION.

B.) TO HEAR AND DECIDE ALL MATTERS REFERRED TO IT OR UPON WHICH IT IS REQUIRED TO PASS UNDER SUCH ORDINANCE:

C.) IN PASSING UPON APPEALS, WHERE THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIP IN THE WAY OF CARRYING OUT THE STRICT LETTER OF SUCH ORDINANCE, TO VARY OR MODIFY THE APPLICATION OF ANY OF THE REGULATIONS OR PROVISIONS OF SUCH ORDINANCE RELATING TO THE CONSTRUCTION OR ALTERATION OF BUILDINGS OR STRUCTURES OR THE USE OF LAND SO THAT THE SPIRIT OF THE ORDINANCE SHALL BE OBSERVED, PUBLIC SAFETY AND WELFARE SECURED AND SUBSTANTIAL JUSTICE DONE.

SECTION 4. IN EXERCISING THE ABOVE MENTIONED POWERS SUCH BOARD MAY IN CONFORMITY WITH THE PROVISIONS OF CHAPTER 89, SECTION 89.010 TO 89.1040 OF THE RSMo, REVERSE OR AFFIRM WHOLLY OR PARTLY, OR MAY MODIFY THE ORDER, REQUIREMENT, DECISION OR DETERMINATION APPEALED FROM AND MAY MAKE SUCH ORDER, REQUIREMENT, DECISION OR DETERMINATION AS OUGHT TO BE MADE AND TO THAT END SHALL HAVE ALL THE POWERS OF THE OFFICER FROM WHOM THE APPEAL IS TAKEN. THE CONCURRING VOTE OF FOUR MEMBERS OF THE BOARD SHALL BE NECESSARY TO REVERSE ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION OF ANY SUCH ADMINISTRATIVE OFFICIAL, OR TO DECIDE IN FAVOR OF THE APPLICANT ON ANY MATTER UPON WHICH IT IS REQUIRED TO PASS UNDER ANY SUCH ORDINANCE OR TO EFFECT ANY VARIATION IN SUCH ORDINANCE.

SECTION 5. APPEALS TO THE BOARD OF ADJUSTMENT MAY BE TAKEN BY ANY PERSON AGGRIEVED, BY AN NEIGHBORHOOD ORGANIZATION AS DEFINED IN SECTION 32.105, RSMo, REPRESENTING SUCH PERSON, OR BY ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE CITY OF WOOD HEIGHTS AFFECTED BY ANY DECISION OF THE ADMINISTRATIVE OFFICER. SUCH APPEAL SHALL BE TAKEN WITHIN A REASONABLE TIME, AS PROVIDED BY THE RULES OF THE BOARD, BY FILING WITH THE OFFICER FROM WHOM THE APPEAL IS TAKEN AND WITH THE BOARD OF ADJUSTMENT A NOTICE OF APPEAL SPECIFYING THE GROUNDS THEREOF. THE OFFICER FROM WHOM THE APPEAL IS TAKEN SHALL FORTHWITH TRANSMIT TO THE BOARD ALL THE PAPERS CONSTITUTING THE RECORD UPON WHICH THE ACTION APPEALED FROM WAS TAKEN. AN APPEAL STAYS ALL PROCEEDINGS IN FURTHERANCE OF THE ACTION APPEALED FROM, UNLESS THE OFFICER FROM WHOM THE APPEAL IS TAKEN CERTIFIES TO THE BOARD OF ADJUSTMENT AFTER THE NOTICE OF APPEAL SHALL HAVE BEEN FILED WITH HIM THAT BY REASON OF FACTS STATED IN THE CERTIFICATE A STAY WOULD, IN HIS OPINION, CAUSE IMMEDIATE 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 COURT OF RECORD ON APPLICATION OR NOTICE TO THE OFFICER FROM WHOM THE APPEAL IS TAKEN AND ON DUE CAUSE SHOWN. THE BOARD OF ADJUSTMENT SHALL FIX A REASONABLE TIME FOR THE HEARING OF THE APPEAL, GIVE PUBLIC NOTICE THEREOF, AS WELL AS DUE NOTICE TO THE PARTIES IN INTEREST, AND DECIDE THE SAME WITHIN A REASONABLE

TIME. UPON THE HEARING ANY PARTY MAY APPEAR IN PERSON OR BY AGENT OR BY ATTORNEY.

SECTION 6. ANY PERSON OR PERSON JOINTLY OR SEVERALLY AGGRIEVED BY ANY DECISION OF THE BOARD OF ADJUSTMENT, ANY NEIGHBORHOOD ORGANIZATION AS DEFINED IN SECTION 32.105 RSMo, REPRESENTING SUCH PERSON OR PERSONS OR ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE CITY OF WOOD HEIGHTS, MAY PRESENT TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE PROPERTY AFFECTED IS LOCATED A PETITION, DULY VERIFIED, SETTING FORTH THAT SUCH DECISION IS ILLEGAL, IN WHOLE OR IN PART, SPECIFYING THE GROUNDS OF THE ILLEGALITY. SUCH PETITION SHALL BE PRESENTED TO THE COURT WITHIN THIRTY DAYS AFTER THE FILING OF THE DECISION IN THE OFFICE OF THE BOARD. UPON THE PRESENTATION OF SUCH PETITION THE COURT MAY ALLOW A WRIT OF CERTIORARI DIRECTED TO THE BOARD OF ADJUSTMENT TO REVIEW SUCH DECISION OF THE BOARD OF ADJUSTMENT AND SHALL PRESCRIBE THEREIN THE TIME WITHIN WHICH A RETURN THERETO MUST BE MADE AND SERVED UPON THE RELATOR'S ATTORNEY, WHICH SHALL NOT BE LESS THAN TEN DAYS AND MAY BE EXTENDED BY THE COURT. THE ALLOWANCE OF THE WRIT SHALL NOT STAY PROCEEDINGS UPON THE DECISION APPEALED FROM, BUT THE COURT MAY, ON APPLICATION, ON NOTICE TO THE BOARD AND ON DUE CAUSE SHOWN, GRANT A RESTRAINING ORDER. THE BOARD OF ADJUSTMENT SHALL NOT BE REQUIRED TO RETURN THE ORIGINAL PAPERS ACTED UPON BY IT, BUT IT SHALL BE SUFFICIENT TO RETURN CERTIFIED OR SWORN COPIES THEREOF OR OF SUCH PORTIONS THEREOF AS MAY BE CALLED FOR. THE RETURN SHALL CONCISELY SET FORTH SUCH OTHER FACTS AS MAY BE PERTINENT AND MATERIAL TO SHOW THE GROUNDS OF THE DECISION APPEALED FROM AND SHALL BE VERIFIED. IF, UPON THE HEARING, IT SHALL APPEAR TO THE COURT THAT TESTIMONY IS NECESSARY FOR THE PROPER DISPOSITION OF THE MATTER, IT MAY TAKE ADDITIONAL EVIDENCE OR APPOINT A REFEREE TO TAKE SUCH EVIDENCE AS IT MAY DIRECT AND REPORT THE SAME TO THE COURT WITH HIS FINDINGS OF FACT AND CONCLUSIONS OF LAW, WHICH SHALL CONSTITUTE A PART OF THE PROCEEDINGS UPON WHICH A DETERMINATION OF THE COURT SHALL BE MADE. THE COURT MAY REVERSE OR AFFIRM, WHOLLY OR PARTLY, OR MAY MODIFY THE DECISION BROUGHT UP FOR REVIEW. COSTS SHALL NOT BE ALLOWED AGAINST THE BOARD UNLESS IT SHALL APPEAR TO THE COURT THAT IT ACTED WITH GROSS NEGLIGENCE, OR IN BAD FAITH, OR WITH MALICE IN MAKING THE DECISION APPEALED FROM.

SECTION 7. IN CASE ANY BUILDING OR STRUCTURE IS ERECTED, CONSTRUCTED, RECONSTRUCTED, ALTERED, CONVERTED OR MAINTAINED OR ANY

BUILDING, STRUCTURE OR LAND IS USED IN VIOLATION OF ALL SECTIONS OR A OF ANY ORDINANCE OR OTHER REGULATION MADE UNDER AUTHORITY CONFERRED HEREBY, THE CITY OF WOOD HEIGHTS, IN ADDITION TO OTHER REMEDIES, MAY INSTITUTE ANY APPROPRIATE ACTION OR PROCEEDINGS TO PREVENT SUCH UNLAWFUL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, CONVERSION, MAINTENANCE OR USE, TO RESTRAIN, CORRECT OR ABATE SUCH VIOLATION, TO PREVENT THE OCCUPANCY OF SUCH BUILDING, STRUCTURE, OR LAND, OR TO PREVENT ANY ILLEGAL ACT, CONDUCT, BUSINESS, OR USE IN OR ABOUT SUCH PREMISES. SUCH REGULATIONS SHALL BE ENFORCED BY AN OFFICER EMPOWERED TO CAUSE ANY BUILDING, STRUCTURE, PLACE OR PREMISES TO BE INSPECTED AND EXAMINED AND TO ORDER IN WRITING THE REMEDYING OF ANY CONDITION FOUND TO EXIST THEREIN OR THEREAT IN VIOLATION OF ANY PROVISION OF THE REGULATIONS MADE UNDER THE AUTHORITY OF SAID ORDINANCE.

SECTION 8. THE OWNER OR GENERAL AGENT OF A BUILDING OR PREMISES WHERE A VIOLATION OF ANY PROVISION OF SAID REGULATIONS HAS BEEN COMMITTED OR SHALL EXIST, OR THE LESSEE OR TENANT OF AN ENTIRE BUILDING OR ENTIRE PREMISES WHERE SUCH VIOLATION HAS BEEN COMMITTED OR SHALL EXIST, OR THE OWNER, GENERAL AGENT, LESSEE OR THE TENANT OF ANY PART OF THE BUILDING OR PREMISES IN WHICH SUCH VIOLATION HAS BEEN COMMITTED OR SHALL EXIST, OR THE GENERAL AGENT, ARCHITECT, BUILDER, CONTRACTOR OR ANY OTHER PERSON WHO COMMITS, TAKES PART OR ASSISTS IN ANY SUCH VIOLATION OR WHO MAINTAINS ANY BUILDING OR PREMISES IN WHICH ANY SUCH VIOLATION SHALL EXIST SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN ONE DOLLAR AND NOT MORE THAN ONE HUNDRED DOLLARS FOR EACH AND EVERY DAY THAT SUCH VIOLATION CONTINUES, BUT IF THE OFFENSE BE WILLFUL ON CONVICTION THEREOF, THE PUNISHMENT SHALL BE A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO HUNDRED AND FIFTY DOLLARS FOR EACH AND EVERY DAY THAT SUCH VIOLATION SHALL CONTINUE OR BY IMPRISONMENT FOR TEN DAYS FOR EACH AND EVERY DAY SUCH VIOLATION SHALL CONTINUE OR BY BOTH SUCH FINE AND IMPRISONMENT IN THE DISCRETION OF THE COURT.

SECTION 9. ANY SUCH PERSON WHO HAVING BEEN SERVED WITH AN ORDER TO REMOVE ANY SUCH VIOLATION SHALL FAIL TO COMPLY WITH SUCH ORDER WITHIN TEN DAYS AFTER SUCH SERVE OR SHALL CONTINUE TO VIOLATE ANY PROVISION OF THE REGULATIONS MADE UNDER AUTHORITY OF CITY OF WOOD HEIGHTS ORDINANCE IN THE RESPECT NAMED IN SUCH ORDER SHALL ALSO BE SUBJECT TO A CIVIL PENALTY OF TWO HUNDRED AND FIFTY DOLLARS.

SECTION 10. THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER ITS DATE OF PASSAGE AND APPROVAL. ALL ORDINANCE OR PARTS OF ORDINANCE SIN CONFLICT HEREWITH ARE HEREBY REPEALED.

READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR AND BOARD OF ALDERMAN THIS 19TH DAY OF JANUARY, 1999.

Section 2.1.6 Impeachment (Ord. 577)

ORDINANCE NO. 577 BILL NO. 577

AN ORDINANCE FOR THE REGULATION OF IMPEACHMENT PROCEEDINGS FOR ALL LOCALLY ELECTED GOVERNMENT OFFICIALS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, AS FOLLOWS:

SECTION I.
REMOVAL OF ELECTED OFFICERS FOR CAUSE

The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office, for cause shown, any elective officer of the city. Any elective officer, including the mayor, may in like manner, for cause shown, be removed from office by a two-thirds vote of all members elected to the board of aldermen, independently of the mayor's approval or recommendation.

SECTION II
HEARING BEFORE BOARD OF IMPEACHMENT

Before such elected officer, including the mayor, may be removed, for cause shown, the officer shall be given the opportunity to be heard before the board of aldermen sitting as a board of impeachment.

a) Such officer shall be allowed to bring his witnesses before the board of impeachment;

b) such board of impeachment hearing shall only be held after due notice to the officer of said hearing, by mail and meeting all of the requirements of R.S. Mo. Section 536.067 as revised, and not less than 10 days after the initial notice of the hearing shall be mailed to the officer in question;

c) every decision of the board of impeachment shall be in writing and accompanied by findings of fact and conclusions of law.

SECTION III
REMOVAL OF APPOINTED OFFICERS

The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office any appointive officer of the city at will, and any such appointive officer may be so removed by a two-thirds vote of all of the members elected to the board of aldermen, independently of the mayor's approval or recommendation.

SECTION IV

All Ordinances and parts of Ordinances that conflict with this Ordinance are hereby repealed.

This Ordinance shall take effect from and after its date of passage.

READ TWO TIMES AND PASSED THIS 6TH DAY OF April, 1993.

Melvin Carmichael Jr
Mayor and Chairman of the Board of Aldermen, City of Wood Heights, Missouri

ATTEST:

City Clerk

Based upon State Statutes: R.S. Mo. Sections 79.240 and 536.067 et. seq.

Section 2.2 employees

Section 2.2.1 (Ord. 536)

ORDINANCE NO. 536 BILL NO. 536

AN ORDINANCE TO ENACT SEVEN SECTIONS OF THE ORDINANCES OF THE CITY OF WOOD HEIGHTS, MISSOURI, TO BE KNOWN AS SECTIONS A, B, C, D, E, F, AND G DECLARING THE POLICY AND PURPOSE OF THE CITY OF WOOD HEIGHTS, MISSOURI, TO EXTEND TO ALL ELIGIBLE EMPLOYEES AND OFFICIALS OF SAID CITY WHO ARE NOT EXCLUDED BY LAW OR BY THIS ORDINANCE, AND WHETHER EMPLOYED IN CONNECTION WITH A GOVERNMENTAL OR PROPRIETARY FUNCTION OF SAID CITY, THE BENEFITS OF THE SYSTEM OF FEDERAL OLD-AGE, SURVIVORS, DISABILITY AND HEALTH INSURANCE AS AUTHORIZED BY SECTION 218 OF THE SOCIAL SECURITY ACT AMENDED, AND BY SECTIONS 105.300 THROUGH 105.445 REVISED MISSOURI STATUTES (RSMo.), TOGETHER WITH ALL APPLICABLE RULES AND REGULATIONS RELATIVE THERETO: AUTHORIZING AND DIRECTING THE MAYOR TO PREPARE, EXECUTE AND SUBMIT TO THE OFFICE OF ADMINISTRATION OF THE STATE OF MISSOURI, AS STATE AGENCY, A PLAN AND AGREEMENT FOR EXTENDING BENEFITS TO SAID EMPLOYEES AND OFFICIALS AND AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS AND MODIFICATIONS AND AMENDMENTS THEREOF WITH SAID STATE AGENCY, PROVIDING FOR THE EXTENSION OF SAID BENEFITS TO SAID EMPLOYEES AND OFFICIALS AS SET FORTH IN SAID PLAN; PROVIDING FOR DEDUCTIONS FROM THE WAGES OF THE EMPLOYEES AND OFFICIALS OF SAID CITY TO WHOM SAID BENEFITS ARE EXTENDED TO BE MADE AND PAID OVER AS PROVIDED BY THE APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS: PROVIDING FOR THE APPROPRIATION AND PAYMENT BY SAID CITY OF EMPLOYER'S CONTRIBUTIONS AS PROVIDED BY THE APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS: PROVIDING THAT SAID CITY SHALL KEEP SUCH REPORTS AS MAY BE REQUIRED BY APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS: (AND DECLARING AN EMERGENCY TO EXIST SO THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL).

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, HEREBY ENACTS THE FOLLOWING SECTIONS OF ORDINANCES OF THE CITY OF WOOD HEIGHTS, MISSOURI TO BE KNOWN AS SECTIONS A, B, C, D, E, F, AND G OF THE ORDINANCES OF THE CITY OF WOOD HEIGHTS, MISSOURI, AND TO READ IN WORDS AND FIGURES AS FOLLOWS:

SECTION A. It is hereby declared to be the policy and purpose of the City of Wood Heights, Missouri, to extend to all eligible employees and officials of said City who are not excluded by law or by this ordinance, and whether employed in connection with a governmental or proprietary function of said City, the benefits of the system of Federal Old-Age, Survivors, Disability, and Health Insurance as authorized by the Sections 105.300 through 105.445 RSMo, as the same may be now and hereafter in effect.

SECTION B. The Mayor and the City Clerk of the City of Wood Heights, Missouri, are hereby authorized and directed, on behalf of this City to prepare, execute and submit to the Office of Administration, Social Security Unit of the State of Missouri, as State Agency of the State of Missouri, a Plan and Agreement for extending said benefits to said eligible employees and officials of the City of Wood Heights, Missouri, in the form prepared by the State Agency and hereby approved and adopted by the Board of Aldermen of this City, which Plan and Agreement are to become effective upon approval thereof by the State Agency, and are further authorized and directed to execute agreements and modifications and amendments thereof with said State Agency providing for the extension of said benefits to said employees and officials as set forth in said Plan and Agreement, as provided for in Section A hereof, said Plan and Agreement to provide that said extension of benefits is to be effective on January 1, 1988.

SECTION C. Commencing on the first pay period following the date of the approval of the Plan and Agreement of this City by the State Agency, there shall be deducted from the wages of all employees and officials of the City of Wood Heights, Missouri, to whom the benefits of said system of Federal Old-Age, Survivors, Disability and Health Insurance are extended, by virtue of the Plan and Agreement hereinbefore

provided for, the amount of each of said employees' and officials' contributions, as determined by the applicable State and Federal laws and by said Plan and Agreement, the aggregate amount of said deductions to be paid to the Internal Revenue Service as required by Federal law: provided, however, that from the first payment of wages made to each of said employees and officials after the benefits of said system have been extended to such employees and officials, there shall be deducted a sum equal to the amount which would have been due and payable from each said employee and official had said extension of benefits been provided and effective on January 1, 1988.

SECTION D. Should the effective date of coverage as provided in Section C of this Ordinance be for retroactive periods prior to 1987, said deductions shall be paid into the State of Missouri OASDHI Trust Fund as created by Section 105.390 RSMo for benefits extended under said system of Federal Old-Age, Survivors, Disability and Health Insurance as determined by applicable state and federal laws.

SECTION E. Commencing on the first pay period following the date of the approval of the Plan and Agreement of this City by the State Agency, there is hereby authorized to be appropriated from the General Fund and the Water/Sewer Fund of the City of Wood Heights, Missouri, and there is, and shall be, appropriated, the sum or sums of money necessary to pay the contributions of the City of Wood Heights, Missouri, which shall be due and payable by virtue of the extension of the benefits of the Federal Old-Age, Survivors, Disability and Health Insurance System to the eligible employees and officials of said City, said sum or sums of money to be paid to the Internal Revenue Service as required by Federal law: provided, however, that in making the first payment to the Internal Revenue Service, after the benefits of said system have been extended to such employees and officials, said first payment shall include a sum equal to the amount which would have been due and payable had said extension of benefits been provided and effective on January 1, 1988. The fund from which said appropriation is made will, at all times, be sufficient to pay the contributions of the City by this Section directed to be paid to the Internal Revenue Service.

SECTION F. The City of Wood Heights, Missouri, from and after the approval of the Plan and Agreement of this City by the State Agency, shall fully comply with, and shall keep such records, make such reports and provide such methods of administration of said Plan and Agreement as may be required by all applicable State and Federal laws, Rules and Regulations, now and hereafter in effect with respect to the extension of the benefits of the Federal Old-Age, Survivors, Disability and Health Insurance System to the employees and officials of this City. For the purpose of administering said Plan and Agreement the City Clerk of this City shall be the official who shall make all required reports, keep all records, and be responsible for the administration of said Plan and Agreement on behalf of this City, and any and all notices and communications from the State Agency or the Internal Revenue Service to this City with respect to said Plan and Agreement shall be addressed to: City of Wood Heights, P.O. Box 253, Excelsior Springs, Missouri 64024.

SECTION G. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION H. It being necessary for the immediate preservation of the public peace, health and safety of the employees, officials and citizens of the City of Wood Heights, Missouri, that the provisions of this ordinance shall take effect at once, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Passed this 6th day of June, 1989.
Approved this 6th day of June, 1989.

ATTEST:

Don Eldenkott
MAYOR

Barbara J. Bowed
City Clerk

I, the undersigned, being the City Clerk of the City of Wood Heights, Missouri, and, as such, having the official records of said City in my possession, do hereby certify that the above and foregoing is a true and correct copy of the certain Ordinance which was enacted by the Board of Aldermen of said City on the 6th day of June, 1989, and was approved on the 6th day of June, 1989, as the same appears in City Record Book No.6.

In witness whereof, I have hereunto set my hand and affixed the official seal of said City, all on the 6th day of June, 1989.

Barbara J. Bowed

(SEAL)

Section 2.2.2 "plan and agreement"

Office of Administration
Division of Accounting
Jefferson City, Missouri

PLAN AND AGREEMENT

The City of Wood Heights of Wood Heights, Missouri being a Political Subdivision of the State of Missouri or instrumentality of the State or one or more of its political subdivisions (hereinafter called the "Political Entity"), and by virtue of the terms of Section 105.300 to and including Section 105.445 RSMo. 1986 of the State of Missouri (hereinafter called Section 105, and amendments thereof as the same may be now and hereafter in effect) and under and by virtue of action lawfully taken by its governing body on the 6th day of June, 1989, a duly certified copy of said action being attached hereto, submits the following plan for extending the benefits of the system of Federal Old-Age, Survivors, Disability and Health Insurance to all of its eligible employees and officials as authorized by Section 105 and the agreement between the State of Missouri and the Department of Health and Human Services, (formerly the Department of Health, Education and Welfare), Secretary, heretofore entered into, and by the Social Security Act as amended by the Social Security Act Amendments of 1950 and related Enactments (said Acts being hereinafter collectively called "Social Security Act"), said plan to become effective as an agreement with the Office of Administration of the State of Missouri (hereinafter called "State Agency") upon the written approval of said State Agency being endorsed hereon.

The benefits of the system of Federal Old-Age, Survivors, Disability and Health Insurance as authorized by the agreement between the State of Missouri and the Department of Health and Human Services, Secretary, and by the Federal Acts and the State Act, shall be extended to all eligible employees of the Political Entity subject to the following terms and conditions:

(1) When used in this Plan and Agreement the following terms mean:

(A) "Employee": elective or appointive officials and employees of the Political Entity; provided, that employees who are members of any retirement system supported wholly or in part by the State or any of its political subdivisions or instrumentalities are not to be included within the meaning of this term, unless they have elected to become eligible.

(B) "Retirement system": a pension, annuity, retirement or similar fund or system established by the State or a Political Entity thereof.

(2) All services performed by individuals as employees of the Political Entity are included except:

(A) Any service performed by policemen or firemen as a member of a coverage group in positions covered by a retirement system;

(B) Service performed by an employee who is employed to relieve him from unemployment;

(C) Service performed in a hospital, home or other institution by a patient or inmate thereof;

(D) Covered transportation service, as determined under Section 210(k) of the Social Security Act, as amended;

(E) Services performed by an individual as an employee serving on a temporary basis in connection with an unforeseen disaster, e.g., fire, storm, snow, earthquake, flood, or other similar emergency;

(F) Service (other than agricultural labor or service performed by a student) which is excluded from employment by any provision of the State Act and of Section 210(a) of the Social Security Act, as amended, other than Paragraph (8) of such section;

(G) Services which in the absence of an agreement entered into between the State of Missouri and the Department of Health and Human Services, Secretary, under Section 105 and the Social Security Act, would constitute "employment" as defined in Section 210 of the Social Security Act;

(H) Services of employees in the classifications indicated and designated in the Appendix attached hereto.

(3) The Political Entity, upon approval of this Plan and Agreement by the State Agency, will pay to either a financial institution qualified as a depository for federal taxes or to the Federal Reserve Bank serving this geographical area, at such times as the Internal Revenue Service shall prescribe, contributions with respect to wages in the amounts and at the rates specified in the agreement entered into between the State of Missouri and Department of Health and Human Services, Secretary, such amounts to be equal to the sum of the taxes which would be imposed by Section 3101 and 3111 of the Internal Revenue Code of 1986, if the services covered by said agreement and by this Plan and Agreement constituted employment within the meaning of said Act; provided, however, that in making the first payment to either of the aforementioned financial institutions after the approval of this Plan and Agreement by the State Agency, said first payment shall include a sum equal to the amount which would have been due and payable had this Plan and Agreement, the agreement between the State of Missouri and the Department of Health and Human Services, Secretary, and Section 105, all been effective on January 1, 1988.[1] If the Political Entity fails to make any of the payments herein provided to be made at the time or times when due, each and every such delinquent payment shall be subject to interest and/or penalty charges, for which assessment and collection policies are established by Federal law.

(4) The Political Entity will provide, from the fund or funds specified in the action of its governing body hereinbefore referred to, the sum or sums necessary to make the payments on its behalf required to be made by the terms of the paragraph number 3, next above and the Political Entity convenants that said fund or funds will at all times be adequate to make such payments, and the Political Entity will deduct from the wages of all its eligible employees and officials who will participate in the benefits to be provided under the terms of this Plan and Agreement the amount of each of said employees' and officials' contributions required to be made by the terms of the paragraph numbered 3, next above.

(5) The Political Entity will fully comply with all Rules and Regulations which are now, or may hereafter be prescribed by the State Agency under the terms of Section 105 and the Internal Revenue Service as provided for by Federal law and will keep such records and make such reports, in such form and containing such information as may be prescribed by the State Agency and the Internal Revenue Service, and provide such methods of administration of this Plan and Agreement, as all may be required by the Internal Revenue Service and by said Rules and Regulations and by all applicable State and Federal laws and Rules and Regulations now or hereafter in effect. For the purpose of administering this Plan and Agreement the City Clerk,[2] of the Political Entity shall be the official who shall make all required reports, keep all records, and be responsible for the administration of this Plan and Agreement on behalf of the Political Entity, and any and all notices and communications from the State Agency or the IRS to the Political Entity with respect to said Plan and Agreement shall be addressed to the said official, at P.O. Box 253, Excelsior Springs, Missouri 64024 (ZIP CODE).

[1] Insert effective date of coverage desired.

[2] Insert title of official designated by acceptance act of governing body.

Section 2.2.3 One clerk for all departments (Ord. 76)

BILL NO. 76
ORDINANCE NO. 76

AN ORDINANCE TO HAVE ONE CITY CLERK FOR ALL DEPARTMENTS OF CITY.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows:

There will be one City Clerk for all departments of the City.

Passed and approved this 7th. day of November, 1967.

Signed Anton M. Palen
Mayor Pro. Tem.

Attest:
City Clerk

(Seal of City)

Section 2.2.4 Compensate Anyone for out of city mileage (Ord. 100B)

BILL NO. 100B
ORDINANCE NO. 100B

AN ORDINANCE TO PAY ANYONE MILAGE GOING OUT OF THE CITY TO CONDUCT BUSINESS FOR THE CITY.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows:

Anyone going out of the city to conduct business for the city shall receive 10¢ per mile traveled.

Read three times, passed and approved this 12th day of August, 1968.

Signed Joe Cox
Joe Cox
Mayor

Attest:
City Clerk

(Seal of City)

Section 2.2.5 Hire sewer and lagoon inspector (Ord. 200)

Section 2.2.6 Pay volunteer firefighter (Ord. 362)

BILL # 362
ORDINANCE # 362

AN ORDINANCE SET UP BY THE COUNCIL ADDING THE VOLUNTEER FIREMAN AS PAID CITY EMPLOYEES:

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF WOOD HEIGHTS, MO., AS FOLLOWS:

SECTION ONE: Any Volunteer Fireman for the City of Wood Heights, Mo. will be paid the sum of $5.00 per year.

SECTION TWO: In addition to $5.00 yearly pay each fireman will be paid and additional $2.00 for each and every fire run made by him.

PASSED AND APPROVED BY THE BOARD OF TRUSTEES OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 3rd day of June 1980.

Signed,

Stephen A. Schmidt
Chairman of the Board.

Attest,

C. W. Crowley,
City Clerk.

Section 2.2.7 Police staff regulation (Ord. 605)

Passed 5/7/96

BILL NO. 605 ORDINANCE NO. 605

AN ORDINANCE IN RELATION TO SETTING MINIMUM REQUIREMENTS FOR POLICE OFFICERS EMPLOYED BY THE CITY OF WOOD HEIGHTS; SETTING AN EFFECTIVE DATE FOR THE ORDINANCE; REPEALING ANY ORDINANCE OR PARTS OF ORDINANCE IN CONFLICT THEREWITH; AND INCORPORATING SAID ORDINANCE INTO THE CITY.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. POLICE OFFICERS EMPLOYED BY THE CITY OF WOOD HEIGHTS MUST HAVE COMPLETED ONE HUNDRED TWENTY (120) HOURS OF CLASSROOM POLICE TRAINING. THEY MUST HAVE A SATISFACTORY RECORD AS A RESPONSIBLE LAW ABIDING CITIZEN, HAVE RELIABILITY, INTEGRITY, PLEASING PERSONALITY AND NEAT PERSONAL APPEARANCE.

SECTION 2. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE BY THE BOARD OF ALDERMAN AND APPROVAL BY THE MAYOR.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI THIS _____ DAY OF _____, 1996.

_____
MAYOR

ATTEST:

_____
CITY CLERK

Section 2.2.8 Filing vacancies

ORDINANCE NO. 617 BILL NO. 17

AN ORDINANCE ESTABLISHING PROCEDURES FOR FILLING VACANCIES IN CERTAIN OFFICES FOR THE CITY OF WOOD HEIGHTS, MISSOURI, AND REPEALING ALL ORDINANCES OR SECTIONS THEREOF REFERRING TO THE FILLING OF VACANCIES IN CERTAIN OFFICES FOR THE CITY OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. 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. The successor shall serve until the next regular municipal election.

SECTION 2. If a vacancy occurs in any office not elective, the mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the board of aldermen thereafter, at which time such vacancy shall be permanently filled.

SECTION 3. This ordinance shall be in full force and effect from and after its date of passage and approval.

Passed this _____ day of _____, 1997.

Approved this _____ day of _____, 1997.

_____
MAYOR

ATTEST:

_____
CITY CLERK

Section 2.2.9 City inspector (Ord. 990406a)

ORDINANCE 990406a

AN ORDINANCE OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI ADOPTING ADMINISTRATIVE INSPECTION ORDERS FOR THE GENERAL SAFETY, HEALTH AND WELFARE OF THE CITIZENS OF WOOD HEIGHTS. PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. FOR THE PURPOSED OF THIS ORDINANCE, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS ASSIGNED TO THEM BY THIS SECTION, UNLESS THE CONTEXT OF THEIR USE IN THIS ORDINANCE CLEARLY REQUIRES OTHERWISE:

ADMINISTRATIVE INSPECTION OFFICER: AN EMPLOYEE OF THE CITY OF WOOD HEIGHTS, MISSOURI, WHO IS CHARGED WITH THE DUTY OF MAKING INSPECTIONS.

ADMINISTRATIVE INSPECTION ORDER: AN ORDER ISSUED BY A JUDGE, AUTHORIZING A REQUIRED INSPECTION TO BE MADE.

JUDGE: A JUDGE OF THE CIRCUIT COURT OF RAY COUNTY, MISSOURI, WOOD HEIGHTS MUNICIPAL DIVISION.

OWNERS: EVERY INDIVIDUAL, FIRM, PARTNERSHIP, CORORATION, ASSOCIATION OR GOVERNMENT AGENCY, HAVING OR ASSERTING THE RIGHT TO OWNERSHIP, POSSESSION OR CONTROL OF ANY BUILDING STRUCTURE, EQUIPMENT OR PREMISES SUBJECT TO REQUIRED INSPECTIONS.

REQUIRED INSPECTION: AN INPSECTION OF ANY BUILDING, STRUCTURE, EQUIPMENT, OR PREMISES REQUIRED TO BE MADE FOR THE ADMINISTRATION OR ENFORCEMENT OF THE FOLLOWING CHAPTERS OF THE REVISED ORDINANCES OF THE CITY OF WOOD HEIGHTS.

ALCOHOLIC BEVERAGES;
ANIMAL CONTROL;
BUILDING CODE;
CIGARETTES;
FIREWORKS;
FOOD AND FOOD ESTABLISHMENTS;
SOLID WASTE;
HEALTH, SANITATION AND NUISANCES;
LICENSING;
MASSAGE ESTABLISHEMTNS, MODELING STUDIOS, ETC.,;
MISCELLANEOUS OFFENSES;

EVERY JUDGE OF THE RAY COUNTY CIRCUIT COURT, WOOD HEIGHTS MUNCIPAL DIVISION, SHALL HAVE THE CITY OF WOOD HEIGHTS CITY CODE; POWER TO ISSUE ADMINISTRATIVE INSPECTION ORDERS UPON APPLICATION OF AN COURT ADMINISTRATIVE INSPECTION OFFICER, AND FOR PROBABLE CAUSE SHOWN.

SECTION 2.
ANY ONE OR MORE OF THE FOLLOWING CONDITIONS SHALL CONSTITUTE PROBAL CAUSE FOR ISSUANCE OF AN ADMINISTRATIVE INSPECTION ORDER WHEREVERE:
THE INSPECTION FOR WHICH THE ORDER IS SOUGHT IS PART OF AN AREA WIDE INSPECTION PROGRAM BEING CARRIED OUT AT THE DIRECTIONS FO THE CITY COUNCIL OF WOOD HEIGHTS, MISSOURI.

THERE HAS BEEN A CITIZEN'S COMPLAINT, IN WRITING, ALLEGING THAT THERE IS A VIOLATION OF CODE, ORDINANCE OR LAW REQUIRING INSPECTION.

THE APPLICANT FOR THE ORDER HAS PERONAL KNOWLEDGE THAT A VIOLATION OF A CODE, ORDINANCE OR LAW REQUIRING INSPECTIONS HAS OCCURRED OR IS OCCURRING.

THE INSPECTION FOR WHICH THE ORDER IS SOUGHT IS ONE REQUIRED BY CODE, ORDINANCE OR LAW TO BE MADE PERIODICALLY.

OTHER FACTS OR CIRCUMSTANCES SET FORTH IN THE APPLICATION CONVINCE THE COURT THAT THERE IS REASONABLE GROUNDS TO BELIEVE THAT ISSUANCE OF AN ORDER IS NECESSARY TO THE PROPER ADMINISTRATION OR ENFORCEMENT OF THIS CODE.

SECTION 3.
IT SHALL BE A CONDITION PRECEDENT TO ISSUANCE OF AND ADMINSTRATIVE INSPECTION ORDER, THAT:
THE INSPECTION OFFICER SHALL HAVE FIRST REQUESTED PERMISSION TO MAKE A REQUIRED INSPECTION FROM THE OWNER, OCCUAPANT, OR OTHER PERSON HAVING POSSESSION, MANAGEMENT, OR CONTROL OF THE BUILDING, STRUCTURE, EQUIPMENT, OR PREMISES SOUGHT TO BE INSPECTED AND THAT SUCH OWNER, OCCUPANT OR OTHER PERSON HAVING POSSESSION, MANAGEMENT, OR CONTROL OF THE BUILDING SHALL HAVE DENIED SUCH PERSMISSION OR SHALL HAVE REFUSED TO ANSWER THE REQUEST; OR THE INSPETION OFFICER FOUND THE BUILDING, STRUCTURE, EQUIPMENT, OR PREMISSES SOUGHT TO BE INSPECTED UNOCCUPIED OR ABANDONED, AND THE OWNER COULD NOT BE LOCATED AFTER THE INSPECTION OFFICER MADE A REASONABLE EFFORT TO LOCATE HIM/HER.

SECTION 4.
AN APPLICATION FOR AN ADMINISTRATIVE INSPECTION ORDER SHALL BE IN THE FORM OF AN AFFIDAVIT SWORN TO AND SUBSCRIBED BY AN ADMINSTRATIVE INSPECTION OFFICER, AND SHALL CONTAIN THE FOLLOWING:

THE DATE OF THE APPLICATION;

THE NAME, ADDRESS AND OFFICIAL STATUS OF THE APPLICANT;

THAT THE APPLICANT IS ACTING IN THE COURSE OF HIS/HER OFFICAL DUTY;

A CITATION TO THE CHAPTER AND SECTION OF THE CODE, ORDINANCE OR LAW PURSUANT TO WHICH THE INPSECTION IS SOUGHT;

A DESCRIPTION OF THE BUILDING, STRUCTURE, EQUIPMENT OR PREMISES SOUGHT TO BE INSPECTED;

THAT PERMISSION TO MAKE THE REQUIRED INSPECTION HAS BEEN SOUGHT FROM THE OWNER AND THAT SUCH OWNER HAS DENIED PERMISSION OR HAS REFUSED TO ANSWER THE REQUEST;

A STATEMENT OF FACTS SHOWING PROBABLE CAUSE FOR ISSUANCE OF THE ADMINISTRATIVE INSPECTION ORDER;

APPROVAL OF THE CITY COUNSELOR OR CITY PROSECUTER TO PRESENT THE APPLICATION TO THE COURT.

SECTION 5.
IF THE JUDGE SHALL FIND THAT THE AFFIDAVIT IS SUFFICIENT, AND THAT PROBABLE CAUSE TO INSPECT EXISTS, HE/SHE SHALL ISSUE AN ADMINISTRATIVE INSPECTION ORDER. SUCH ORDER SHALL CONATIN THE FOLLOWING:

THE NAME OF THE ISSUING COURT;

THE DATE OF ISSUANCE OF THE ORDER;

THE NAME AND OFFICIAL TITLE OF THE ADMINISTRATIVE INSPECTION OFFICER AUTHORIZED TO EXECUTE THE ORDER;

A DESCRIPTION OF THE BUILDING, STRUCTURE, EQUIPMENT OR PREMISES TO BE INSPECTED;

THE AUTHORIZED OBJECTIVE OF THE INSPECTION;

A FINDING THAT THE INSPECTION IS NECESSARY FOR EFFECTIVE ENFORCEMENT OF THE CODE, ORDINANCE OR LAW UNDER WHICH IT IS SOUGHT;

A FINDING THAT PROBABLE CAUSE EXISTS TO WARRANT THE ISSUANCE OF AN ADMINISTRATIVE INSPECTION ORDER;

A DIRECTION THAT THE ORDER SHALL BE EXECUTED WITHIN TEN DAYS OF THE DATE THEREOF, DURING DAYLIGHT HOURS ONLY, SUNDAYS EXCEPTED.

A COMMAND TO ALL PERSONS PRESENTED WITH A COPY OF THE ORDER TO PERMIT THE INSPECFTION AUTHORIZED.

THE SIGNATURE OF THE ISSUING JUDGE.

UPON ANNOUNCING HIS/HER NAME, OFFICIAL TITLE, AND PURPOSE, AND UPON PRESENTATION OF A COPY OF THE ADMINISTRATIVE INSPECTION ORDER, THE DESIGNATED INSPECTION OFFICER SHALL HAVE THE RIGHT TO ENTER UPON THE BUILDING, STRUCTURE, EQUIMENT OR PREMISES DESIGNATED IN THE ORDER TO MAKE THE INSPECTION AUTHORIZED THEREBY. EVERY ADMINISTRATIVE INPSECTION ORDER SHALL BE EXECUTED WITHIN TEN DAYS NEXT FOLLOWING THE DATE OF ITS ISSUANCE BY THE COURT.

SECTION 6.
UPON EXECUTION OF THE ORDER, THE ADMINISTRATIVE INSPECTION OFFICER SHALL RETURN THE SAME TO THE COURT, CERTIFYING THEREON THAT THE ORDER HAS BEEN DULY EXECUTED AND THE DATE OF SUCH EXECTUION.

IF THE ORDER SHALL NOT HAVE BEEN EXECUTED WITHIN TEN DAY PERIOD ALLOTTED THEREFOR, THE INSPECTION OFFICER SHALL RETURN THE SAME TO THE COURT ENDORSING UPON THE ORDER THE REASON FOR ITS NON-EXECUTION.

SECTION 7.
IF ANY PERSON SHALL REFUSE TO OBEY AN ADMINISTRATIVE INSPECTION ORDER OR SHALL RESIST THE EXECUTION THEREOF HE/SHE SHALL BE GUILTY OF AN OFFENSE, AND UPON CONVICITION THEREOF SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS OR IMPRISONMENT OF NOT MORE THAN NINEY DAYS, OR BOTH SUCH FINE AND IMPRISONMENT.

SECTION 8.
THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE DATE OF ITS PASSAGE AND APPROVAL. READ TOW TIMES AND PASED THIS 6th DAY OF April ,1999. Two

ATTEST:
Lois Vasse
CITY CLERK

MAYOR

CITY SEAL

Section 2.2.10 Full time employees (Ord. 041109-1)

BILL NO. 041109-1 ORDINANCE NO. 041109-1

AN ORDINANCE REVISING THE BENEFIT OPTION FOR FULL TIME EMPLOYEES OF THE CITY OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED that the Board of Aldermen of the City of Wood Heights, Missouri, an employer under the Missouri Local Government Employees Retirement System, hereby elects the following:

A. To adopt no change in the contributions from covered employees, keeping the requirement of 4% of gross salary and wages as the contribution from covered employees in accordance with the provisions of 70.705 and 70.730 RSMo.

B. To adopt no change in the method of determining a member's final average salary, keeping a thirty-six consecutive month period for determining a member employee's final average salary in accordance with 70.600 and 70.656, RSMo.

C. To adopt a change in the Benefit Program of member employees, changing to Benefit Program L-3 (1.25%) in accordance with 70.655 RSMo.

D. To adopt no change in the Retirement Age Provisionof member employees, keeping member employees option of retirement upon attaining minimum service retirement age in accordance with 70.600, 70.645 and 70.646 RSMo.

E. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

F. The clerk or secretary shall certifiy this election to the Missouri Local Government Employees Retirement System within ten (10) days hereof. Such election shall be efective on the first day of December, 2004.

Mayor

ATTEST:

City Clerk

11/9/04
Date

Chapter 2: Law enforcement

Section 1: Alcohol and Drugs

Section 1.1 Alcohol

Section 1.1.1 Alcohol License Ord. 388

BILL NO. 388 ORDINANCE NO. 388

AN ORDINANCE ENACTING A LIQUOR CONTROL ORDINANCE; PROVIDING FOR LICENSE REQUIREMENTS, FEES, CLASSIFICATIONS, AND LIMITS FOR RETAILERS OF INTOXICATING LIQUOR, MALT LIQUOR, AND NONINTOXICATING BEER; PROVIDING FOR THE REGULATION THEREOF; SETTING FORTH VIOLATIONS AND PROVIDING FOR THE ENFORCEMENT AND PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. Title. This ordinance may be cited as the "Liquor Control Ordinance," of the City of Wood Heights, Missouri.

Section 2. Definitions

(a) Intoxicating Liquor. The term intoxicating liquor as used in this ordinance, shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, or combinations of liquors, a part of which is spirituous, vinous, fermented, and all preparations or mixtures for beverage purposes, containing in excess of three and two-tenths, (3.2%) per cent of alcohol by weight.

(b) Malt Liquor: Liquor, including any beer manufactured from pure hops, or pure extract of hops, and pure barley malt, or other wholesome grains or cereals, and wholesome yeast and pure water, free from all harmful substances, preservatives and adulterants, and having an alcoholic content in excess of three and two-tenths (3.2%) per cent by weight, and not in excess of five (5%) per cent by weight.

(c) Nonintoxicating Beer: Any beer made from pure hops, or pure extract of hops, and pure barley malt, or other wholesome grains or cereals, and wholesome yeast and pure water, free from all harmful substances, adulterations and preservatives, and having

(d) Original Package: At least one (1) container of not less than eight (8) ounces of any intoxicating liquor containing in excess of five (5%) per cent alcohol by volume, or three (3) or more standard containers of malt liquor or nonintoxicating beer.

Section 3. Other definitions. For the purpose of this ordinance, the following terms are defined as follows:

(a) Person. The term "person" as seen and used in this ordinance shall mean and include an individual, partnership, firm, association or corporation, unless the context requires a contrary interpretation.

(b) Church. The term "church" shall mean and include any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not such building or structure was originally designed and constructed for such purpose.

Section 4. Intoxicating liquor not to be sold within three hundred feet of school or church. No license shall be granted for the sale of intoxicating liquor as defined in this ordinance, within three hundred (300) feet of the premises of any school or church, unless the applicant for such license shall first obtain the consent in writing of the majority of the Board of Directors of such school, or the consent in writing of such church.

Section 5. License required, and period of time. It is hereby declared to be unlawful for any person, firm, copartnership, association or corporation, whether by itself or through the use of agents or servants, to engage in the sale or distribution of intoxicating liquors, malt liquor, or nonintoxicating beer, as

(a) Said license to be issued for a period of one year from June 30 of each year, and where a license is applied for and issued after December 31st of any year, then the licensee shall pay a license fee equal to one-half of the annual fee, and thereafter all renewals of licenses shall be issued on June 30th of each year.

(b) If any licensee shall discontinue or abandon the operation of the liquor establishment for which liquor license was issued for a period of ninety (90) days or more the Board of Aldermen may declare such license abandoned or forfeited; provided that five days notice has been given by the City in writing of such action, and served by the Chief of Police at the last known address of the licensee or the address shown on the licensee's application for a liquor license.

Section 6. Qualifications of applicant.

No person shall be granted a license under this ordinance unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the United States and the State of Missouri; nor shall any corporation be granted a license hereunder unless the managing officer of such corporation has the above-mentioned qualifications; 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 business as such dealer any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date aforesaid.

state specifically the class of license applied for as classified in Section 12 hereof, shall state the alcoholic content of the liquor and/or nonintoxicating beer to be sold under the license and whether the license applied for is for consumption on or off the premises where sold. All such applications shall state the name and address of the applicant or, if the applicant is a firm, partnership or association, all of the names and addresses of each member of the firm, partnership or association; or if the applicant is a corporation, the names and addresses of all the officers, the board of directors and all of the stockholders of the corporation. The application shall also describe the premises for which the license applied for shall cover and, after an inventory and valuation at cost, prices of goods other than intoxicating liquor at the proposed place of business shall accompany the application when required by this ordinance.

(b) Every applicant must submit a copy of his tax receipt for the year immediately preceding the date of the application of the county, town, city or village where he resides in the state; or, if the applicant is a corporation, a copy of the tax receipt for the year immediately preceding the date of the application of the managing officer of such corporation of the county, town, city or village in the state where such managing officer resides, or in lieu thereof, an affidavit of the county or city assessor wherein such applicant resides; or, if the applicant is a corporation, where the managing officer of such corporation resides, stating therein that the applicant or managing officer of such corporation, if a corporation, owns property for which he is legally subject and liable to taxation in the county, town, city or village where the applicant, or if a corporation, the managing officer of such

Section 10. Removal of License to Other Location.

A license may, subject to the approval of the board of alderman, be transferred to any other premises or to any other part of the building containing the licensed premises if the premises sought to be licensed meet the requirements of this ordinance. The board of alderman must first approve such a transfer and the application for permission to transfer must be in writing and set forth:

(a) The name and address of the licensee.

(b) The address and legal description of the premises to which removal is sought, together with the name and address of the landlord.

Section 11. Suspension or Revocation of License; Public Hearing.

(a) The board of alderman may, in its reasonable discretion and for cause, which shall include, but not be limited to a dealer licensed hereunder failing to keep at all times an orderly place, or upon violation by a licensee of any of the provisions of this ordinance, suspend or revoke any license issued hereunder, first having given such licensee not less than ten (10) days' written notice of the application to suspend or revoke his license prior to the order of suspension or revocation issuing, which notice shall contain the ground or grounds for such suspension or revocation set out therein and shall command the licensee to be present at a hearing before the board of alderman and show cause, if any, why such license should not be suspended or revoked; provided that such licensee shall have full right to be represented by counsel at said hearing and that such notice of suspension or revocation hearing shall be served by a police officer or may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee

(b) Every licensee shall, in addition to the requirements of this ordinance, comply in every respect with all federal liquor laws and with the liquor control law of the state, and any violation thereof shall be a valid reason for the suspension or revocation of any license issued under this ordinance.

(c) No licensee who shall have had his license suspended by order of the board of alderman shall sell or give away any intoxicating liquor or nonintoxicating beer during the period of time such order of suspension is in effect. Any licensee desiring to keep his premises open for the sale of food or merchandise during such period of suspension shall display the order of suspension issued by the board of alderman in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

Section 12. License fees; Classification; Limit.

The license classifications, license fees to be paid and imposed annually, and the limit of number of licenses to be issued are as follows:

(a) For a license authorizing the sale of nonintoxicating beer for consumption on the premises where sold, thirty-seven dollars and fifty cents ($37.50). The total number of licenses authorized for the sale of nonintoxicating beer under this classification shall not exceed two (2) until the total population of the city reaches two thousand (2000), and thereafter no license shall be issued when the granting thereof will increase the number of such licenses outstanding and in force to a greater number than one (1) for each one thousand (1000) people within the corporate limits of the City of Wood Heights, Missouri, or major fraction

(3) or more standard beer bottles, direct to the consumer not to be opened or consumed on the premises where sold, and not for resale, twenty dollars ($20.00). The total number of licenses authorized under this classification shall not exceed two (2) until the total population of the city reaches two thousand (2000), and thereafter no license shall be issued when the granting thereof will increase the number of such licenses outstanding and in force to a greater number than one (1) for each one thousand (1000) people within the corporate limits of the City of Wood Heights, Missouri, or major fraction thereof as shown by the last decennial census.

(c) For a license authorizing the sale of malt liquor containing alcohol not in excess of five (5) per cent by weight, by the drink, for consumption on the premises where sold, the sum of fifty-two and 50/100 dollars ($52.50). The total number of licenses authorized for the sale of malt liquor under this classification shall not exceed two (2) until the total population of the city reaches two thousand (2000), and thereafter no license shall be issued when the granting thereof will increase the number of such licenses outstanding and in force to a greater number than one (1) for each one thousand (1000) people within the corporate limits of the City of Wood Heights, Missouri, or major fractions thereof as shown by the last decennial census.

(d) For a license authorizing the sale of all intoxicating liquor at retail in the original package, not to be consumed upon the premises where sold, the sum of seventy-five dollars ($75.00); provided that no license under this classification shall be issued except to a person engaged in, and to be used in connection with the operation of one or more of the following bus-

APPROVED by the Mayor this 5 day of January, 1982.

Stephen A Schmidt
Mayor

ATTEST:

Dorothy Arrington
City Clerk

Section 1.1.1.1 amending Ord. 388 (Ord.459)

ORDINANCE NO. 459

AN ORDINANCE AMENDING ORDINANCE NUMBER 388 OF THE CITY OF WOOD HEIGHTS, MISSOURI, BY REPEALING SECTIONS 18 AND 19 THEREOF, AND IN LIEU THEREOF ENACTING NEW SECTIONS 18 AND 19.

SECTION 1: Ordinance Number 388 of the ordinances of the city of Wood Heights, Missouri, is hereby amended by repealing Sections 18 and 19 thereof, and in lieu of said sections two new sections, also designated Section 18 and Section 19, are hereby enacted as follows:

Section 18: Purchase or Possession by Minors; Sale or Supply to Minors

A. It shall be unlawful for any person under the age of twenty-one years to purchase or attempt to purchase, or have in his or her possession any intoxicating liquor, malt liquor, beer or non-intoxicating beer.

B. It shall be unlawful for any person to sell, vend, give away or otherwise supply an intoxicating liquor, malt liquor, beer, or non-intoxicating beer in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whosoever except his or her parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor, malt liquor, beer, or non-intoxicating beer to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to be a habitual drunkard, shall be guilty of a misdemeanor; provided, however, that this provision shall not apply to the supplying of intoxicating liquor, malt liquor, beer, or non-intoxicating beer to a person under the age of twenty-one years for medical purposes only, or to the administering of said intoxicating liquor, malt liquor, beer, or non-intoxicating beer to any person by a duly licensed physician.

Section 19: Sale, Possession, Consumption of Intoxicating Liquor and/or Non-intoxicating beer prohibited under Certain Circumstances

A. It shall be unlawful for any person to sell, offer for sale, give away, drink, consume, or expose to view (except in the original package properly wrapped) intoxicating liquor, malt liquor, beer, non-intoxicating beer, or any alcoholic beverage of any kind whatsoever, in or upon any public street, boulevard, avenue, alley or in any public conveyance, or in any automobile, truck or any motor vehicle, wagon, buggy or carriage in the city of Wood Heights, Missouri.

B. It shall be unlawful for any person in the city of Wood Heights, Missouri, to enter any school house, church house, city hall, city building, city park, or upon any property owned by the city of Wood Heights, Missouri, or to enter any place where there is an assemblage of people, met for a lawful purpose, in a drunken or intoxicated and disorderly condition.

C. It shall be unlawful for any person to drink or offer to drink any intoxicating liquor, malt liquor, beer, or non-intoxicating beer in the presence of any assembly of people, or at any school house, church house, city hall, city building, city park, or any property owned by the city of Wood Heights, Missouri.

SECTION 2: This ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 1.1.2 House parties Ord. 04-09

Bill_____ Ordinance 04-09

An Ordinance prohibiting open house party where alcoholic beverage and/or drugs are present in the presence of minors, and providing penalties therefore.

Be it ordained by the Commission of the County of Ray, Missouri as follows:

Section I: Definitions

Unless the provisions explicitly state otherwise, as used in this Chapter, the following terms and phrases shall have the meanings hereinafter designated:

A. **Alcoholic Beverage**- Any alcoholic liquor as defined now and hereafter by the Revised Statutes of Missouri. Currently, "alcoholic liquor" is defined by Chapter 311.020 of the Revised Statutes of Missouri.

B. **Control**-Any form of authority, regulation, responsibility or dominion, including a possessory right.

C. **Drug**-A controlled substance as defined and described now or hereafter by the Revised Statues of Missouri. Currently, controlled substances are defined and described by Sections 195.005 to 195.425 of the Revised Statutes of Missouri (Chapter 195.)

D. **Minor**-A person not legally permitted by reason of age to possess, consume, or purchase alcoholic liquor as described now or hereafter by the Revised Statutes of Missouri.

E. **Open House Party**-A social gathering at a residence or premises of persons in addition to the owner or those with rights of possession or their immediate family members.

F. **Residence or Premises**-A motel room, hotel room, home, apartment, condominium, or other dwelling unit, including the curtilage of a dwelling unit, or a hall, meeting room, or other place of assembly, whether owned, leased, rented, or used with or without compensation.

Prohibited Activities

No person who is the owner in possession, a tenant or sub-tenant, or has temporary charge of any residence or premises, shall allow an open house party to take place at the residence or premises if any alcoholic beverage or drug is possessed or consumed at the residence or premises by any minor where the person knew or reasonably should have known that any alcoholic beverage or drug was in the possession or being consumed by a minor at the residence or premises and where the person failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at the residence or premises.

A. The provisions of this section shall not apply to:
   1. The consumption, use or possession of a drug by a minor pursuant to a lawful prescription for each drug.

2. Religious observance or prescribed medical treatments.
3. The possession by a minor of alcoholic beverages or lawfully prescribed drugs incidental to the lawful employment of such minor.

Penalty

Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fie hundred dollars ($500.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section II

This Ordinance shall be full force and effect from and after its passage by the County Commission.

Passed this 24th day of September, 2004

Jeff Adams, Presiding Commissioner

Allen Dale, Eastern Commissioner

Clifford Crist, Western Commissioner

Original not found. Copy is being used as the original
Sandra A. Kassuman
City Clerk, MRCC
6-2-16

Section 1.2 Drugs Ord. 579)

Section 1.2.1 drug use (Ord. 575)

ORDINANCE NO. 575 Bill No. 575

AN ORDINANCE PROVIDING FOR THE REGULATION AND USE OF DRUGS AND DRUG PARAPHERNALIA WITHIN THE CORPORATE LIMITS OF THE CITY OF WOOD HEIGHTS; PROVIDING FOR ENFORCEMENT AND PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

Drugs and Marijuana -- Legal Possession

1. No person other than a licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian, or licensed dentist shall possess any cocaine, opium or any of their salts, alkaloids or derivatives, chloral, barbiturates, cannabis, marijuana, hashish or any compound or preparation of, or any compound or preparation of any of them or any amphetamine, desoxyephedrine, methylphenidate or any sale mixture or optical isomer thereof also having a stimulating effect on the central nervous system unless such possession is authorized by the certificate or label stating the name and address of the person selling or furnishing same, the name and address of the physician, veterinarian or dentist upon whose prescription such sale is made, the date of sale and the name of the person to whom such sale is made.

2. Nothing contained Subsection (1) of this Section shall be construed to prohibit the possession of any such drugs by any manufacturer, pharmacist, chemist, wholesale or retail pharmacist or druggist which have a valid and legal license issued by the State Department of Health.

SECTION II

Drugs and Marijuana -- Illegal Use

No person shall, at any place within the corporate limits of the City, administer to himself or to any other person, in any way or manner, any narcotic, or any compound, drug or mixture of which a narcotic drug is component part or any marijuana, or any barbiturate or any amphetamines except upon prescription of a duly licensed physician, nor shall any person, in any way or manner, aid, assist, abet or permit the use or administration of any narcotic drug, or any compound, drug or mixture of which a narcotic drug is a component part, or any marijuana or any barbiturate, or any amphetamines,

State Law Reference -- Similar Provisions, RSMo. 195.200 (8).

SECTION VI

Possession Of Drug Paraphernalia

It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, inhale, or otherwise introduce into the human body a controlled substance, as defined and in violations of this Ordinance.

State Law Reference -- Similar Provisions, RSMo. 195.020 (2).

SECTION VII

Penalty. Any person, partnership, association or corporation violating any of the provisions of this Ordinance or any person on whose property a violation is in existence, shall upon conviction thereof, be fined in an amount not to exceed $500.00 or by imprisonment for not more than six (6) months or both such fine and imprisonment. Each day such violation is committed shall constitute a separate offense and shall be punishable as such hereunder.

SECTION VIII

All Ordinances and parts of Ordinances that conflict with this Ordinance are hereby repealed.

This Ordinance shall take effect from and after its date of passage.

READ TWO TIMES AND PASSED THIS 6th DAY OF April, 1993.

MAYOR AND CHAIRMAN OF THE BOARD OF ALDERMEN, CITY OF WOOD HEIGHTS, MISSOURI

ATTEST:

D.
CITY CLERK

Section 2: Animals

Section 2.1 Dogs and household Pets

Section 2.1.1 regulation and control of dogs (Ord. 7)

ORDINANCE NUMBER 7

AN ORDINANCE IN RELATION TO THE REGULATION AND CONTROL OF DOGS WITHIN THE CORPORATE LIMITS OF THE TOWN OF WOOD HEIGHTS, MISSOURI, AND PRESCRIBING PENALTIES TO BE ASSESSED AGAINST THE OWNERS OF SAID ANIMALS FOR VIOLATION HEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE INCORPORATED TOWN OF WOOD HEIGHTS AS FOLLOWS:

SECTION I

All owners and possessors of dogs residing within the incorporated limits of Wood Heights Town shall have such animals vaccinated each year as a protection against rabies and shall present to the City Clerk of said Incorporated Town, a certificate proving such vacination.

SECTION II

The City Clerk shall keep a permanent record in alphabetical order of the names of the owners and possessors of dogs that have been vacinated and shall post the same each year to insure yearly vaccination of such animals.

SECTION III

Upon the first registration of the vaccination of any dog, the owner or possessor shall pay an initial fee of twenty-five cents (25¢) to said City Clerk to record the information of such vacination, which fee may be retained by the City Clerk as an additional compensation for additional duties, but no charge shall be made after such initial fee has been paid by said owner or possessor of any vaccinated dog.

SECTION IV

Any person who shall be the owner or possessor of any dog, who after ten (10) days notice by the City Marahall of said Town, shall fail, refuse or neglect to present such certifcate of vaccination for his or her dog shall be deemed guilty of a misdemesnor and upon conviction thereof shall be punished by a fine

Section 2.1.1.1 Amend Ord. 7 (Ord. 471)

ORDINANCE NO. 471

AN ORDINANCE AMENDING ORDINANCE NUMBER 7 (EFFECTIVE 10/11/60) AND REPEALING ORDINANCE NUMBER 109 (EFFECTIVE 4/1/69) RELATING TO THE LICENSING AND REGULATING OF DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF WOOD HEIGHTS; PROVIDING FOR IMPOUNDING OF DOGS; PRESCRIBING PENALTIES TO BE ASSESSED FOR VIOLATION HEREOF; SETTING ANA EFFECTIVE DATE FOR THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SECTION 1

Ordinance No. 7 (effective 10/11/60) is hereby amended to read as follows:

SECTION 1: LICENSE REQUIRED

No person shall keep any dog over three months of age within the city of Wood Heights without securing a license therefore from the city clerk, who shall keep a record of all licenses issued and shall issue a metal tag for each license. Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog to be licensed has been given a vaccination against rabies. The annual license fee shall be fifty cents for each dog in accordance with Ordinance No. 98 (effective 7/2/68). All licenses shall

expire on the first day of June, next following their issuance.

SECTION 2: RUNNING-AT-LARGE PROHIBITED

No dog shall be permitted to run-at-large within the corporate limits of the city of Wood Heights.

SECTION 3: DOGS ON LEASH

The restriction imposed by Section 2 hereof shall not prohibit, the appearance of any dog upon streets or public property when such dog is on a leash and is kept under the control of the accompanying person.

SECTION 4: IMPOUNDING

The chief of police and each police officer of the city of Wood Heights, and the poundmaster, shall cause any dog found unlicensed or running-at-large to be impounded at a pound as designated by the city of Wood Heights. Notice of such impoundment shall be given to the owner, if known, of such dog by the police department. In the event such owner is unknown, such notice shall be posted by the police personnel at city hall and at the pound. Such notice shall state that if the dog is not claimed within four days of the posting of such notice, it will be destroyed. If such dog is not claimed within the time specified and all fees and charges paid, the poundmaster shall cause such dog to be destroyed and shall cause disposal of its carcass.

SECTION 5: REDEMPTION

Any dog may be redeemed from the pound by the owner within the time stated in the notice by the payment to the city clerk of the license fee for the current year together with all charges incurred for the impounding of said dog.

SECTION 6: RESTRICTIONS ON CERTAIN DOGS

No person shall keep or harbor a dog which habitually barks or cries between the hours of 10:00 p.m. and 6:00 a.m. No dog owner shall permit his dog to damage any lawn, garden, or other property.

SECTION 7: PENALTY

Any person, firm or corporation violating any provision of this ordinance shall upon conviction thereof be punished by a fine of not more than two dollars and fifty cents.

SECTION 2

Ordinance Number 90 (effective 7/2/68) is hereby amended to read as follows:

SECTION 1: REGISTRATION FEE

The annual license fee shall be fifty cents for each dog per year.

SECTION 2: PENALTY

Any person, firm or corporation violating any provision of this ordinance shall upon conviction thereof be punished by a fine of not more than two dollars and fifty cents.

SECTION 3

Ordinance No. 109 (effective 4/1/69) is hereby repealed.

SECTION 4

All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

SECTION 5

This ordinance shall take effect from and after its date of passage and approval.

Section 2.1.1.2 Amend Ord. 7 (Ord. 593)

ORDINANCE NO. 593 BILL NO. 593

AN ORDINANCE AMENDING ORDINANCE NUMBER 7 OF THE CITY OF WOOD HEIGHTS, MISSOURI, AN ORDINANCE IN RELATION TO THE REGULATION AND CONTROL OF ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF WOOD HEIGHTS, MISSOURI, AND PRESCRIBING PENALTIES TO BE ASSESSED AGAINST THE OWNERS OF SAID ANIMALS FOR VIOLATION HEREOF.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 7, 8 and 9 of Ordinance Number 7 are hereby added and amended to read as follows:

SECTION 7. Abandoning Prohibited.

No person shall abandon or dump any animal within the limits of the city.

SECTION 8. Number and Type of Animals Limited.

No person shall keep or harbor, whether owned or not, within the City of Wood Heights more than a combined total of four (4) adult dogs, cats or pigs. No person shall keep or harbor, whether owned or not, within the City of Wood Heights any exotic animal without a permit for the keeping or harboring of said exotic animal.

SECTION 9. Penalty.

Any person, firm or corporation violating any provision of this ordinance shall upon conviction thereof be punished by a fine of not more than Five Hundred Dollars ($500) and a jail sentence of not more than ten (10) days.

SECTION 2. That this ordinance shall be in full force and effect from and after its date of passage and approval.

Passed this 19th day of April, 1995.

Approved this 19th day of April, 1995.

Melvin Carmichael Jr
MAYOR

ATTEST:
Lisa Vasser
CITY CLERK

Section 2.1.1.3 Amend Ord. 7 (Ord. 603)

ORDINANCE NO. 603 BILL NO. 603

AN ORDINANCE AMENDING ORDINANCE NUMBER 7 OF THE CITY OF WOOD HEIGHTS, MISSOURI, AN ORDINANCE IN RELATION TO THE REGULATION AND CONTROL OF ANIMALS WITH THE CORPORATE LIMITS OF THE CITY OF WOOD HEIGHTS, MISSOURI, AND PRESCRIBING PENALTIES TO BE ASSESSED AGAINST THE OWNERS OF SAID ANIMALS FOR VIOLATION HEREOF.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 10. THAT SECTION 11, 12, 13, 14 OF ORDINANCE NUMBER 7 ARE HEREBY ADDED AND AMENDED TO READ AS FOLLOWS:

SECTION 11. (a) NO OWNER SHALL FAIL TO PROVIDE HIS ANIMALS WITH SUFFICIENT WHOLESOME AND NUTRITIOUS FOOD, WATER IN SUFFICIENT QUANTITIES, PROPER AIR, SHELTER SPACE AND PROTECTION FROM THE WEATHER, VETERINARY CARE WHEN NEEDED TO PREVENT SUFFERING, AND HUMANE CARE AND TREATMENT.

(b) NO PERSON SHALL BEAT, CRUELLY ILL-TREAT, TORMENT, OVERLOAD, OVERWORK, OR OTHERWISE ABUSE AN ANIMAL, OR CAUSE, OR PERMIT DOGFIGHT, COCKFIGHT, BULLFIGHT, OR OTHER COMBAT BETWEEN ANIMALS OR BETWEEN ANIMALS AND HUMANS.

(c) NO OWNER SHALL FAIL TO EXERCISE PROPER CARE AND CONTROL OF HIS ANIMALS TO PREVENT THEM FROM BECOMING A PUBLIC NUISANCE.

(d) THE OWNER OF EVERY ANIMAL SHALL BE RESPONSIBLE FOR THE REMOVAL OF ANY EXCRETA DEPOSITED BY HIS ANIMAL(S) ON PUBLIC WALKS, RECREATION AREAS, OR PRIVATE PROPERTY.

(e) NO PERSON SHALL ALLOW UNSANITARY CONDITIONS IN ENCLOSURES OR SURROUNDINGS WHERE THE ANIMAL IS KEPT OR HARBORED; FOULING OF THE AIR BY ODOR WHICH THEREBY CREATES UNREASONABLE ANNOYANCE OR DISCOMFORT TO NEIGHBORS OR OTHERS IN CLOSE PROXIMITY TO THE PREMISES WHERE AN ANIMAL IS KEPT OR HARBORED.

SECTION 12. (a) ANY PERSON OWNING, KEEPING, HARBORING, OR HAVING CUSTODY OF ANY ANIMAL OVER THREE MONTHS OF AGE WITH THE CITY OF WOOD HEIGHTS MUST OBTAIN A LICENSE AS HEREIN PROVIDED. THIS PROVISION MAY NOT APPLY TO SMALL CAGE BIRDS OR TO AQUATIC AND AMPHIBIAN ANIMALS KEPT SOLELY AS PETS.

(b) THE LICENSING PERIOD SHALL BEGIN WITH THE FISCAL YEAR AND SHALL RUN FOR ONE YEAR.

(c) A LICENSE SHALL BE ISSUED AFTER PAYMENT OF THE FOLLOWING FEE:

* UNNEUTERED MALE DOG 25.00	NEUTERED MALE DOG 5.00
* UNNEUTERED MALE CAT 25.00	NEUTERED MALE CAT 5.00
* UNSPAYED FEMALE DOG 25.00	SPAYED FEMALE DOG 5.00
* UNSPAYED FEMALE CAT 25.00	SPAYED FEMALE CAT 5.00

New Changes effective 6/1/96 Jw

SECTION 13. PENALTY.

ANY PERSON, FIRM OR CORPORATION VIOLATING ANY PROVISION OF THIS ORDINANCE SHALL UPON CONVICTION THEREOF BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS ($500.00) AND A JAIL SENTENCE OF NOT MORE THAN TEN (10) DAYS.

SECTION 14. THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS DATE OF PASSAGE AND APPROVAL. ALL ORDINANCES OR PARTS OF ORDINANCES THAT CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

PASSED THIS 2nd DAY OF April, 1996.

APPROVED THIS 2nd DAY OF April, 1996.

Lisa Vassa
CITY CLERK

Melvin Carmichael Jr
MAYOR

SEAL

Section 2.1.1.3.1 Amend Ord. 603 (Ord. 980714)

ORDINANCE NO: 980714

AN ORDINANCE AMENDING ORDINANCE NUMBER 603 OF THE CITY OF WOOD HEIGHTS, MISSOURI, AN ORDINANCE IN RELATION TO THE REGULATION, CONTROL AND ISSUANCE OF LICENSE OF ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1: SECTION 12 (C) OF ORDINANCE 603 SHALL BE AMENDED TO READ AS FOLLOWS:

(C) A LICENSE SHALL BE ISSUED AFTER PAYMENT OF THE FOLLOWING FEE:

*UNNEUTERED MALE DOG....	5.-	NEUTERED MALE DOG....	5.-
*UNNEUTERED MALE CAT....	0.-	NEUTERED MALE CAT....	0.-
*UNSPAYED FEMALE DOG....	5.-	SPAYED FEMALE DOG....	5.-
*UNSPAYED FEMALE CAT....	0.-	SPAYED FEMALE CAT....	0.-

SECTION 2: THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS DATE OF PASSAGE AND APPROVAL. ALL ORDINANCES OR PARTS OF ORDINANCES THAT CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

PASSED THIS 14th DAY OF July, 1998.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SEAL

E. Effective 7/1/98

Section 2.1.2 Agreement with Excelsior springs relating to the impounding of dogs(Ord.479)

ORDINANCE NO. 479 BILL NO. 479

AN ORDINANCE APPROVING AGREEMENT WITH THE CITY OF EXCELSIOR SPRINGS, MISSOURI, RELATING TO IMPOUNDMENT AND DISPOSAL OF STRAY DOGS FROM THE CITY OF WOOD HEIGHTS, MISSOURI; AUTHORIZING THE MAYOR AND CLERK TO EXECUTE SAID AGREEMENT; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

The Mayor and City Clerk of the City of Wood Heights, Missouri, are hereby authorized and directed to execute on behalf of the City of Wood Heights, Missouri, a certain agreement relating to the impoundment and disposal of stray dogs with the City of Excelsior Springs, Missouri, a copy of said agreement being attached hereto marked "Exhibit A", and incorporated herein by reference, and which is hereby approved and adopted by passage of this Ordinance.

SECTION II

All Ordinances or parts of Ordinances that conflict with this Ordinance are hereby repealed.

This Ordinance shall take effect from and after its date of passage and approval.

READ THREE TIMES AND PASSED THIS 5 DAY OF Nov, 198[illegible]

Mayor

Attest:

City Clerk

APPROVED BY THE MAYOR THIS 5 DAY OF Nov., 1985.

Mayor

Attest:

City Clerk

Section 2.1.3 vaccination, licensing, confinement, and impoundment of dogs (Ord. 050427-01)

BILL NO. 050427-01 ORDINANCE NO. 050427-01

AN ORDINANCE REGULATING THE KEEPING, CONFINEMENT, REGISTRATION, VACCINATION, LICENSING AND IMPOUNDMENT OF DOGS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1: REGISTERING OF DANGEROUS ANIMALS

1. No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, canada lynx, bobcat, jaguarundi, hyena, wolf, or coyote, or any deadly, dangerous, or poisonous reptile, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge, unless such person has registered such animals with the Police Department.

2. Violation of this section is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and/or up to thirty (30) days in jail. [R.S.Mo. 578.023]

Section 2: ANIMALS RUNNING AT LARGE PROHIBITED

It shall be unlawful for the owner of any animal or animals of the species of horse, mule, ass, cattle, swine, sheep, or goat, to permit the same to run at large within the limits of the City of Wood Heights outside of the enclosure of the owner of such stock; and if any of the species of the domestic animals aforesaid be found running at large in the streets or alleys of said city, outside the enclosure of the owners, it shall be the duty of the Chief of Police or other police or ministerial officer, when on duty, to restrain and impound the same forthwith, and within three days after the taking up of the said animal or animals, the Chief of Police shall give notice thereof to the owner, if known, in writing, stating therein the compensation for feeding or keeping such animal or animals and fees claimed, and thereupon the owner shall pay to the City for taking up such animal or animals. [R.S.Mo. 270.010]

Section 3: NOTICE WHERE OWNER UNKNOWN

If the owner or owners of such animal or animals be not known, the Chief of Police shall give notice by posting at City Hall in the City of Wood Heights, giving therein an accurate and minute description of said animal or animals, stating when the same was taken up by him.

Section 4: REDEMPTION OF ANIMAL

The owner of any animal taken up and impounded, as provided in this Ordinance, may redeem the same at any time on or before the day of sale by paying the City fees and such necessary expenses as have been incurred by reason of the detention of such animal or animals, and thereupon the City shall forthwith deliver the animals so redeemed to the owner thereof or his or her legal representative.

Section 5: INTERFERENCE WITH PROVISIONS

If any person shall willfully break or otherwise open any pen or pound, and let out any animal impounded by virtue of and in accordance with the provisions of this Ordinance, or shall interfere with the Chief of Police, or his assistants or deputies, or attempt by force or otherwise to take out of their possession or custody, any animal that may be driven by them for the purpose of impounding the same, he shall forfeit and pay a fine of not less than five nor more than thirty dollars, to be recovered as other penalties before the municipal judge, for every offense, and the fees of the Chief of Police for taking up such animal shall be taxed as part of the costs.

DOG LICENSES

Section 6: DOGS TO BE VACCINATED AND LICENSED

It shall be unlawful for any person within the city limits of the City of Wood Heights, Missouri, to own, keep, possess, harbor and control or to permit to remain on his premises any dog over the age of six (6) months which has not been vaccinated against rabies and licensed in accordance with the terms set forth in this Ordinance.

Section 7: VETERINARIAN TO VACCINATE

Vaccination against rabies shall be performed by a duly licensed veterinarian.

Section 8: LICENSE

A city dog license shall be issued by the City Clerk when the following requirements have been met:

(a). Presentation of a certificate showing the name and address of the owner, sex of the dog, description of the dog, and date of vaccination against rabies. The certification of vaccination against rabies must indicate the dog has been vaccinated for a period not less than the period for which the City license is to be effective and must contain verification that the animal has or has not been spayed/neutered.

(b). Payment of a City license for each dog in the amount of $7.50 per dog if spayed/neutered, and $15.00 if not.

Section 9: EXCEPTIONS TO LICENSE FEE

No fee for a City license shall be required for a service dog, but not more than one, owned by a disabled person. Proof of disability may be made in the form of an affidavit to be signed by the person applying for a license. Such affidavit, if based on blindness, shall recite that the applicant does not have vision greater than what is known as light perception. "Light perception", as used in this section, means vision sufficient only to distinguish light from darkness and recognize the motion, not the form, of the hand of the examiner at a distance not greater than one foot from the eye. All other provisions of this Ordinance shall remain in full force and effect as to such persons. In the event of a transfer of ownership to a person who is not disabled immediate application for a new license is required.

Section 10: LICENSES DUE DATE

All dog licenses shall be required to be purchased annually.

Section 11: DOG TO WEAR LICENSE TAGS

The owner of the dog shall cause the City license tags issued by the City to be securely fastened to the collar, said collar to be worn continuously around the dog's neck.

Section 12: UNLAWFUL TO REMOVE TAGS

It shall be unlawful for any person to remove or cause to be removed a City license tag from a dog without written consent of the owner of said animal or animals.

Section 13: DOGS RUNNING AT LARGE PROHIBITED

(a). It shall be unlawful for any person owning, keeping or harboring any dog to permit, suffer or allow said dog to run at large within the City. For the purpose of this section, any dog shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harborer to run at large when found outside of the premises of the owner, keeper or harborer and not effectively physically restrained on a chain or leash, or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

(b). A legally blind person using a Seeing Eye dog in the customary manner shall be deemed to be in compliance with this section.

(c). Official use of dogs by any governmental unit shall be deemed in compliance with this section.

Section 14: EXCESSIVE ANIMAL NOISE

No person shall own or keep any animal which by making excessive noise disturbs a neighborhood. The following definitions and conditions shall be specially applicable to enforcement of the aforesaid prohibition of this section:

1. The phrase "*excessive noise*" shall mean and include any noise produced by an animal which is so loud and continuous or untimely as to disturb the sleep of a neighbor.

2. The term "*neighbor*" shall mean an individual residing in a residence structure which is within one hundred (100) yards the property on which the animal is kept or harbored and who does in writing state that he will testify under oath to said animal making excessive noise.

3. If a general ordinance summons is issued charging violation of this section, a subpoena shall also be issued to the disturbed neighbor to testify in the matter.

Section 15: DANGEROUS DOGS

A. **Definitions**.

As used in this section of the Code of Ordinances the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

1. "*Vicious Dog*" means:

a. Any dog that when unprovoked inflicts bites or attacks a human being or other animals either on public or private property, or in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or

b. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

c. Any dog which attacks a human being or domestic animal without provocation; or

d. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

e. Any dog not licensed according to City ordinance.

2. "*Enclosure*" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosures shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

3. "*Dog Officer*" means any employee of the City whose duties include animal control.

4. "*Impounded*" means taken into the custody of the City.

5. "*Person*" means a natural person of any legal entity, including but not limited to, a corporation, firm, partnership or trust.

B. **Requirements for Registration**.

1. No vicious dog shall be licensed by the City for any licensing period commencing after enactment of this ordinance unless the owner or keeper of such vicious dog shall meet the following requirements:

a. The owner or keeper shall present to the city clerk, proof that the owner or keeper has procured liability insurance in the amount of at least One Hundred Thousand Dollars ($100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the city clerk where such dog is licensed to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

b. The owner or keeper shall provide that the licensing number assigned to such vicious dog, or such other identification number as the city clerk shall determine, shall be noted on animals collar or tag so as to be readily ascertainable by a law enforcement officer or emergency medical personnel. Said number shall be noted on the city licensing files for such vicious dog.

c. The owner or keeper shall display a sign on his or her premises warning that there is a vicious dog on the premises. Said sign shall be visible and capable of being read from the public street.

d. The owner or keeper shall sign a statement attesting that:

(I) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the vicious dog prior to expiration of such license.

(II) The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have a fenced enclosure for the vicious dog on the property where the vicious dog will be kept or maintained.

(III) The owner or keeper shall notify the licensing authority immediately if a vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human, or has died or has been sold or given away. If the vicious dog has been sold or given away the owner or keeper shall also provide the licensing authority with the name, address and telephone number of the new owner of the vicious dog.

2. A dog officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provision of this Ordinance, and any such dog officer is hereby empowered to seize and impound any vicious dog whose owner or keeper fails to comply with the provisions hereof.

C. **Control of Vicious Dogs**.

All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure.

It shall be unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or to sell or give away the vicious dog or to comply with commands or directions of the dog officer with respect to the vicious dog. In such event, the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds not exceeding three (3) feet in length, and shall be under the direct control and supervision of a person over the age of eighteen (18) years.

D. **Purpose or Intent - Harboring.**

No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.

No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the City any vicious dog.

E. **Probable Cause - Seizure.**

In the event that a dog officer or law enforcement agent has probable cause to believe that a vicious dog is being harbored or cared for in violation of section D, the dog officer or law enforcement agent may order the seizure and impoundment of the vicious dog pending trial.

F. **Penalties for Violation.**

1. Any vicious dog which does not have a valid license in accordance with the provisions of this Ordinance, or

2. Whose owner or keeper does not secure the liability insurance coverage required in accordance with section B of this section, or

3. Which is not maintained on property with an enclosure, or

4. Which shall be outside of the dwelling of the owner or keeper, or outside of an enclosure except as provided in section C, may be confiscated by a dog officer and promptly destroyed in an expeditious and humane manner. In addition, the owner or keeper shall pay a Two Hundred Fifty Dollar ($250.00) fine.

a. If any vicious dog shall kill, wound or worry or assist in killing or wounding any animal the owner or keeper of said dog shall pay a Two Hundred Fifty Dollar ($250.00) fine and the dog officer is empowered to confiscate and the owner or keeper shall destroy said vicious dog and for each subsequent violation the owner or keeper of said dog shall pay a fine of Five Hundred Dollars ($500.00).

b. If any vicious dog shall attack, assault, wound, bite or otherwise injure or kill a person, the owner or keeper shall pay a Five Hundred Dollar ($500.00) fine.

H. **Severability.**

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Ordinance and the application of such provisions to other persons and circumstances shall not be affected thereby.

Section 16: DOGS OR OTHER ANIMALS PUTTING PERSONS IN FEAR

No person shall own, keep or harbor any dog or other animal which by jumping upon or threatening persons upon public streets shall cause persons to be put in fear of injury. This section shall apply to animals while being walked on leashes and the unprovoked attack by an animal on a leash upon any person shall constitute on assault or battery by the person holding the leash and failing to prevent unprovoked attack by such animal.

Section 17: ABANDONMENT OF DOG OR CAT

No person shall release, dump or abandon within the City Limits any stray dog or cat.

Section 18: DOGS OR CATS IN HEAT

The owner, keeper or person harboring any female dog or cat shall, during the period that such animal is "in heat," keep it securely confined and enclosed within a building except when out upon such person's premises briefly for toilet purposes while on leash or otherwise effectively physically restrained. For the purpose of this section, "briefly for toilet purposes" shall consist of a maximum time of fifteen (15) minutes on each separate occasion.

Section 19: IMPOUNDING AND DISPOSAL OF CAPTURED DOGS OR CATS

1. Any dog or cat in violation of any section of this Ordinance is subject to being picked up and impounded in a place so provided by the City of Wood Heights.

2. Dogs or cats may be redeemed from the contract kennel by complying with the following provisions:

A. The owner may redeem his dog or cat as follows:

(a) Payment of fees and costs to the contract kennel for feeding, care, and boarding by the contract kennel for days dog or cat is impounded.

(b) If dog is unlicensed, compliance with the licensing section of this Ordinance, in addition to above requirements.

B. Any dog or cat left in the contract kennel over seven (7) days shall be disposed of in the following manner unless otherwise provided for by the owner:

(a) Any competent person may adopt an unclaimed dog or cat upon compliance with the rules and regulations of the holding facility.

(b) Adoption may commence when an animal has remained unclaimed for seven (7) days with the approval of the Mayor and/or Chief of Police.

(c) Animals shall be disposed of in a humane manner.
[R.S.Mo. 273.403, R.S.Mo. 273.405]

Section 20: EXCEPTION TO SEVEN (7) DAY DISPOSAL

1. Owner may make arrangements with the Animal Control Officer for a reasonable delay if circumstances do not permit him to immediately reclaim the dog or cat.

2. Any dog or other animal that has bitten or scratched a person or other animal must be kept, at owner's expense, in the contract kennel for a minimum of ten (10) days for observation and a report rendered to the person bit or scratched or to the owner of animal bit, of condition of confined animal concerning rabies. This report will also be rendered to any official that requires such a report. Any animal found to be rabid shall be disposed of as required by the health ordinances of this City or any laws of the State of Missouri.

3. Any dog classified as dangerous, as defined in this Ordinance, shall be disposed of as the Municipal Court may direct.

Section 21: DISPOSING OF ANIMAL

Any person desiring to dispose of a dog or cat may do so by delivering it to the a veterinarian or humane society shelter and paying the fee to them for the disposal.

Section 22: INTERFERENCE WITH ENFORCEMENT

Any individual who shall hinder or obstruct an official in the enforcement of this Ordinance shall be punished by a fine of not less than Five Dollars ($5.00) and not more than Five Hundred Dollars ($500.00).

Section 23: ENFORCEMENT

This Ordinance shall be enforced by the police department or other persons designated by the Board of Aldermen to enforce this Ordinance.

PROHIBITING ANIMAL ABUSE AND NEGLECT

Section 24: DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the meanings specifically ascribed to them by this section:

1. *Adequate care* - Normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

2. *Adequate control* - To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property.

3. *Animal* - Every living vertebrate except a human being.

4. *Animal shelter* - A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not for profit organization devoted to the welfare, protection, and humane treatment of animals.

5. *Farm animal* - An animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber.

6. *Harbor* - To feed or shelter an animal at the same location for three or more consecutive days.

7. *Humane killing* - The destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:5972, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed.

8. *Owner* - In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.

9. *Person* - Any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

10. *Pests* - Birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri. [R.S.Mo. 578.005]

Section 25: ACTS AND FACILITIES TO WHICH SECTIONS 26 TO 29 DO NOT APPLY

11. With respect to farm animals, normal or accepted practices of animal husbandry;

12. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal but shall not include police or guard dogs while working;

13. The killing of house or garden pests; or

14. Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri. [R.S.Mo. 578.007]

Section 26: DUTIES OF DOG AND CAT OWNERS

The owner of a dog or cat shall provide it with humane shelter from heat, cold, rain, wind and snow, and shall give it food and water adequate to keep the animal in good health and comfort. Animal shelters, to include dog houses and kennels, shall be soundly constructed, dry and provided in cold weather with clean bedding. All dogs or cats must be given an opportunity for vigorous daily exercise and must be provided by their owners with veterinary care when needed to prevent suffering. No owner shall permit a dog or cat habitually to bark, howl, meow or cry, or in other ways to be a public nuisance.

Section 27: ANIMAL NEGLECT

1. A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning an animal

in any place without making provisions for its adequate care which results in substantial harm to the animal.

2. Animal neglect is punishable by fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 578.009]

Section 28: PROHIBITING ENTICEMENT OF ANIMAL FROM PREMISES OF OWNER

It shall be unlawful for any person to tease, aggravate or entice in any manner any animal belonging to another person from the premises of the owner or to offer or tempt any animal with any liquid or meat or other food which shall cause prostration or convulsion or death, or be proved to be toxic or lethal to any man or domestic animal in the amount present by a competent medical doctor or licensed veterinarian.

Section 29: ANIMAL ABUSE

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

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of 273.030, RSMo.

2. Purposely or intentionally causes injury or suffering to an animal; or

3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

B. Animal abuse is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days.

C. For purposes of this section, "*animal*" shall be defined as a mammal.

Section 30: PENALTY

Any person, firm or corporation violating any provision of this Ordinance, where another penalty is not specified, shall be punished by a fine of not less than Five and 00/100 Dollars ($5.00) and not more than Five Hundred and 00/100 ($500.00).

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Read two times and passed by the board of alderman, and approved by the mayor this 14th day of June, 2005.

Mayor John Allen

ATTEST:

Eileen McRorey, City Clerk

Section 2.2 Live Stock

Section 2.2.1 loose livestock (Ord. 980230)

ORDINANCE NO. 980203

AN ORDINANCE, PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE OF LIVESTOCK AND PROPERTY, AND ESTABLISHING A POLICY FOR LIVESTOCK RUNNING LOOSE WITHIN THE CORPORATE LIMITS OF THE CITY OF WOOD HEIGHTS, MISSOURI, AND PRESCRIBING PENALTIES TO BE ASSESSED.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1.

IT SHALL BE UNLAWFUL FOR ANY OWNER OF LIVESTOCK TO ALLOW SAID LIVESTOCK TO WANDER, STROLL UPON PUBLIC GROUNDS, PUBLIC PLACES, OR VACANT LOTS.

SECTION II.

IT SHALL BE UNLAWFUL FOR THE PERSON HAVING THE CARE AND CUSTODY OF LIVESTOCK TO PERMIT SUCH LIVESTOCK TO VIOLATE THE PROVISIONS OF SUBSECTION (I) OF THIS SECTION. EACH VIOLATION OF THE PROVISIONS OF THIS SUBSECTION SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION III.

ANY POLICE OFFICER FINDING OWNER OR THE PERSON HAVING THE CARE AND CUSTODY OF LIVESTOCK VIOLATING THE PROVISIONS OF SUBSECTION (I) OF THIS SECTION SHALL WARN THE OWNER OR THE PERSON HAVING THE CARE AND CUSTODY OF LIVESTOCK TO DESIST IMMEDIATELY FROM SUCH VIOLATION AND HAVE THE RESPONSIBLE PARTY TAKE THE LIVESTOCK HOME TO THEIR OWNER OR THE PERSON HAVING THE CARE AND CUSTODY OF LIVESTOCK. IF SUCH OWNER OR PERSON HAVING THE CARE AND CUSTODY OF LIVESTOCK CANNOT BE LOCATED, THE POLICE OFFICER SHALL RETAIN CUSTODY OR TAKE THE LIVESTOCK TO AN APPROPRIATE LOCATION UNTIL THE OWNER OR PERSON HAVING THE CARE AND CUSTODY OF LIVESTOCK CAN BE NOTIFIED, WITH ALL COSTS INCURRED, BEING THE RESPONSIBILITY OF THE OWNER OR PERSON HAVING THE CARE AND CUSTODY OF LIVESTOCK. THE OFFICER SHALL ALSO REPORT THE VIOLATION TO HIS/HER SUPERIOR OFFICER, WHO SHALL CAUSE A WRITTEN NOTICE TO BE SERVED ON THE OWNER OR PERSON HAVING THE CARE AND CUSTODY OF LIVESTOCK, SETTING FORTH THE MANNER IN WHICH THIS SECTION HAS BEEN VIOLATED.

SECTION IV.

ANY OWNER OR THE PERSON HAVING THE CARE AND CUSTODY OF LIVESTOCK VIOLATING THE PROVISIONS OF SUBSECTION (I) OF THIS SECTION THREE OR MORE TIMES IN A ONE YEAR PERIOD FOLLOWING THE FIRST VIOLATION, AFTER RECEIVING WRITTEN NOTICE OF THE FIRST TWO VIOLATIONS, SHALL UPON CONVICTION BE DEEMED GUILTY OF A MISDEMEANOR.

SECTION V.
ANY OWNER OR PERSON HAVING THE CARE AND CUSTODY OF LIVESTOCK FOUND NOT VIOLATING THE PROVISIONS OF SUBSECTION (I) OF THIS SECTION FOR A PERIOD OF ONE YEAR, FOLLOWING A CONVICTION OF SUBSECTION (IV) IN A PRIOR YEAR, MAY BEGIN THE PROCESS OF SUBSECTION (IV) ANEW.

SECTION VI.
ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN HEREWITH ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION VII.
THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER ITS DATE OF PASSAGE.
READ TWO TIMES AND PASSED THIS 3rd DAY OF, FEB., 1998.

MAYOR
Melvin Carmichael Jr.

ATTEST Lisa Vassar

SEAL

Section 2.2.2 Control of Livestock (Ord. 990316)

Amended by 000209

ORDINANCE NO. 990316

AN ORDINANCE IN RELATION TO THE REGULATION AND CONTROL OF LIVESTOCK WITHIN THE CORPORATE LIMITS OF THE CITY OF WOOD HEIGHTS, MISSOURI, AND PRESCRIBING PENALTIES TO BE ASSESSED AGAINST THE OWNERS OF SAID LIVESTOCK FOR VIOLATION HEREOF.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1.
No person shall keep or harbor, whether owned or not, within the City of Wood Heights livestock on less than three acres of ground.

SECTION 2.
Persons who keep or harbor, whether owned or not, livestock, within the City of Wood Heights on more than three acres of ground, shall provide adequate and sufficient fencing, wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

SECTION 3.
No persons who keep or harbor, whether owned or not, livestock within the City of Wood Heights shall fail to exercise proper care and control of his livestock to prevent them from becoming a public nuisance.

SECTION 4.
No persons who keep or harbor, whether owned or not, livestock within the City of Wood Heights shall allow unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; fouling of the air by odor which thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the livestock is kept or harbored.

SECTION 5.
No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, or permit cockfight, bullfight, or other combat between animals or between animals and humans.

SECTION 6.
Persons who keep or harbor, whether owned or not, livestock within the City of Wood Heights, has livestock expire on the property shall remove said carcass within eight hours of notification.

SECTION 7.

Any person, firm or corporation violating any provision of this ordinance shall upon conviction thereof be punished by a fine of not more than five hundred dollars ($500.00) and a jail sentence of not more than ninety (90) days.

SECTION 8.

That this ordinance shall be in full force and effect from and after its date of passage and approval. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

PASSED THIS 16th DAY OF April , 1999

MAYOR

ATTEST

SEAL

Section 2.2.2.1 amend Ord. 990316 (Ord. 000209)

Bill Number: 000209 Ordinance Number: 000209

An ordinance amending Ordinance 990316, An ordinance in relation to the regulation and control of livestock within the corporate limits of the City of Wood Heights, Missouri, and prescribing penalties to be assessed against the owners of said livestock for violation hereof:

The following shall be added to Section 1 of Ordinance 990316: Nothing herein shall be construed to allow the keeping of hogs or swine within the city limits.

This ordinance shall be in full force and effect from and after its date of passage and approval.

Passed this 9th day of February, 2000.

Mayor

Attest:

SEAL

Section 2.2.3 Control of Livestock/ chickens & pigeons (Ord. 20158)

BILL NO. 1420 **ORDINANCE NO. 20158**

AN ORDINANCE IN RELATION TO THE REGULATION AND CONTROL OF LIVESTOCK, CHICKENS AND/OR PIGEONS WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF WOOD HEIGHTS, MISSOURI, AND PRESCRIBING PENALTIES TO BE ACCESSED AGAINST THE OWNERS OF SAID LIVESTOCK, CHICKENS AND/OR PIGEONS FOR VIOLATIONS HEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1: Persons may keep or harbor, whether owned or not, within the City of Wood Heights, six (6) chickens and/or pigeons (excluding Roosters) on each residential lot. No more than six (6) chickens and/or pigeons maybe kept at any one time on each residential lot unless the lot is over one and one-half (1.5) acres. Lots over one and one-half (1.5) acre may keep up to three (3) additional chickens and/or pigeons per each additional one-half (½) acre.

SECTION 2: Every coop or pen shall be kept clean, rodent and vermin free so that no offensive, disagreeable or noxious smell shall arise from normal waste, animal injury or death (shall remove said carcass within eight (8) hours of discovery) so that it will not cause annoyance or illness to neighbors. Every coop shall be water and flight tight. A covered waste receptacle for manure of such dimensions to contain all accumulations thereof, which receptacle shall be emptied often and in such a manner as to prevent it becoming a nuisance.

SECTION 3: It shall be unlawful for any owner, keeper or harborer to maintain or possess chickens and/or pigeons within the corporate city limits without first applying for and obtaining a Special Animal Permit from the City Clerk or Assistant City Clerk. The cost of the Special Animal Permit shall be $20.00 annually – January 1st thru December 31st – No Proration.

SECTION 4: No Person shall keep or harbor, whether owned or not, within the City of Wood Heights livestock on less than three (3) acres of ground. Nothing herein shall be construed to allow the keeping of hogs or swine within the corporate city limits.

SECTION 5: Persons who keep or harbor, whether owned or not, livestock, within the City of Wood Heights on more than three (3) acres of ground, and/or have chickens and/or pigeons shall provide adequate and sufficient fencing, adequate quantities of wholesome nutritious food, proper air, shelter space and protection from the elements, proper veterinary care to prevent suffering and human care and treatment.

SECTION 6: Persons who keep or harbor, whether owned or not, livestock, chickens and/or pigeons within the City of Wood Heights shall exercise proper care and control of the livestock, chicken and/or pigeons to prevent them from becoming a public nuisance.

SECTION 7: No Person shall keep or harbor, whether owned or not, within the City of Wood Heights livestock in unsanitary conditions. Enclosures or surroundings where animals are kept, shall be kept rodent and vermin free so that no offensive, disagreeable or noxious smell shall arise from normal waste, animal injury or death that would cause annoyance or illness to neighbors or others living in close

Section 3: Firearms (Ord. 299, Ord. 71)

Section 3.1 Unlawful use of a firearm

Section 3.1.1 unlawful use of a firearm within city limits(Ord. 454)

BILL NO. 454 ORDINANCE NO. 454

AN ORDINANCE RELATING TO THE UNLAWFUL USE OF WEAPONS WITHIN THE CITY LIMITS OF WOOD HEIGHTS, MISSOURI; PROVIDING FOR ENFORCEMENT AND PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. It shall be unlawful for any person within the City Limits of the City of Wood Heights, Missouri, to knowingly:

(1) Carry concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Set a spring gun; or

(3) Discharge or shoot a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in Section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibit, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possess or discharge a firearm or projectile weapon while intoxicated; or

(6) Discharge a firearm within 100 yards of any occupied schoolhouse, city building, or church building; or

(7) Discharge or shoot a firearm at a marked, at any object, or at random, on, along or across a public highway or discharge or shoot a firearm into any building; or

(8) Carry a firearm or any other weapon capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any

City of Wood Heights, or into any public assemblage of persons met for any lawful purpose.

Section 2. Subdivisions (1), (3), (4), (6), (7) and (8) of Section 1 of this Ordinance shall not apply to or affect any of the following:

(1) All State, County and Municipal Law Enforcement Officers possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of Ordinances of Counties or Municipalities of the State, 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 or other institutions for the detention of persons accused or convicted of crimes;

(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;

(5) Any person whose bona fide duty is to execute process, civil or criminal.

Section 3. Subdivisions (1), (5), and (8), of Section 1 of this Ordinance do not apply when such person is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of Section 1 of this Ordinance does not apply when such person is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which such person has possession, authority or control, or is traveling in a continuous journey peaceably through the State of Missouri.

Section 4. Any person violating the provisions of this

Section 3.1.2 firearm discharge in city (Ord. 299)

BILL NO. 299 ORDINANCE NO. 299

AN ORDINANCE RELATING TO THE DISCHARGING OF FIREARMS WITHIN THE VILLAGE OF WOOD HEIGHTS, MO. AND THE PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1. It shall be unlawful for any person, except he be a Sheriff or other officer in the discharge of his duties, to discharge or fire off any gun, pistol or firearms of any description within the Village of Wood Heights, mo.

Section 2. Every person who violates the provisions of this ordinance shall, upon conviction, be fined not less than one (1) dollar nor more than five hundred (500) dollars, or by imprisonment in the county jail for a term of not less than one (1) day nor more than six (6) months, or by both such fine and imprisonment.

Section 3. This ordinance to take effect and be in force from and after its passage and approval.

PASSED BY THE BOARD OF TRUSTEES AND DULY SIGNED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES THIS 2nd DAY OF May, 1977.

Paul Burge
CHAIRMAN OF THE BOARD OF TRUSTEES OF THE VILLAGE OF WOOD HEIGHTS, MISSOURI

ATTEST:

Robert Baughman
VILLAGE CLERK

Section 3.1.3 BB guns and air rifles (Ord. 71)

BILL NO. 71

ORDINANCE NO. 71

AN ORDINANCE AS AN ADDITION TO ORDINANCE # 13 ON FIREARMS, TO INCLUDE B B GUNS - AIR RIFLES AND PISTOLS.

Be ordained by the Council of the Village of Wood Heights, Missouri, as follows:

Air rifles, B B guns and pistols are to be in addition to Ordinance # 13 on firearms not to be fired in City Limits.

Passed and approved this 6th, day of June 1967.

Signed Anton M Pala
Pro Tem.
Mayor

Attest:

City Clerk

(Seal of City)

Section 4 fireworks

Section 4.1 Regulating sale of fireworks in city limits (Ord. 561)

ORDINANCE NO. 561 BILL NO. S 61

AN ORDINANCE REGULATING THE SALE OF FIREWORKS WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE; SETTING A PENALTY FOR VIOLATION OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

The sale of fireworks within the City limits of the City of Wood Heights, Missouri, is hereby prohibited except during the following periods of each year, to-wit: from 9:00 a.m. to 9:00 p.m. from June 26 to and including July 3; and from 9:00 a.m. to 11:00 p.m. on July 4.

SECTION II

No person, firm, partnership, or corporation shall sell fireworks within the City of Wood Heights, Missouri, without first obtaining a permit from the City of Wood Heights, Missouri. All permits may be obtained at the office of City Clerk at Wood Heights City Hall during normal business hours. A fee of $100.00 for each permit shall be paid by each person, firm, partnership or corporation before any such permit shall be issued.

SECTION III

It shall be unlawful to attempt to sell or to sell any fireworks to children under the age of fourteen (14) years except when such child is in the presence of a parent or guardian.

SECTION IV

Sellers of all fireworks shall be responsible to post a notice on the premises where such fireworks are sold informing the public of the hours of business and conditions under which all sales will be made.

SECTION V

It shall be unlawful for any person under the age of sixteen (16) to sell fireworks or work in a facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.

SECTION VI

It shall be unlawful to shoot or discharge fireworks within the City limits of Wood Heights, Missouri, except during the hours of 1:00 p.m. to 10:00 p.m. from June 26 to and including July 3; and from 9:00 a.m. to midnight on July 4 of each year.

It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, or public School, or within one hundred (100) feet of the place where fireworks are stored, sold, or offered for sale.

SECTION VIII

It shall be unlawful for any person to ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

SECTION IX

Any person found in violation of this ordinance, upon conviction thereof, shall be fined in the sum not to exceed Five Hundred Dollars ($500.00) or imprisonment for a term of not to exceed ninety (90) days, or by both such fine and imprisonment.

SECTION X

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect upon its date of passage and approval.

READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 7th DAY OF April, 1992.

Newton Vanderford
MAYOR

561.

ATTEST:
Diane Carrel
CITY CLERK

Section 4.1.1 Amend Ord. 561 (Ord. 579)

BILL NO. 579 ORDINANCE NO. 579

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 561 OF THE ORDINANCES OF THE CITY OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

SECTION 1

Section 1 of Ordinance No. 561 of the City of Wood Heights, Missouri, is hereby amended to read as follows:

The sale of fireworks within the city limits of the City of Wood Heights, Missouri, is here by prohibited except during the following periods of each year, to-wit: From 9:00 a.m. to 11:00 p.m. from June 26, to and including July 3; and from 9:00 a.m. to 12:00 a.m. on July 4.

SECTION 2

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3

This ordinance shall take effect and be in full force from and after its passage and approval.

READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 1st DAY OF JUNE, 1993.

Melvin Carmichael Jr
MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI

ATTEST:

CITY CLERK
WOOD HEIGHTS, MISSOURI

passed 6-1-93

Section 5: Motor Vehicles

Section 5.1 Parking and operation of motor vehicles

Section 5.1.1 Operation of motor vehicles (Ord. 298, Ord. 337*, Ord. 412 [repealed], Ord. 413, Ord. 417, Ord. 569, Ord. 609, Ord. 20159, Ord. 249)*

BILL NO. 298 ORDINANCE NO. 298

AN ORDINANCE RELATING TO THE REQUIRED EQUIPMENT, OPERATING AND PARKING OF MOTOR VEHICLES WITHIN THE VILLAGE OF WOOD HEIGHTS, MO. AND PRESCRIBING THE PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1. All vehicles not in motion shall be placed with their right side as near the right-hand side of the street as practicable.

Section 2. Upon all streets of sufficient width a vehicle shall be driven upon the right half of the street, except as follows:

(A) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(B) When placing a vehicle in position for and when such vehicle is lawfully making a left turn;

(C) When the right half of the street is closed to traffic while under construction or repair.

Section 3. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations hereinafter stated;

(A) An operator or driver overtaking and desiring to pass a vehicle shall sound horn before starting to pass;

(B) The driver of a motor 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 street until safely clear of the overtaken vehicle;

(C) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Section 4. No vehicle shall be driven to the left side of the center line of a street 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 to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction of any vehicle overtaken.

Section 5. No person shall at any time drive his or her vehicle on the left side of the street under the following conditions:

(A) When approaching the crest of a hill or upon a curve of a street 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;

(B) 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.

Section 6. Every person operating a motor vehicle upon the streets of the Village of Wood Heights, Mo. shall come to a complete stop at all stop signs and remain stopped until it is safe to proceed.

Section 7. The driver of a vehicle about to enter or cross a street from a alley, private driveway, or street shall yield the right of way to all vehicles approaching on said street.

Section 8. The driver of a vehicle intending to make a left turn into an alley, private driveway, or street shall yield the right of way to any vehicle approaching from the opposite direction when making such left turn would create a traffic hazard.

Section 9. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, 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 travelled portion of the street and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by any peace officer.

Section 10. An emergency vehicle is any vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff, marshall or deputy marshall, deputy sheriff, traffic officer or coroner. The driver of any vehicle referred to in this section shall not sound siren thereon or have the front red lights on except when said 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.

Section 11. The exceptions granted to the driver of an emergency vehicle are as follows:

(A) Park or stand irrespective to this ordinance;

(B) Proceed past a red 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 he does not endanger life or property;

(D) Disregard regulations governing direction of movement or turning in specified directions;

(E) The exceptions herein granted to an emergency vehicle 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 lights as stated in section 9 of this ordinance.

Section 12. The word VEHICLE whenever used in this ordinance shall mean any self-propelled device operated upon streets, except those used exclusively on rails or tracks.

Section 13. The word STREETS whenever used in this ordinance shall mean any public road or thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys.

Section 14. The driver of a vehicle upon a street, upon meeting or overtaking from either direction, any school bus which has stopped on the street 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 signaled by its driver to proceed.

Section 15. As used in this ordinance, unless the context requires another or different construction, the following definitions shall apply:

(A) APPROVED means approved by the director of revenue of Missouri and when applied to lamps and other illuminating devices means that such lamps and devices must be in good working order;

(B) AUXILIARY LAMP means an additional lighting device on a motor vehicle used primarily to supplement the head lamps in providing general illumination ahead of vehicle;

(C) HEAD LAMP means a major lighting device capable of providing general illumination ahead of vehicle;

(D) MOUNTING HEIGHT means the distance from the center of the lamp to the surface on which the vehicle stands;

(E) MULTIPLE-BEAM HEAD LAMPS means head lamps or similar devices arranges so as to permit the driver of the vehicle to use one of two or more distributions of light on the street;

(F) REFLECTOR means an approved device designed and used to give an indication of reflected light;

(G) SINGLE BEAM HEAD LAMPS means head lamps or similar devices arranged so as to permit the driver of the vehicle to use but one distribution of light on the road;

(H) WHEN LIGHTED LAMPS ARE REQUIRED means at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the street at a distance of five hundred (500) feet ahead of said vehicle.

Section 16. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illumination devices as this ordinance requires.

Section 17. Except as in this ordinance provided, every vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two approved head lamps, mounted at the same level, with at least one on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one and not more than two approved head lamps.

Section 18. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least one rear lamp which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear of such vehicle. Either such rear lamp or 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 of said vehicle.

Section 19. 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 20. Any motor vehicle may be equipped with not to exceed one spot lamp but every lighted spot lamp shall be so aimed and used so as not to be dazzling or glaring to any person.

Section 21. Muffler cutouts shall not be used and no vehicle shall be driven in such a 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 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 vehicles.

Section 22. No motor vehicle shall be operated in excess of twenty (20) miles per hour upon the streets of the Village of Wood Heights, Mo. with the exception of County Route O and Missouri State Highway 10 where no motor vehicle shall exceed the speed of forty five (45) miles per hour. The limits on speed set by this section do not apply to the operation of emergency vehicles as defined in section 10 of this ordinance.

Section 23. No person shall cause or knowingly permit his or her child or ward under the age of sixteen (16) years to drive a motor vehicle upon any street when such minor is not authorized by this ordinance.

Section 24. Every person who violates the provisions of this ordinance shall, upon conviction, be fined not less than one (1) dollar nor more than five hundred (500) dollars, or imprisoned in the county jail for a term of not less than one (1) day nor more than six (6) months, or by both such fine and imprisonment.

Section 25. This ordinance to take effect and be in full force from and after its passage and approval.

PASSED BY THE BOARD OF TRUSTEES AND DULY SIGNED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES THIS 3rd DAY OF May, 1977.

Paul Burgh
CHAIRMAN OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF WOOD HEIGHTS,
MISSOURI

ATTEST:

VILLAGE CLERK

ORDINANCE NO. 337

AN ORDINANCE TO CHANGE THE ORDINANCE COVERING THE OPERATING OF MOTOR VEHICLES WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI.

The following changes will be made to City Bill No. 298, Ordinance No. 298, for the operating of motor vehicles within the city of Wood Heights, Missouri:

SECTION 22

No motor vehicle shall be operated in excess of twenty miles per hour upon the streets of the city of Wood Heights, Missouri, with the exception of County Route O and Missouri State Highway 10, where no motor vehicle shall exceed the speed of thirty-five miles per hour. the limits on speed set by this section do not apply to the operation of emergency vehicles as defined in Section 10 of this ordinance.

Passed and approved by the board of trustees on April 3, 1979.

BILL NO. 113 ORDINANCE NO. 113

AN ORDINANCE TO AMEND ORDINANCE # 298, ADDING THE FOLLOWING SECTIONS 1. CARELESS DRIVING 2. REGULATION OF SLOW SPEED 3. SPEED DETERMINING MECHANISMS.

SECTION 1. Every person operating a motor vehicle on the streets of the city shall operate or drive the same in a careful and prudent manner, and in the exercise of the highest degree of care and at a rate of speed so as not to endanger the property of another or the life or limb of any person taking into consideration the time of day, the amount of vehicular and pedestrain traffic, the condition of the street or highway and atmosphericconditionsandd the location with reference to intersecting streets or highways, curves, residences, or schools.

SECTION 2. No person shall drive a motor vehicle at such a slow rate of 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, an in the event of apparent willful disobedience to this section and refusal to comply with the direction of an officer in accordance herewith, the continued slow operation of a vehicle by a driver shall be a misdemeanor.

SECTION 3. The use of, and results determined by any speed meter, machine or mechanism which seeks to reduce the error of manual operation to a minimum, shall be acceptable as evidence where driving in excess of posted speed limits is the cause of action; provided, however, that the use thereof shall not be construed to exclude any competent evidence secured by any other manner or means.

SECTION 4. Every person who violates the provisions of this ordinance shall, upon conviction, be fined not less than one (1) dollar nor more than five hundred (500) dollars, or imprisoned in the county jail for a term of not less than one (1) day nor more than six (6) months, or by both such fine and imprisonment.

SECTION 5. This ordinance to take effect and be in full force from and after its passage and approval.

PASSED BY THE BOARD OF TRUSTEES AND DULY SIGNED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES THIS 7 DAY OF December, 1982.

Stephen A Schmidt
MAYOR AND CHAIRMAN OF THE BOARD OF TRUSTEES
CITY OF WOOD HEIGHTS, MISSOURI

ATTEST:

Regina J Harrington
CITY CLERK

ORDINANCE 413

AN ORDINANCE TO AMEND ORDINANCE NUMBER 298, ADDING THE FOLLOWING SECTIONS: CARELESS DRIVING, REGULATION OF SLOW SPEED, AND SPEED DETERMINING MECHANISMS.

SECTION 1
Every person operating a motor vehicle on the streets of the city shall operate or drive the same in a careful and prudent manner, and in the exercise of the highest degree of care and at a rate of speed so as not to endanger the property of another or the life or limb of any person taking into consideration the time of day, the amount of vehicular and pedestrian traffic, the condition of the street or highway and atmospheric conditions and the location with reference to interesting streets or highways, curves, residences, or schools.

SECTION 2
No person shall drive a motor vehicle at such a slow rate of 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 section and refusal to comply with the direction of an officer in accordance herewith, the continued slow operation of a vehicle by a driver shall be a misdemeanor.

SECTION 3
The use of, and results determined by any speed meter, machine or mechanism which seeks to reduce the error of manual operation to a minimum, shall be acceptable as evidence where driving in excess of posted speed limits is the cause of action; provided, however, that the use thereof shall not be construed to exclude any competent evidence secured by any other manner or means.

SECTION 4
Every person who violates the provisions of this ordinance shall, upon conviction, be fined not less than $1.00 nor more than $500.00, or imprisoned in the county jail for a term of not less than one day nor more than six months, or by both such fine and imprisonment.

SECTION 5
This ordinance to take effect and be in full force from and after its passage and approval.

Passed by the board of trustees and duly signed by the chairman of the board of trustees on December 7, 1982.

ORDINANCE NO. 417

AN ORDINANCE REPEALING ORDINANCE NUMBER 412.

SECTION 1

Ordinance No. 412 entitled *An ordinance prescribing regulations and rates to be charged for the facilities and services made available by the sewerage system of the city of Wood Heights, Missouri, prescribing the manner of payment of accounts when due, providing for disconnection for non-payment of accounts and a reconnection charge, and repealing all ordinances in conflict herewith,* passed on January 4, 1983, is hereby repealed.

SECTION 2

This ordinance shall be in full force and effect from and after its passage and approval.

Read three times and passed February 1, 1983.

ORDINANCE NO. 569 Bill No. 569

AN ORDINANCE TO ADOPT CHAPTER 300, Revised Statutes of Missouri, KNOWN AS THE "MODEL TRAFFIC ORDINANCE" AS AND FOR THE TRAFFIC ORDINANCE OF THIS CITY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF WOOD HEIGHTS, AS FOLLOWS:

SECTION I

It is the intention of the governing body, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Wood Heights, Missouri, and the Sections of this Ordinance may be renumbered to accomplish such intentions.

SECTION II

Chapter 300, consisting of Sections 300.010 through 300.600, Revised Statutes of Missouri, commonly known as the "Model Traffic Ordinance", is hereby adopted as and for the traffic ordinance of this city with like effect as if recited at length herein.

SECTION III

The Municipal Court shall establish a Traffic violations Bureau to assist the Court with the clerical work of traffic cases. The Bureau shall be in charge of such person or persons and shall be open at such hours as the Municipal Judge may designate.

The Judge of the Municipal Court who hears traffic cases shall designate the specified offenses under this law or under the traffic ordinances of the City and the State traffic laws in accordance with Supreme Court Rule No. 37.50 in respect to which payments of fines may be accepted by the Traffic Violations Bureau in satisfaction thereof, and shall

specify suitable schedules the amount of such fines for first, second, and subsequent offenses, provided such fines are within the limits declared by law or ordinance, and shall further specify what number of such offenses shall require appearances before the Court.

SECTION IV

All existing ordinance or parts of ordinances in conflict with the "Model Traffic Ordinance" are hereby repealed on the effective date hereof.

SECTION V

Unless another penalty is expressly provided by law, every person in violation of this ordinance shall be punished by a fine of no less than ($25.00) TWENTY-FIVE DOLLARS, and no more than ($250.00) TWO HUNDRED FIFTY DOLLARS, or by punishment of not more than thirty (30) days imprisonment or by both find and imprisonment.

SECTION VI

This Ordinance shall take effect from and after its date of passage.

READ TWO TIMES AND PASSED THIS 3rd DAY OF November, 1992.

Melvin Carmichael Jr
MAYOR AND CHAIRMAN OF THE BOARD OF TRUSTEES, CITY OF WOOD HEIGHTS, MISSOURI.

ATTEST:

City Clerk

569

ORDINANCE NO. 609 BILL NO. 609

AN ORDINANCE AMENDING SECTION II AND SECTION V OF ORDINANCE NO. 569 OF THE ORDINANCES OF THE CITY OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

SECTION II OF ORDINANCE NO. 569 OF THE CITY OF WOOD HEIGHTS MISSOURI, IS HEREBY AMENDED TO READ AS FOLLOWS:

CHAPTER 300, REVISED STATUES OF MISSOURI, COMMONLY KNOWN AS THE "MODEL TRAFFIC ORDINANCE", IS HEREBY ADOPTED AS AND FOR THE TRAFFIC ORDINANCE OF THIS CITY WITH LIKE EFFECT AS IF RECITED AT LENGTH HEREIN.

SECTION V OF ORDINANCE NO. 569 OF THE CITY OF WOOD HEIGHTS MISSOURI, IS HEREBY AMENDED TO READ AS FOLLOWS:

UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY LAW, EVERY PERSON IN VIOLATION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NO LESS THAN ONE DOLLAR ($1.00), AND NO MORE THAN FIVE HUNDRED DOLLARS, ($500.00), OR BY PUNISHMENT OF NOT MORE THAN NINETY (90) DAYS IMPRISONMENT OR BY BOTH FINE AND IMPRISONMENT.

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 24th DAY Sept., 1996.

Melvin Carmichael Jr
MAYOR

ATTEST:
Lisa Vassa
CITY CLERK

SEAL

BILL NO. 1421 **ORDINANCE NO. 20159**

AN ORDINANCE AMENDING ORDINANCE NO. 569 OF THE CITY OF WOOD HEIGHTS, MISSOURI, BY REPEALING SECTION II THEREOF, AND IN LIEU THEREOF ENACTING A NEW SECTION II.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of Wood Heights, Missouri, that Section II of Ordinance No. 569 of the Ordinances of the City of Wood Heights, Missouri, is hereby amended by repealing Section II thereof, and in lieu of said Section II a new Section II is hereby enacted as follows:

SECTION II

Chapter 300, currently consisting of **Sections 300.010 through 307.400** Revised Statutes of Missouri, including any future changes or additions to the Revised Statutes of Missouri currently in place, commonly known as the "Model Traffic Ordinance", is hereby adopted as and for the Traffic Ordinance of this City with like effect as if recited at length herein.

This Ordinance shall be in full force and effect from and after the date of its passage and approval.

INTRODUCED, READ TWO TIMES, PASSED AND ADOPTED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 17th day of November, 2015.

_____
Mayor, Robert Pettegrew

Attest:

_____
Sondra A. Kasserman, City Clerk, MRCC

SEAL

BILL NO. 249
ORDINANCE NO. 249.

AN ORDINANCE IN RELATION TO THE REGULATION AND CONTROL OF MOTORIZED VEHICLES ON CITY PROPERTY, OTHER THAN SPECIFIED ROADS, STREETS, AND TRAFFICWAYS USED FOR PUBLIC CONVEYANCE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WOOD HEIGHTS, MO., AS FOLLOWS:

Section 1. The driving, parking, or other use of motorized vehicles on property belonging to the City of Wood Heights, Mo., other than specified roads, streets, and trafficways, marked, and/or maintained for public conveyance shall be prohibited.

Section 2. Only motorized vehicles authorized by the Council of Wood Heights, Mo., for use in maintenance, repair, or emergency services, shall be deemed not in violation of this Ordinance, as stated in Section 1.

Section 3. The Driving, parking, or other use of any motorized vehicle on the dam of the Woods Lake, other than motorized vehicles authorized by the Council of Wood Heights, Mo., for maintenance, repair, or emergency services shall be deemed a violation of this Ordinance as authorized in Section 1 of this Ordinance, but said enumeration shall not be deemed exclusive to Section 1.

Section 4. Any person or persons violating any of the provisions of this Ordinance shall be deemed guilty oa a misdemeaner, and upon conviction thereof shall be fined not less than $ 5.00 (Five dollars), nor more than $ 100.00 (One Hundred dollars), for such offense.

Section 5. This Ordinance shall be in force from and after its passage and approval, as provided by law.

Passed and approved this 5th day of November, 1974.

Signed, Harry Young
Harry Young,
Chairman of the Board.

Attest: Ralph Baughman
Ralph Baughman

Driving while intoxicated O#436

BILL NO. 436 ORDINANCE NO. 436

AN ORDINANCE ENACTING A DRIVING WHILE INTOXICATED ORDINANCE AND A DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT ORDINANCE; SETTING FORTH VIOLATIONS AND PROVIDING FOR THE ENFORCEMENT AND PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. It shall be unlawful for any person to operate a motor vehicle within the city limits of the City of Wood Heights, Missouri, in an intoxicated condition.

Section 2. It shall be unlawful for any person to operate a motor vehicle within the city limits of the City of Wood Heights, Missouri, with ten-hundredths of one per cent or more by weight of alcohol in such person's blood.

Section 3. As used in this Ordinance, the term drive, driving, operates or operating means physically driving or operating or being in actual physical control of a motor vehicle.

Section 4. As used in this Ordinance, a person is in an intoxicated condition when such person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

Section 5. As used in this Ordinance, per cent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood.

Section 6. Upon the trial of any person for violation of this Ordinance, the amount of alcohol in the person's blood at the time of the act alleged as shown by chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence. If there was ten-hundredths of one per cent or more by weight of alcohol in the person's blood, this shall be prima facia evidence that the person was intoxicated at the time the specimen was taken. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.

Section 7. Any person violating any of the provisions of this Ordinance relating to driving while intoxicated or driving with excessive blood alcohol content shall upon conviction be fined in an amount not to exceed Five Hundred Dollars ($500.00) or imprisoned for not more than ninety (90) days, or by both such fine and imprisonment.

Section 8. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

READ three times and PASSED by the Board of Aldermen this 6 day of Dec, 1983.

Mayor

Attest:

City Clerk

APPROVED by the Mayor this 6 day of Dec., 1983.

Mayor

Attest:

City Clerk

Safety belts O#570

ORDINANCE NO. 570 Bill No. 570

AN ORDINANCE DECLARING THE WEARING OF SAFETY BELTS MANDATORY WHEN VEHICLE IS IN MOTION, PROVIDING FOR ENFORCEMENT AND PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF WOOD HEIGHTS, AS FOLLOWS:

SECTION I

Each Driver and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this City, except, persons employed by the United States Postal Services while performing duties for that federal agency which requires the operator to service postal boxes from their vehicles and persons over age sixteen travelling in trucks, shall wear a properly adjusted and fastened safety belt that meets federal national highway, transportation and safety act requirements. A child, less than four (4) years of age when travelling in the front seat of a motor vehicle, shall be protected in a child passenger restraint system approved by the Missouri department of Public Safety. When travelling in the rear seat of a motor vehicle, the child shall be protected by either a child passenger restraint system approved by the Missouri Department of Public Safety or the vehicle's seat belt. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection pertaining to persons age four and older. The provisions of this section shall not be applicable to persons who have a medical reason

for failing to have a seat belt fastened about his or her body.

In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this ordinance shall not be considered evidence of comparative negligence.

SECTION II

Every person who violates this Section after November 3, 1992, upon conviction, shall be punished by a fine of not more than Ten Dollars ($10.00). The driver of the vehicle will be responsible for children under age 16.

SECTION III

All Ordinances and parts of Ordinances that conflict with this Ordinance are hereby repealed.

This Ordinance shall take effect from and after its date of passage.

READ TWO TIMES AND PASSED THIS 3rd DAY OF November, 1992.

Melvin Carmichael Jr.
MAYOR AND CHAIRMAN OF THE BOARD OF TRUSTEES, CITY OF WOOD HEIGHTS, MISSOURI

ATTEST:

Diana White
City Clerk

Damage to street, curb, or public property O#20138

BILL NO. 1213 **ORDINANCE NO. 20138**

AN ORDINANCE PROHIBITING DAMAGE TO CITY STREETS OR OTHER PUBLIC PROPERTY.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1. No person shall operate a vehicle on city streets in such a manner or of such weight as to in any way cause damage to the surface or structure of any street, curb, sidewalk, public property or public right-of-way either willfully or negligently.

Section 2. Every person convicted of violating this ordinance shall be fined not less than $50.00 per incident with each day that a violation continues constituting a separate offense and may be punished as such.

Section 3. This ordinance shall be in full force and effect immediately upon passage.

INTRODUCED, READ, PASSED AND ADOPTED BY THE BOARD OF ALDERMAN AND APPROVED BY THE ACTING PRESIDENT OF THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 27th day of August, 2013.

George L. Bentley

Acting President of the Board of Alderman, George Bentley

Attest:

Sondra A. Kasserman

Sondra A. Kasserman, City Clerk

SEAL

Speed limits

O#2

ORDINANCE NO. 2

AN ORDINANCE TO REGULATE AND ENFORCE THE SPEED OF MOTOR VEHICLES TRAVELING IN OR UPON THE PUBLIC HIGHWAYS OR PUBLIC STREETS OF WOOD HEIGHTS AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

SECTION 1
No person shall drive or operate any motor vehicle, in or upon the public highways or public streets running through or existing Wood Heights at a greater speed than 15 miles per hour except upon Missouri State Highway Number 10, where the speed shall not exceed 45 miles per hour.

SECTION 2
Any person operating any motor vehicle in excess of the speed limits as above provided shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than $1.00 or more than $100.00 for each offense.

Read three times, passed and approved on January 12, 1960.

O#439

BILL NO. 439 ORDINANCE NO. 439

AN ORDINANCE AMENDING SECTION 22 OF ORDINANCE NO. 298 OF THE ORDINANCES OF THE CITY OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. Section 22 of Ordinance No. 298 of the City of Wood Heights, Missouri, is hereby amended to read as follows:

No motor vehicle shall be operated in excess of twenty (20) miles per hour upon the streets of the City of Wood Heights, Missouri, with the exception of County Route O and Missouri Route 10 where no motor vehicle shall exceed the speed of forty-five (45) miles per hour except for that portion of Missouri Route 10 from Missouri Route M west one quarter (1/4) mile and except for that portion of Missouri Route 10 from the west city limit east one quarter (1/4) mile where no motor vehicle shall exceed the speed of fifty-five (55) miles per hour. The limits on speed set by this section do not apply to the operation of emergency vehicles as defined in Section 10 of this Ordinance.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall take effect and be in full force from and after its passage and approval.

READ THREE TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 3 DAY OF JANUARY, 1984.

MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI

ATTEST:

CITY CLERK
WOOD HEIGHTS, MISSOURI

Repealed by O#021126-1

BILL NO. 021126-1 ORDINANCE NO. 021126-1

AN ORDINANCE REPEALING ORDINANCE 439, AND ESTABLISHING SPEED LIMITS WITHIN THE CITY LIMITS OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. Ordinance no. 439 of the City of Wood Heights, Missouri, is hereby repealed.

Section 2. No motor vehicle shall be operated in excess of twenty (20) miles per hour upon the streets of the City of Wood Heights, Missouri, unless otherwise posted.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage and approval.

Read two times and passed this 26th day of Nov, 2002.

Paul J Hoffe
Mayor

ATTEST:

Eileen McCarey
City Clerk

Section 5.1.2 Protective headgear

O#457

BILL NO. 457 ORDINANCE NO. 457

AN ORDINANCE RELATING TO THE WEARING OF PROTECTIVE HEADGEAR BY ANY PERSON OPERATING A MOTORCYCLE WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI; PROVIDING FOR ENFORCEMENT AND PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. For purposes of this Ordinance, a motorcycle is defined as a motor vehicle operated on two wheels.

Section 2. Every person operating or riding as a passenger on a motorcycle, as defined in this Ordinance, upon any road, street or highway of the City of Wood Heights, Missouri, shall wear protective headgear at all times while the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications as established by the Director of Revenue of the State of Missouri.

Section 3. Any person violating any provisions of this Ordinance shall upon conviction thereof, be fined in an amount not to exceed Five Hundred Dollars ($500.00) or by imprisonment for not more than ninety (90) days or both such fine and imprisonment.

Section 4. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

READ three times and PASSED by the Board of Aldermen and approved by the Mayor this 4 day of Sept, 1984.

Mayor

ATTEST:

City Clerk

APPROVED by the Mayor this 4 day of Sept, 1984.

Mayor

ATTEST:

City Clerk

457

O#597

BILL NO. 597 ORDINANCE NO. 597

AN ORDINANCE RELATING TO THE WEARING OF PROTECTIVE HEADGEAR BY ANY PERSON OPERATING A MOTORCYCLE OR MOTORTRICYCLE WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI; PROVIDING FOR ENFORCEMENT AND PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

SECTION 1. For purposes of this Ordinance, a motorcycle is defined as a motor vehicle operated on two wheels and a motortricycle is defined as a motor vehicle operated on three wheels.

SECTION 2. Every person operating or riding as a passenger on a motorcycle or motortricycle as defined in this Ordinance, upon any road, street or highway of the City of Wood Heights, Missouri, shall wear protective headgear at all times while the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications as established by the Director of Revenue of the State of Missouri.

SECTION 3. Any person violating any provisions of this Ordinance shall upon conviction thereof, be fined in an amount of ($25.00) twenty-five dollars. No court costs shall be imposed upon any person due to such violation.

SECTION 4. All Ordinances and parts of Ordinances that conflict with this Ordinance are hereby repealed.

SECTION 5. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

READ TWO TIMES AND PASSED THIS 18th DAY OF October, 1995.

Melvin Carmichael Jr
MAYOR

SEAL

ATTEST: Lisa Vossa
CITY CLERK

Section 5.2 Abandoned, wrecked, or inoperable motor vehicles

O#379

BILL NO. 379 ORDINANCE NO. 379

AN ORDINANCE DECLARING ABANDONED, WRECKED OR INOPERABLE MOTOR VEHICLES TO BE A NUISANCE; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; PRESCRIBING THE ABATEMENT OF SAID NUISANCES AND THE PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1. All abandoned, wrecked, or inoperable motor vehicles, or parts thereof, as defined by this Ordinance, located, stored, or maintained in any area of the City, other than in an approved salvage yard, whether the same be upon residential lots, streets, alleys, avenues, highways, or upon private property are hereby by this Ordinance declared to be public nuisances.

Section 2. It shall be unlawful for any person to cause, create, maintain or permit a nuisance, as defined in this Ordinance, within the city limits of the City of Wood Heights.

Section 3. Abandoned, wrecked or inoperable motor vehicles-defined.

(a) Abandoned vehicles shall mean any vehicle which is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. Inoperable motor vehicle shall mean any vehicle which for a period of at least the last 30 days, the engine, wheels or other parts have been altered, damaged or otherwise segregated and the vehicle is incapable of being driven under its own motor power.

(b) The term inoperable motor vehicle shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary services or repair operations, nor any motor vehicles that are kept within a building when not in use, or to any vehicle inside an enclosed building.

(c) A wrecked vehicle shall mean a vehicle that is so damaged that it is incapable of being operated.

Amended by O#99-824-02

Ordinance Number: 99-824-02

AN ORDINANCE AMENDING ORDINANCE 379, AN ORDINANCE DECLARING ABANDONDED, WRECKED OR INOPERABLE MOTOR VEHICLES TO BE A NUISANCE; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; PRESCRIBING THE ABATEMENT OF SAID NUSIANCES AND THE PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

SECTION 1.

Abandoned vehicles on private property as prescribed in Ordinance 379 may be covered with a fitted tarp, that is purchased to cover said make and model of vehicle.

SECTION 2.

Abandoned vehicle may not be covered with a generic square tarp, oval or rectangular tarp.

SECTION 3. No more than one covered abandoned vehicle will be allowed per residence.

SECTION 4. Those residents with current abandoned vehicles covered with generic square tarps, oval or rectangular tarps upon passage of this ordinance will be given thirty days written notice to comply with amendments. Notices will be mailed by the City Administrator upon passage and approval of this ordinance.

SECTION 5. Any person, firm, partnership, association, corporation, company, or organization found to be guilty of violating this ordinance shall be fined no more than $500.00, nor more than ninety days imprisonment or both. (for a term not to exceed

Read two times and passed on this 24 day of August, 1999.

Mayor

Attest:

(d) Vehicle, as used in this Ordinance, shall mean any machine propelled by power other than by man power designed to travel along or over the ground by use of wheels, treads, runners, slides and including but not limited to automobiles, trucks, motor vehicles, tractors, motorcycles, wagons and buggies or any part or portion thereof.

Section 4. Notice to Abate or Remove Nuisances.

(a) Whenever the Chief of Police shall ascertain or have knowledge that a nuisance exists in or upon any premises in the City, he shall by written notice, which notice shall be served in the same manner as personal service or process in civil actions, notify the person occupying or having possession or the right to the possession of the premises to abate or remove the nuisance within ten days of the notice. If the owner or tenant, lessee, agent, manager or other person named in the notice cannot be found in the City, then the Chief of Police shall cause such notice to be mailed by registered mail to the last known address of the owner, tenant, lessee, or occupant and by attaching a copy of such notice to the property.

Any person receiving the notice provided for in this section shall comply with the provisions of the notice within the time specified in the notice. Failure to comply with this provision is unlawful. For every day thereafter that the person shall fail, neglect or refuse to comply with the notice and for every day thereafter that such person shall fail, neglect or refuse to abate or remove the nuisance, he shall be deemed guilty of a separate offense and shall be proceeded against as in the first instance.

Section 5. City may abate nuisances when owner fails to do so; recovery of cost by city.

In the event the person receiving notice to abate the nuisance fails or refuses to abate the nuisance within the time prescribed in the notice, then the Chief of Police shall issue a summons to said 34 person commanding the person named to appear on a date certain before

the Municipal Court there to answer for violation of this ordinance. If, upon a trial for the violation of this ordinance, the judge of the municipal court shall find that a violation exists and that the defendant has had proper notice, as provided in this ordinance, and that the defendant has failed to abate the nuisance, the judge of the municipal court shall, in addition to the penalty for violating this article, make an order directing the chief of police or his duly authorized representatives to abate such nuisance forthwith, and immediately report the expense thereof to the judge of the municipal court, who shall, as a part of the costs of such prosecution, render judgment against the defendant for the amount of such expense, which shall be collected as other fines and costs. In the event the person who shall violate, neglect, fail or refuse to comply with any provision, regulation or requirement of this Ordinance is a nonresident, and if the Chief of Police is unable to summons said non-resident to appear before the Municipal Court, the chief of police, after notification as hereinbefore provided, shall abate and remove the nuisance and cause the same to be stored in some suitable place for a period of five (5) days and if same is not claimed, to dispose of same and turn the proceeds of sale, if any, of any such disposal into the City Treasurer's Office for deposit in the general funds of the City.

Section 6. Penalty

Any person violating any of the provisions of this ordinance shall upon conviction thereof, be fined in an amount not to exceed $500.00 or by imprisonment for not more than ninety days or both such fine and imprisonment. Each day such violation is committed shall constitute a separate offense and shall be punishable as such hereunder.

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Section 7. Authority of police, etc., to enter upon premises, etc., for purpose of removing or abating nuisances.

Police officers and other employees of the city authorized by the Chief of police are hereby authorized and required to go, in the daytime, upon any lot or premises, whether public or private, for the purpose of removing or abating any nuisance, when abatement of a nuisance is ordered under the provisions of this ordinance. If any person refuses to allow entry onto his private property, the chief of police may obtain a warrant from the proper official and proceed in accordance therewith.

Section 8. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

READ three times and PASSED by the Board of Aldermen and approved by the Mayor this 2 day of June, 1981.

Stephen A. Schmidt
Mayor

ATTEST:
City Clerk

APPROVED by the Mayor this 2 day of June, 1981.

Stephen A. Schmidt
Mayor

ATTEST:
City Clerk

BILL NO. 383 ORDINANCE NO. 383

AN ORDINANCE DECLARING WEEDS OVER EIGHTEEN INCHES IN HEIGHT TO BE A NUISANCE; PRESCRIBING THE ABATEMENT OF SAID NUISANCE; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; AND PRESCRIBING THE PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE, AND EXEMPTING CERTAIN LANDS FROM THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. Weeds declared detrimental to health and a nuisance. It is hereby declared to be dangerous and detrimental to the general health of the inhabitants of the City and a nuisance to permit weeds over the height of eighteen inches to grow or remain upon any lot, real estate or premises within the City Limits of the City of Wood Heights, Missouri.

Section 2. No person, firm or corporation occupying, owning or controlling or leasing any real estate within the City of Wood Heights, Missouri, shall allow or maintain upon any such lot, real estate or premises any growth of weeds to a height over eighteen (18) inches or allow any weeds over the height of eighteen (18) inches to remain on said real estate or premises.

Section 3. Exceptions to this ordinance. All farm land, pasture land, or other land used for agricultural purposes or as grazing land for livestock, horses, or other animals shall be exempt from and not controlled by the provisions set forth in this Ordinance.

Section 4. Notice to abate or remove weeds.

Whenever any weeds in violation of this Ordinance are allowed on any lot or premises within the City of Wood Heights, Missouri, the Judge of the Municipal Court of Wood Heights, Missouri, or the Chief of Police for said City may declare the same to be a nuisance and order the abatement thereof after giving the owner, occupant, lessee, or other person in charge of said

or said owner, occupant, or lessee's whereabouts is unknown, said notice may be given by posting a notice on the premises for seven (7) consecutive days. If said weeds are not cut in accordance with the order of the Chief of Police then the Chief of Police shall proceed to have the weeds cut by some responsible person or by regular employees of the City. The cost of cutting the weeds may be made a part of the judgment of the Municipal Court Judge, or the cost and expenses incurred by the City in cutting said weeds shall be assessed against the occupant or owner of the said real estate by the Board of Aldermen as a special tax bill against said person's property, which tax bill shall be a special lien against said property and said tax bill shall be collected as other taxes. The Chief of Police shall be responsible to keep an accurate account of the costs of the cutting of said weeds to be maintained upon his records and shall certify said costs to the Municipal Judge or to the Mayor and Board of Aldermen, whichever the case may be.

Section 5. Unlawful to fail to comply with notice to cut weeds.

Any property owner or person occupying or in possession of real estate, whether he be the owner or not, who shall fail or refuse to cut weeds on his property within seven (7) days after service of the notice as herein provided in this Ordinance, shall be deemed guilty of a violation of this Ordinance.

Section 6. Penalty.

Any person violating any of the provisions of this Ordinance shall upon conviction thereof, be fined in an amount not to exceed Five Hundred Dollars ($500.00) or by imprisonment for not more than ninety (90) days or both such fine and imprisonment. Each day such violation is committed shall constitute a separate offense and shall be punishable as such hereunder.

Section 7. Authority of Police, etc., to enter upon premises, etc., for purpose of cutting weeds.

Police officers and other employees of the City authorized by the Chief of Police are hereby authorized and required to go, in the daytime, upon any lot, premises, or real estate, whether public or private, for the purpose of cutting any weeds defined to be a nuisance in this Ordinance, when said weeds are ordered to be cut under the provisions of this Ordinance. If any person refuses to allow entry onto his private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith.

Section 8. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

READ three times and PASSED by the Board of Aldermen and approved by the Mayor this 4 day of August, 1981.

Stephen A. Schmidt
Mayor

ATTEST:
Paula W. Crossley
City Clerk

APPROVED by the Mayor this 4 day of August, 1981.

Stephen A. Schmidt
Mayor

ATTEST:
Paula W. Crossley
City Clerk

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Amend 379 O#20137

BILL NO. 1210 **ORDINANCE NO. 20137**

AN ORDINANCE TO AMEND ORDINANCE NO. 379 DECLARING ABANDONED, WRECKED, OR INOPERABLE MOTOR VEHICLES TO BE A NUISANCE; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; PRESCRIBING THE ABATEMENT OF SAID NUISANCES AND THE PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

Section 1. All abandoned, wrecked, ***unlicensed vehicles***, or inoperable motor vehicles, or parts thereof, as defined by the Ordinance, located, stored, or maintained in any area of the City, other than in an approved salvage yard, whether the same be upon residential lots, streets, alleys, avenues, highways, or upon private property are hereby by this Ordinance declared to be a public nuisance.

Section 2. It shall be unlawful for any person to cause, create, maintain or permit a nuisance, as defined in this Ordinance, within the city limits of the City of Wood Heights.

Section 3. Abandoned, wrecked, ***unlicensed vehicles*** or inoperable motor vehicles defined.

a) Abandoned vehicles shall mean any vehicle which is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. Inoperable motor vehicle shall mean any vehicle which for a period of at least the last 30 days, the engine, wheels or other parts have been altered, damaged or otherwise segregated and the vehicle is incapable of being driven under its own motor power.

b) The term inoperable motor vehicle shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary services or repair operations, nor any motor vehicles that are kept within a building when not in use, or to any vehicle inside an enclosed building.

c) A wrecked vehicle shall mean a vehicle that is so damaged that it is incapable of being operated.

d) ***An unlicensed vehicle applies to any motor vehicle that is parked or located on any real property inside the city limits of Wood Heights, that is not displaying or exhibiting a current registration sticker or 30 day temporary license from the Department of Revenue from the vehicle's registered state.***

e) Vehicle, as used in this Ordinance, shall mean any machine propelled by power other than by man power designed to travel along or over the ground by use of wheels, treads, runners, slides and including but not limited to automobiles, trucks, motor vehicles, tractors, motorcycles, wagons and buggies or any part or portion thereof.

Section 4. Notice to abate or remove nuisances.

a) Whenever the Chief of Police shall ascertain or have knowledge that a nuisance exists in or upon any premises in the City, he shall by written notice, which notice shall be served in the same manner as personal service or process in civil actions, notify the person occupying or having possession or the right to the possession of the premises to abate or removed the nuisance within ten days of the notice. If the owner or tenant, lessee, agent, manager or other person named in the notice cannot be found in the City, then the Chief of Police shall cause such notice to be mailed by registered mail to the last known address of the owner, tenant, lessee, or occupant and by attaching a copy of such notice to the property.

b) Any person receiving the notice provided for in this section shall comply with the provisions of the notice within the time specified in the notice. Failure to comply with this provision is unlawful. For every day thereafter that the person shall fail, neglect or refuse to abate or remove the nuisance, he shall be deemed guilty of a separate offense and shall be proceeded against as in the first instance.

Section 5. City may abate nuisances when owner fails to do so; recovery of cost by city.

In the event the person receiving notice to abate the nuisance fails or refuses to abate the nuisance within the time prescribed in the notice, then the Chief of Police shall issue a summons to said person commanding the person named to appear on a date certain before the Municipal Court there to answer for violations of this Ordinance. If, upon a trail for the violation of this Ordinance, the judge of the Municipal Court shall find that a violation exists and that the defendant has had proper notice, as provided in this ordinance, and that the defendant has failed to abate the nuisance, the judge of the Municipal Court shall, in addition to the penalty for violating this article, make an order directing the Chief of Police or his duly authorized representatives to abate such nuisance forthwith, and immediately report the expense thereof to the judge of the Municipal Court, who shall, as a part of the costs of such prosecution, render judgment against the defendant for the amount of such expense, which shall be collected as other fines and costs. In the event the person who shall violate, neglect, fail or refuse to comply with any provision, regulation or requirement of this Ordinance is a non-resident, and if the Chief of Police is unable to summons said non-resident to appear before the Municipal Court, the Chief of Police, after notification as hereinbefore provided, shall abate and remove the nuisance and cause the same to be stored in some suitable place for a period of five (5) days and if same is not claimed, to dispose of same and turn the proceeds of sale, if any, of any such disposal into the City Treasurer's Office for deposit in the general funds of the City.

Section 6. Penalty

Any person violating any of the provisions of this Ordinance shall upon conviction thereof, be fined in an amount not to exceed $500.00 or by imprisonment for not more than ninety days or both such fine and imprisonment. Each day such violation is committed shall constitute a separate offense and shall be punishable as such hereunder.

Section 7. Authority of police, etc., to enter upon premises, etc., for purpose of removing or abating nuisances.

Police officers and other employees of the City authorized by the Chief of Police are hereby authorized and required to go, in the daytime, upon any lot or premises, whether public or private, for the purpose of removing or abating any nuisance, when abatement of a nuisance is ordered under the provisions of this Ordinance. If any person refuses to allow entry onto his private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith.

Section 8. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

THIS ORDINANCE READ TWO TIMES, PASSED BY THE BOARD OF ALDERMAN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 24th day of July, 2013.

Mayor, John D. Allen

ATTEST:

City Clerk, Sondra A. Kasserman

SEAL

Section 5.3 License and registration

City stickers for automobiles O#97

ORDINANCE NO. 97

AN ORDINANCE REQUIRING CITY STICKERS FOR AUTOMOBILES.

Effective January 1, 1969, automobile owners are required to purchase city stickers for each automobile owned and operated within the village of Wood Heights. They are to be at the rate of two dollars per sticker.

Read three times, passed and approved on July 2, 1968.

Amend Ordnance #97 O#512

ORDINANCE NO. 512 Reposed Aug 01 1127-01 BILL NO. 512

AN ORDINANCE AMENDING ORDINANCE NO. 97 OF THE ORDINANCES OF THE CITY OF WOOD HEIGHTS, MISSOURI, RELATING TO CITY STICKERS FOR MOTOR VEHICLES; SETTING A PENALTY FOR THE VIOLATION OF SUCH ORDINANCE; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHT, MISSOURI, AS FOLLOWS:

SECTION I

Ordinance No. 97 of the Ordinances of the City of Wood Heights, Missouri, is hereby amended to read as follows:

(1) Every person residing within the corporate limits of the City of Wood Heights, Missouri, owning a motor vehicle shall obtain a City Sticker for such motor vehicle from the City Collector.

(2) The cost for each City Sticker shall be at the rate of $2.00 per sticker.

(3) The City Collector shall not issue a City Sticker required by this Ordinance to any person until such person's personal property tax due to the City of Wood Heights, Missouri, for the year next preceding the year for which such license is to be issued shall have been paid.

(4) Not later than December 31st of each year, every person required by this Ordinance to purchase a City Sticker shall purchase such City Sticker on or at the time of the payment of such person's personal property taxes due to the City of Wood Heights, Missouri, for the year next preceding the year from which such license is to be issued.

(5) All City Stickers purchased pursuant to this Ordinance shall be displayed by attaching the City Sticker to the lower right-hand corner of the front windshield of the motor vehicle in such a manner that the license is readily visible.

(6) Any person, partnership, association or corporation violati

SECTION II

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent that they conflict with the provisions of this Ordinance but shall otherwise remain in full force and effect. Such other Ordinances or parts of Ordinances shall be construed as though the conflicting language were deleted insofar as necessary to give this Ordinance full force and effect.

This Ordinance shall take effect from and after its date of passage and approval.

READ THREE TIMES AND PASSED THIS 3 DAY OF Nov, 1987 1987.

Dan E Wendt
MAYOR

ATTEST:
Julia James
CITY CLERK

APPROVED BY THE MAYOR THIS 3 DAY OF Nov, 1987. 1987.

Dan E Wendt
MAYOR

ATTEST:
Julia James
CITY CLERK

Amend Ordinance #512 by O#980409-2

ORDINANCE NO. 980409-2

AN ORDINANCE AMENDING ORDINANCE NO.512 OF THE ORDINANCES OF THE CITY OF WOOD HEIGHTS, MISSOURI, RELATING TO CITY STICKERS FOR MOTOR VEHICLES; SETTING A PENALTY FOR THE VIOLATION OF SUCH ORDINANCE; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1. CITY OF WOOD HEIGHTS SHALL AMEND SECTION 2 OF ORDINANCE 512 TO READ AS FOLLOWS: THE COST OF EACH CITY STICKER SHALL BE AT THE RATE OF $5.00 PER STICKER.

SECTION 2. CITY OF WOOD HEIGHTS SHALL AMEND ORDINANCE 512 BY ADDING THE FOLLOWING: ANY PERSON, PARTNERSHIP, ASSOCIATION OR CORPORATION THAT REQUIRES A REPLACEMENT STICKER, DUE TO LOSS OF ORIGINAL PURCHASED STICKER WITHIN THIRTY (30) DAYS OF THE ORIGINAL PURCHASE DATE SHALL BE CHARGED A COST OF ONE ($1) DOLLAR. ANY PERSON, PARTNERSHIP, ASSOCIATION OR CORPORATION THAT REQUIRES A REPLACEMENT STICKER, DUE TO LOSS OF ORIGINAL PURCHASED STICKER THIRTY ONE (31) DAYS OR MORE OF THE ORIGINAL PURCHASE DATE SHALL BE CHARGED A COST OF FIVE ($5) DOLLARS.

SECTION 3. CITY OF WOOD HEIGHTS SHALL AMEND ORDINANCE 512 BY ADDING THE FOLLOWING: ANY PERSON, PARTNERSHIP, ASSOCIATION OR CORPORATION THAT REQUIRES A REPLACEMENT STICKER, DUE TO THE PURCHASE OF A NEW VEHICLE, SHALL BE CHARGED A COST OF ONE ($1) DOLLAR, PROVIDING THEY SUBMIT THE CITY CLERK WITH COPIES OF THE NEW REGISTRATION AND OR BILL OF SALE WITHIN THIRTY (30) DAYS OF THE PURCHASE OF THE REPLACEMENT VEHICLE.

SECTION 4. CITY OF WOOD HEIGHTS SHALL AMEND ORDINANCE 512 BY ADDING THE FOLLOWING: ANY PERSON, PARTNERSHIP, ASSOCIATION OR CORPORATION THAT REQUIRES A REPLACEMENT STICKER, DUE TO THE REPLACEMENT OF A WINDSHIELD SHALL BE CHARGED A COST OF ONE ($1) DOLLAR, PROVIDING THEY SUBMIT THE CITY CLERK WITH COPIES OF THE REPAIR BILL WITHIN THIRTY (30) DAYS OF THE PURCHASE OF THE REPLACEMENT WINDSHIELD.

SECTION 5. CITY OF WOOD HEIGHTS SHALL AMEND ORDINANCE 512 SECTION 6 AS FOLLOWS: ANY PERSON, PARTNERSHIP, ASSOCIATION OR CORPORATION VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL UPON CONVICTION THEREOF, BE FINED NOT LESS THAN ONE ($1) NOR MORE THAN FIVE ($500) HUNDRED DOLLARS. EACH DAY SUCH VIOLATION IS COMMITTED SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE AS HEREIN BEFORE SET FORTH.

SECTION 6. ALL ORDINANCES OR PARTS OF ORDINANCES THAT CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

SECTION 7. THIS ORDINANCE SHALL TAKE EFFECT DECEMBER 31, 1998 AFTER PASSAGE AND APPROVAL.

READ TWO TIMES AND PASSED THIS 9th DAY OF April, 1998.

Melvin Carmichael Jr
MAYOR

ATTEST:

Lori Vassar
CITY CLERK

Repealed by 011127-01

BILL NO. 011127-01 ORDINANCE NO. 011127-01

AN ORDINANCE BY THE BOARD OF ALDERMAN TO AMEND OR REPEAL SPECIFIC ORDINANCES OF THE CITY OF WOOD HEIGHTS AND TO ALLOW FOR THE REFUSAL OR DISCONTINUATION OF UTILITY SERVICE TO THOSE PERSONS WHO HAVE DELINQUENT TAXES.

WHEREAS, the City uses property tax revenue to support the General Fund, Bond Obligations, and to provide water, sewer and/or trash services to it's residents, and

WHEREAS, history has proven that at times the City has experienced bad debt losses of both tax revenue and utility services from these persons, and

WHEREAS, it is believed that the ability to refuse service for non-payment of delinquent taxes would enhance tax collections, thereby being in the best interest of the City as a whole.

BE IT ORDAINED by the Board of Alderman of the City of Wood Heights, Missouri, as follows:

SECTION 1: Termination for non-compliance with provisions

The City shall have the right to disconnect or refuse to connect or reconnect any utility service (1) to any person who fails to comply with the provisions of State laws or City ordinances, or rules and regulations, concerning the payment of property taxes; (2) to any property which does not meet the provisions of State law or City ordinances, rules and regulations, or (3) which utility does not meet the provisions of State law or City ordinances, rules or regulations.

SECTION 2: When personal property taxes delinquent

Tangible personal property taxes and all personal taxes assessed by the City after January first (1st) of each year shall constitute a debt in favor of the City, and when unpaid and delinquent, a personal judgment may be recovered against the party or parties assessed with such taxes before any Court of this State having jurisdiction; provided, however, the taking of such judgment shall in no way limit the City from pursuing any other available remedy.

SECTION 3: Interest penalty on delinquent taxes

In addition to any other penalty, if any taxpayer shall fail, refuse or neglect to pay the City Clerk his/her taxes prior to the time that they become delinquent, then it shall be the duty of the City Clerk after said taxes become delinquent to collect an additional sum of interest, of one percent (1%) per month or fraction thereof, not to exceed ten percent (10%) per year and to thereafter pay all such sums to the City as in other cases provided.

SECTION 4: Remedies cumulative

No remedy is intended to be exclusive of any other remedy, but each remedy now or hereafter available shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other available remedy.

License O#525

ORDINANCE NO. 525 BILL NO. 525

AN ORDINANCE RELATING TO MOTOR VEHICLE DRIVERS' LICENSES IN THE CITY OF WOOD HEIGHTS, MISSOURI; SETTING A PENALTY FOR VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

It shall be unlawful for any person to operate a motor vehicle in the City of Wood Heights, Missouri, without having in his or her possession, at all times while operating any motor vehicle, a valid and current operator's, driver's, or chauffeur's license or a permit duly issued or authorized by the State of Missouri or the state of residence of such person.

SECTION II

Any person found to be in violation of this ordinance, upon conviction, shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment not to exceed three (3) months, or both such fine and imprisonment for each violation.

SECTION III

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect from and after its date of passage.

READ THREE TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 5 DAY OF APRIL, 1988.

Dan E. Wendt
MAYOR

ATTEST:
Pearl L. Hardi
CITY CLERK

Registration O#526

ORDINANCE NO. 526 BILL NO. 526

AN ORDINANCE RELATING TO MOTOR VEHICLE REGISTRATION WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI; SETTING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

It shall be unlawful for any person to operate any motor vehicle or trailer on any street or public highway of the City of Wood Heights, Missouri, without having displayed on such motor vehicle or trailer, license plates or temporary permit issued to the owner of the motor vehicle by the Director of the Department of Revenue of the state, except any motor vehicles owned by a non-resident of the state, may be operated on any street or highway of the City, provided the motor vehicle has been duly registered for the current year in the state, county, or other place of which the owner is a resident, and which at all times when operated within the City has displayed upon it the number plate or plates issued for such motor vehicle at the place of residence of such owner.

SECTION II

It shall be unlawful for any person to operate any motor vehicle or trailer upon which license plates or temporary permits are required to be displayed by law unless the license plates legally registered and issued for such motor vehicle be so displayed thereon. Such license plates shall be displayed in a vertical position, right side up, and not covered, obscured or concealed by any part or accessory of such vehicle or by any other substance, and at night illuminated with a white light, so as to be clearly visible from a distance of fifty feet to the rear. On all motor vehicles, one plate shall be displayed on the front, and the other on the rear of such motor vehicle, not less than eight nor more than forty-eight inches above the ground, except that on trailers, motorcycles and motor scooters, one plate shall be so displayed on the rear thereof. If only one license plate is issued, such plate shall be displayed on the rear of the vehicle unless otherwise provided pursuant to Missouri State Statutes.

SECTION III

It shall be unlawful for any owner or person having custody, control, or possession of a motor vehicle or trailer, to permit any person to operate any such motor vehicle or trailer upon which license, temporary plates or permits are required to be placed by law, unless the license plates are legally registered and issued for such vehicle be so displayed thereon. In the event such vehicle or trailer is owned, or it is in the custody or possession of a dealer in motor vehicles or trailers such dealer shall supply any person operating such motor vehicle and shall display thereon a valid dealer's license plate before permitting or allowing such person to so operate such motor vehicle or trailer.

SECTION IV

It shall be unlawful for any person to operate in the City of Wood Heights, Missouri, a motor vehicle or trailer unless such motor vehicle or trailer is properly registered in the state of the owner's residence, and unless a certificate of ownership shall have been issued for such motor vehicle or trailer.

SECTION V

Any person found to be in violation of any Section of this Ordinance, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars ($500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment for each violation.

SECTION VI

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect from and after its date of passage.

READ THREE TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 5 DAY OF APRIL, 1988.

MAYOR

ATTEST:

CITY CLERK

524

ORDINANCE NO. 572 BILL NO. 572

AN ORDINANCE RELATING TO DRIVING WHILE LICENSE OR DRIVING PRIVILEGE IS CANCELED, SUSPENDED OR REVOKED, SETTING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Any person whose license and driving privilege as a resident or nonresident has been canceled, suspended, or revoked under provisions of this or any other state law and who drives any motor vehicle upon the highways and streets of this City of Wood Heights while such license and privilege is canceled, suspended or revoked and before an official reinstatement notice or termination notice is issued by the director, is guilty of an ordination violation and shall be fined no less than $ 50.00 and no more than $ 500.00 and/or a period of confinement as sentenced by the judge.

SECTION II

All existing ordinances or parts of ordinances in conflict herewith are hereby repealed on the effective date hereof.

SECTION III

This Ordinance shall take effect from and after its date of passage.

READ TWO TIMES AND PASSED THIS 2nd DAY OF February, 1993.

Melvin Carmichael Jr.
MAYOR AND CHAIRMAN OF THE BOARD OF TRUSTEES, CITY OF WOOD HEIGHTS, MISSOURI

ATTEST:

[illegible]
CITY CLERK

Driving on a suspended, canceled or revoked licenses O#572

Section 5.4 Other Motor vehicle infractions

Fire hydrants O#516

ORDINANCE NO. 516 BILL NO. 516

AN ORDINANCE PROHIBITING PARKING OR STANDING OF VEHICLES, CAMPER-TRAILERS, OR TRAILERS WITHIN FIFTEEN FEET (15') OF A FIRE HYDRANT; PROHIBITING ALL SHRUBS, WEEDS, AND OTHER OBSTRUCTIONS FROM WITHIN FIVE FEET (5') OF A FIRE HYDRANT; SETTING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS, TO-WIT:

SECTION I

It shall be unlawful for any person to stand or park a vehicle, camper-trailer, or trailer, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, within fifteen feet (15') of a fire hydrant within the City limits of the City of Wood Heights, Missouri.

SECTION II

It shall be unlawful for the owner, tenant, or person in possession of real property in the City of Wood Heights, Missouri, to permit any shrubs, weeds or other types of obstructions to be located within five feet (5') of any fire hydrant in the City of Wood Heights, Missouri.

SECTION III

Any person found to be in violation of any Section of this Ordinance, upon conviction, shall be punished by a fine not exceeding One Hundred Dollars ($100.00) or by imprisonment not exceeding ten (10) days, or both such fine and imprisonment for each violation. Each day any such violation is continued shall constitute a separate offense punishable as hereinbefore set forth.

SECTION IV

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

This Ordinance shall take effect from and after its date of passage and approval.

READ THREE TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 3 DAY OF November, 1987.

MAYOR

ATTEST:

CITY CLERK

516

Newly improved roadway/barricade O#9982401

Ordinance No. 9982401

An ordinance established by the Board of Alderman of the City of Wood Heights, protecting the property of the City of Wood Heights and their easements.

Section 1. No driver shall operate a vehicle upon any newly improved or surfaced roadway or sidewalk, where a barricade has been erected to protect the roadway or sidewalk, or where a sign has been erected either warning against such operation or advising that the roadway or sidewalk has been closed to traffic; provided, that in an emergency, a vehicle may be operated over a newly improved sidewalk to the abutting property, if the owner of the property or the operator of the vehicle shall beforehand place metal across and upon the newly improved sidewalk to protect such sidewalk from weight of the vehicle.

Section 2. Any person, firm, corporation or their representatives found to be guilty of violating this ordinance shall be fined no more than $500.00 or no more than ninety days imprisonment or both, for each offense.

Section 3. Any person, firm, corporation or their representatives found to be guilty shall re-imburse the City of Wood Heights or private property owner for damages and repairs incurred.

Read two times and passed this 24 day of August, 1999.

Mayor

Attest

Section 6: Misalliance

Section 6.1 Solicitation (Ord. 990907-3)

Ordinance No. 990907-3

An ordinance established to preserve and promote the public health, safety and welfare of the citizens of Wood Heights. Establishing regulations, fees and settings penalties for failure to comply.

Section 1. Board of Alderman of the City of Wood Heights hereby adopts "Model Peddlers, Solicitors, Itenerant Merchants" Ordinance for cities.

Section 2. Board of Alderman hereby determines that this Model Ordinance is not intended for enforcement of Girl Scouts, Brownies, local school programs, or local non-for profit groups.

Section 3. It hereby is declared to be the intention of the Board of Alderman that each and every part, portion and subportion of this Ordinance shall be separate and severable from each and every other part, portion or subportion hereof and that the Board of Alderman intends to adopt each said part, portion c subportion separately and independently of any other part, portion or subportion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and subportions shall be remain in full force and effect.

Section 4. Any person, firm, corporation or their representatives found to be guilty of the offense of Violating any section of this ordinance shall be punished by a fine not to exceed five hundred dollars or imprisonment for a term not to exceed ninety days or by both such fine and imprisonment.

Section 5. Any other Ordinances of the City of Wood Heights that shall be in conflict with any provision of this Ordinances is hereby repealed as of the date of the passage and adoption thereof.

Passed and approved this 7 day of Sept, 1999.

Mayor

Attest:

DIVISION 1. GENERALLY

Sec. 24-11. Definitions.

For the purposes of this article, a "transient merchant", "itinerant merchant" or "itinerant vendor" is defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar or boat, public room in hotels, lodging houses, apartments or shops, or any street, alley or other place within the city for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided, that this definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of association temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer.

Sec. 24-12. Loud noises prohibited.

No licensee under this article, nor anyone in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any other sound device, including any loud speaking radio or amplifying system, upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

Sec. 24-13. Enforcement; records and reports.

A. It shall be the duty of the police officers or the finance director of the city to examine all places of business and persons in their respective territories subject to the provisions of this article, to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating same.

B. The finance department shall deposit the record of any fingerprints taken of a licensee under this article, together with a license number, with the chief of police; the chief of police shall report to the finance department any complaints against any person licensed under the provisions of this article; and the finance department shall keep a record of all such licenses and of such complaints and violations.

Secs. 24-14 - 24-28. Reserved.

DIVISION 2. LICENSE

Sec. 24-29. Required.

It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor to engage in such business within the city without first obtaining a license therefor in compliance with the provisions of this article.

Sec. 24-30. Application.

Each applicant for a license under this article shall file a written, sworn application, signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the finance department, showing:

A. The names of the persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the city; the local addresses of such persons while engaged in such business; the permanent addresses of such persons; the capacity in which such persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the name is incorporated.

B. Evidence of his fitness to carry on the business for which the license is sought.

C. The places in the city where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that such business shall be conducted.

D. The places, other than the permanent place of business of the applicant, where the applicant, within the six (6) months next preceding the date of such application, conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.

E. A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant in the city; the invoice value and quality of such goods, wares and merchandise; whether the same are proposed to be sold from stock in possession or from stock in possession and by sample, at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where such goods or products are located at the time such application is filed.

F. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers; if required by the finance director, copies of all such advertising, whether by handbills, circular, newspaper advertising or otherwise, shall be attached to such application as exhibits thereto.

G. Whether or not the persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor.

H. Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative.

I. Such other reasonable information as to the identity or character of the persons having the management or supervision of the applicant's business or the method or plan of doing such business as the finance department may deem proper to fulfill the purposes of this article in the protection of the public good.

Sec. 24-31. Investigation; issuance or denial; contents.

Upon receipt of an application for a license under this article the finance department shall investigate the applicant. If it finds that the applicant has been convicted within the past five (5) years of a crime or ordinance which relates to his fitness to carry on the proposed business, the application shall be denied. Otherwise, the license shall be issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of such license, the place where such business may be carried on under the license and the names of the persons authorized to carry on the same.

Sec. 24-32. Bond prerequisite to issuance.

Before any license as provided by this article shall be issued for engaging in a transient or itinerant business in the city, such applicant shall file with the finance department a bond running to the city in the sum of one thousand dollars ($1,000.00), executed by the applicant, as principal, and two (2) sureties upon which service of process may be made in the state; such bond shall be approved by the city counselor and shall be conditioned that the applicant shall comply fully with all of the provisions of this Code and other ordinances of the city and state law regulating and concerning the sale of goods, wares and merchandise and will pay all judgments rendered against such applicant for any violation of such Code, ordinances or statutes, together with all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentation or deception was made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement, or any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold, or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person. Such bond must be approved by the city counselor both as to form and as to the responsibility of the sureties thereon.

Sec. 24-33. Service of process.

Before any license as provided by this article shall be issued for engaging in business as an itinerant merchant in the city, such applicant shall file with the finance department an instrument nominating and appointing the director of finance, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of such applicant in respect to any matters connected with or arising out of the business

transacted under such license and the bond given as required by this article, or for the performance of the conditions of such bond or for any breach thereof, which instrument shall also contain recitals to the effect that the applicant for the license consents and agrees that service of any notice or process may be made upon such agent, and when so made shall be taken and held to be as valid as if personally served upon the person applying for the license under this article, according to the law of this or any other state, and waiving all claim or right of error by reason of acknowledgment of service or manner of service. Immediately upon service of process upon the director of finance, as herein provided, the director of finance shall send to the licensee at his last known address by registered mail a copy of such process.

Sec. 24-34. Fee.

A. Licensees under this article shall pay to the city a fee based upon the gross amount of sales by such persons, which fee shall be at the minimum rate of one hundred dollars ($100.00) per day or five (5) percent, whichever is greater.

B. Every person conducting a business licensed under this article shall, on the first business day of each week, and upon discontinuance of business in the city, present to the finance department, at its office, a verified statement showing the total sales made during the preceding week and shall pay to the finance department the amount of license fee provided for by this section, for sales made during the previous week. The director of finance and any other officer designated by him, shall have power and authority to enter any store, building or any other place in which such temporary business may be conducted at any place during the business hours, for ascertaining the amount of sales made, and shall at all times have access to the books of such business.

Sec. 24-35. Expiration.

All licenses issued under the provisions of this article shall expire ninety (90) days after the date of issuance thereof, unless a prior date is fixed therein.

Sec. 24-36. Transfer.

No license issued pursuant to this article shall in any case be transferred or assigned.

Sec. 24-37. Posting.

The license issued under this article shall be posted conspicuously in the place of business named therein. In the event that such person applying for the license shall desire to do business in more than one place within the city, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

Sec. 24-38. Revocation.

A. Licenses issued pursuant to this article may be revoked by the mayor, after notice and hearing, for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for license.

2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise.

3. Any violation of this article.

4. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.

5. Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address, at least five (5) days prior to the date set for the hearing.

Sec. 24-39. Appeals.

Any person aggrieved by the decision of the finance department in regard to the denial of application for license as provided for in this article, or in connection with the revocation of a license as provided for in this article, shall have the right to appeal to the city council. Such appeal shall be taken by filing with the council, within fourteen (14) days after notice of the decision by the finance department has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The council shall set the time and place for a hearing on such appeal, and notice of such hearing shall be given to such person in the same manner as provided in this article for notice of hearing on revocation. The order of the council on such appeal shall be final.

Secs. 24-40 - 24-50. Reserved.

ARTICLE III. PEDDLERS, SOLICITORS, ETC.

DIVISION 1. GENERALLY

Sec. 24-51. Definitions.

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

Canvasser/solicitor. Any individual, whether a resident of the city or not, traveling by foot, wagon, automobile, motor truck or other type of conveyance, from street to street, from house to house or from place to place, taking or attempting to take orders for sale of goods, wares or merchandise, or personal property of any nature whatsoever, for some future delivery or for services to be performed or to be furnished in the future, whether or not such individual has, carries or exposes for sale a sample of the subject matter of such sales or whether he is collecting advance payments on such sales or not; provided, that this definition shall include any person who, for himself or another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. A "canvasser or solicitor" is further defined as any individual, whether resident of the city or not, who, for himself or any other person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the purpose of taking or attempting to take orders for the sale of goods, wares or merchandise, or personal property of any nature whatsoever, for future delivery or for services to be performed or furnished in the future, by the use of a telephone and the placing of telephone calls to persons living or residing within the city; provided, that it shall not make any difference that any order taken by a telephone call shall be subsequently reduced to writing and executed by the person ordering and purchasing such goods, wares or merchandise.

Peddler. Any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance; provided, that one who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."

Sec. 24-52. Loud noises.

No peddler, nor any person in his behalf, shall shout, make any cry out, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, alleys, parks or other public places, for the purposes of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

Sec. 24-53. Use of streets.

No peddler shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested where his operations might impede or inconvenience the public. For the purposes of this section, the judgement of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Sec. 24-54. Enforcement.

It shall be the duty of any police officer, or the finance department to require any person seen peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his peddler's, solicitor's or canvasser's license, and it shall be the duty of such department or officers to enforce the provisions of this article against any person found to be violating the same. The chief of police shall report to the finance department all convictions for violations of this article, and the finance department shall maintain a record for each license issued and record the reports of violations therein.

Secs. 24-55 - 24-65. Reserved.

DIVISION 2. LICENSE

Sec. 24-66. Required.

It shall be unlawful for any person to engage in the business of peddler, solicitor or canvasser within the corporate limits without first obtaining a license therefor as provided in this article.

Sec. 24-67. Application.

A. Each applicant for a license under this article must file with the finance department a sworn application in writing, in duplicate, on a form to be furnished by the finance department, which shall give the following information:

1. Name and description of the applicant.

2. Permanent home address and full location address of the applicant.

3. A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.

4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.

5. The length of time for which the right to do business is desired.

6. Evidence of his fitness to carry on the business or activity for which the license is sought.

7. In the case of peddlers who will use a vehicle, a description of same, together with license number or other means of identification.

8. In the case of solicitors and canvassers, the name of the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery.

9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any provision of this Code or other municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

B. The applicant shall file with his application a statement by a reputable physician of the city, dated not more than ten (10) days prior to the submission of the application, certifying the applicant to be free of infectious, contagious or communicable disease. At the time of filing the application, a fee of one dollar ($1.00) shall be paid to the finance department to cover the cost of investigation.

Sec. 24-68. Investigation; issuance or denial; contents.

A. Upon receipt of an application under this article, the original shall be referred to the chief of police, who, with the finance department, shall cause an investigation of the applicant. If it is found that the applicant has been convicted within the past five (5) years of a crime or ordinance which relates to his fitness to carry on the proposed business or activity, the chief of police shall endorse on such application his disapproval, and his reasons for the same, and return the application to the finance department, which shall notify the applicant that his application is disapproved and that no license will be issued.

B. If, as a result of such investigation, the applicant is found not to be ineligible for the license, the chief of police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return such permit, along with the application, to the finance department, which upon payment of the prescribed license fee, issues the license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of such licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling, soliciting or canvassing.

Sec. 24-69. Fees for peddlers.

A. The amounts of peddlers' license taxes which shall be paid to the city under this article shall be computed as follows:

1. Three dollars ($3.00) per day, thirty dollars ($30.00) per month or seventy-five dollars ($75.00) per year, for each person proposing to peddle on foot.

2. Three dollars ($3.00) per day, thirty dollars ($30.00) per month or seventy-five dollars ($75.00) per year, for each person proposing to peddle by using a handcart or pushcart.

3. Five dollars ($5.00) per day, thirty dollars ($30.00) per month or seventy-five dollars ($75.00) per year, for each person proposing to peddle from a wagon, motor vehicle, railroad car or other conveyance.

4. No fee shall be required of one selling products of the farm or orchard, or other products actually produced by the seller.

B. For the purposes of this article, any period of seven (7) calendar days or less shall be considered one week, any period of more than seven (7) calendar days and not more than thirty (30) calendar days shall be considered one month and any period of more than thirty (30) calendar days and not more than one calendar year shall be treated as a year. The annual fees herein provided for shall be assessed on a calendar year basis, and on and after July 1 the amount of the fee for such annual licensees shall be one-half the amount stipulated for the remainder of the year.

Sec. 24-70. Fees for canvassers or solicitors.

A. The license fee which shall be charged by the finance department for a license to conduct business as a canvasser or solicitor shall be three dollars ($3.00) per day, thirty dollars ($30.00) per month or seventy-five dollars ($75.00) per year. If the person seeking to conduct a business as a solicitor or canvasser leases any office or other place within the city for a minimum period of one year, using such office to keep business records in connection with all canvassing and soliciting done within the city, the license fee which shall be charged by the finance department for a license to conduct such business as a canvasser or solicitor shall be as follows:

1. One solicitor, thirty dollars ($30.00) per year;

2. Two (2) solicitors, fifty dollars ($50.00) per year;

3. Three (3) solicitors, sixty dollars ($60.00) per year;

4. Four (4) solicitors, sixty-five dollars ($65.00) per year;

5. Five (5) solicitors, seventy dollars ($70.00) per year; and

6. Six (6) solicitors or more, seventy-five dollars ($75.00) per year.

B. The license fee to be charged for a license to conduct business as a canvasser or solicitor shall be one dollar ($1.00) per day, fifteen dollars ($15.00) per month or fifty dollars ($50.00) per year.

C. The annual fees herein provided shall be assessed on a calendar year basis, and on or after July 1 the amount of such fee for annual licenses shall be one-half the amount stipulated above for the

remainder of the year.

D. None of the license fees provided for by this section shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the mayor for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at the time of or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the mayor may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The mayor shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and shall make findings of fact from which he shall determine whether the fee fixed by this section is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the mayor shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsections (a) and (b) of this section. Should the mayor determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of the applicant's business in the city or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor; provided, that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license as prescribed in subsections (a) and (b) of this section.

Sec. 24-71. Bond.

Every applicant for a solicitor's or canvasser's license, not a resident of the city, or who being a resident of the city, represents a firm whose principal place of business is located outside the state, shall file with the finance department a surety bond, running to the city in the amount of one thousand dollars ($1,000.00), with surety acceptable to and approved by the mayor, conditioned that such applicant shall comply fully with all the provisions of this Code and other ordinances of the city and state law regulating and concerning the business of solicitor and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor, and further guaranteeing to any citizen of the city doing business with such solicitor that the property purchased will be delivered according to the representations of such solicitor. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person.

Sec. 24-72. Expiration.

All annual licenses issued under the provisions of this article shall expire on December 31 in the year when issued. Licenses other than annual licenses shall expire on the date specified in the license.

Sec. 24-73. Transfer.

No peddler's license or badge issued under the provisions of this article shall be used or worn at any time by any person other than the one to whom it was issued.

Sec. 24-74. Exhibition.

Peddlers, solicitors and canvassers shall exhibit their license in an open and prominent manner upon their approach to any citizen or resident and at the request of any citizen.

Sec. 24-75. Revocation.

A. Licenses issued under the provisions of this article may be revoked by the finance department after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license.

2. Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler, solicitor of canvasser.

3. Any violation of this article.

4. Conviction of any crime or misdemeanor or ordinance involving moral turpitude.

5. Conducting the business of peddling, soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

Sec. 24-76. Appeals.

A. Any person aggrieved by the action of the chief of police or the finance department in the denial of an application for a license as provided in this article, or in the decision with reference to the revocation of a license as provided in this article, shall have the right of appeal to the council.

B. Any person aggrieved by the action of the chief of police or the finance department in the denial of a license as provided in this article, or the action of the mayor in the assessing of the fee as provided in this article, shall have the right of appeal to the city council.

C. Such appeals shall be taken by filing with the council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in this article for notice of hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive.

(1977, § 22-60)

NOTES

[illegible] ...ation generally, § 1-2. [illegible], taxation and [illegible] ...s regulations, Ch. 17.

State law reference - Authority to license, regulate, etc., peddlers, solicitors, etc., RSMo. § 94.110.

Section 6.2 Destruction of property (Ord. 300)

BILL NO. 300 ORDINANCE NO. 300

AN ORDINANCE RELATING TO THE WILLFUL AND/OR MALICIOUS DESTRUCTION OF, DAMAGE TO, CUTTING DOWN OF, DEFACING OR ALTERING THE APPEARANCE OF THE PROPERTY OF THE VILLAGE OF WOOD HEIGHTS, MO. AND PROVIDING THE PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1. Every person who shall willfully and/or maliciously destroy, cut down, deface or otherwise alter the appearance of any Village of Wood Heights, Mo. property without right shall, upon conviction, be fined not less than one (1) dollar nor more than five hundred (500) dollars, or by imprisonment in the county jail for a term of not less than one (1) day nor more than six (6) months, or by both such fine and imprisonment.

Section 2. This ordinance to take effect and be in force from and after its passage and approval.

PASSED BY THE BOARD OF TRUSTEES AND DULY SIGNED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES THIS 2nd DAY OF May, 1977.

Paul Bruch
CHAIRMAN OF THE BOARD OF TRUSTEES OF THE VILLAGE OF WOOD HEIGHTS, MISSOURI

ATTEST:
Ralph Baughman
VILLAGE CLERK

O#090616-1

BILL NO. 090616-1 **ORDINANCE NO. 090616-1**

AN ORDINANCE PROHIBITING DAMAGE TO THE PROPERTY OF ANOTHER OR TO THE CITY

Be it ordained by the Board of Aldermen of Wood Heights, Missouri as follows:

1. It shall be unlawful for any person to damage, deface, mar or place trash or litter upon property owned by another or by the City.

2. A violation of this ordinance is punishable by a fine not to exceed $500.00.

3. This ordinance shall be in full force and effect immediately upon passage.

ADOPTED AND APPROVED by the Board of Aldermen and Mayor of the City of Wood Heights, Missouri, this 16 day of June, 2009.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Section 6.3 Disturbing the peace O#453

Repealed by 9982403

BILL NO. 453 ORDINANCE NO. 453

AN ORDINANCE DECLARING PEACE DISTURBANCE TO BE UNLAWFUL WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI; PROVIDING FOR ENFORCEMENT AND PUNISHMENT FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. A person commits the unlawful offense of peace disturbance within the City of Wood Heights, Missouri, if:

(1) he unreasonably and knowingly disturbs or alarms another person or persons by:

(a) loud noise; or

(b) offensive and indecent language which is likely to produce an immediate violent response from a reasonable recipient; or

(c) threatening to commit a crime against any person; or

(d) fighting; or

(e) creating a noxious and offensive odor;

(2) he 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 2. Any person violating any provisions of this Ordinance shall upon conviction thereof, be fined in an amount not to exceed Five Hundred Dollars ($500.00) or by imprisonment for not more than ninety (90) days or both such fine and imprisonment.

Section 3. This Ordinance shall be in full force and effect from and after the date of passage and approval.

READ three times and PASSED by the Board of Aldermen and approved by the Mayor this 1st day of April, 1984.

Mayor

ATTEST:

City Clerk

453

Repealed by 99824-03

Ordinance Number 99824-03

An ordinance establishing the offense of peace disturbance and setting the punishment for violations thereof.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI AS FOLLOWS:

SECTION 1.

A person shall commit the crime of peace disturbance if:

1. He unreasonably and knowingly disturbs or alarms another person by:
   a. Loud noise; or
   b. Offensive language addressed in a face to face manner to a specific individual and uttered under circumstances that 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 that 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 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 2.

Any person found to be guilty of the offense of Peace Disturbance shall be punished by a fine not to exceed Five Hundred Dollars or imprisonment for a term not to exceed ninety days or by both such fine and imprisonment.

SECTION 3.

It hereby is declared to be the intention of the Board of Alderman that each and every part, portion and subportion of this Ordinance shall be separate and severable from each and every other part, portion or subportion hereof and that the Board of Alderman intends to adopt each said part, portion or subportion separately and independently of any other part, portion or subportion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and subportions shall be and remain in full force and effect.

SECTION 4.

Any other Ordinances of the City of Wood Heights that shall be in conflict with any provision of this Ordinance is hereby repealed as of the date of the passage and adoption hereof.

Passed and approved this 24 day of August, 1999.

Mayor

Attest:

Section 6.4 Noise control (Ord. 10092201)

COP

Bill No. 10092201 Ordinance No. 10092202

AN ORDINANCE ESTABLISHING A VIOLATION FOR LOUD NOISE IN THE CITY OF WOOD HEIGHTS, MISSOURI BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1. LOUD NOISE PROHIBITED.
a) It shall be unlawful for any person to make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, response health, peace or safety of others within the city limits of the city.
b) The acts described in this division, among other, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive.

SECTION 2. HORNS AND SIGNALING DEVICES.
The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as danger warning; the creating by means of any such signaling device of any unreasonable loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up, is hereby declared unlawful.

SECTION 3. RADIOS, PHONOGRAPHS, etc.
a) It shall be unlawful to play or permit to be played any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound in a manner that disturbs the peace, quiet or comfort of the neighboring inhabitants.
b) Playing or permitting to be played any device described in (a) so that it is plainly audible at a distance of fifty (50) feet from the building, structure or outdoor area in which the device is located shall be prima facie evidence of a violation of this section.
c) Playing or permitting to be played any device described in subsection (a) so that it is plainly audible at a distance of one hundred (100) feet from the building, structure or outdoor area in which the device is located shall be prima facie evidence of a violation of this section.
d) Except as allowed in division 2 of this article, it shall be unlawful for the operator of any vehicle to play or permit to be played any sound producing or sound amplifying device in or on the vehicle so that it is plainly audible at a distance of fifty (50) feet from the vehicle.

SECTION 4: YELLING, SHOUTING, etc. Yelling, shouting, hooting, whistling, offensive language or singing on a public street, at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or any dwelling, hotel or other type of residence, or of any persons in the vicinity, is hereby declared unlawful.

SECTION 5. ANIMALS
a) The keeping of any animal that, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity is hereby declared unlawful.
b) No person shall own, keep or harbor any dog which, by loud, continual or frequent barking, bowling or yelping, shall annoy or disturb any neighborhood or any person, or which habitually barks at or chases pedestrians, or vehicles, whatsoever, to the annoyance of such pedestrian or drivers of such vehicles; provided, however that this section shall not apply to the city dog pound, veterinary offices and hospitals, or license kennels or pet shops.

SECTION 6: BLOWING WHISTLES
The blowing of any locomotive whistle or whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon specific permission of the city council, is hereby declared unlawful.

SECTION 7: MUFFLERS REQUIRED
The discharge into the open air of the exhaust of any stem engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises there from, is hereby declared unlawful.
a) Except as provided in this section, no person shall use motor vehicle unmuffled compression brakes within the city limits of Wood Heights. It shall be an affirmative defense that said unmuffled compression brakes were applied in an emergency to protect people+ and /or property.
b) This section shall not apply to vehicles of any municipal fire department, whether or not responding to an emergency.
c) As used in this section, the term "compression brakes" means the use of the engine and transmission to retard the forward motion of a motor vehicle by compression of the engine. "Compression brakes" are also referred to as "Jake Brakes (brand name)".
d) The City of Wood Heights shall post at reasonable locations within the boundaries of the City signs indicating "unmuffled compression brakes prohibited" or substantially similar wording. The City Engineer shall have authority to post signs pursuant to this section on roads in the City of Wood Heights in response to reasonable requests from the community or the Board of Alderman.

SECTION 8: MOTORS OUT OF REPAIR: LOADS
The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise, is hereby declared unlawful.
SECTION 9: LOADING AND UNLOADING
The creation of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is hereby declared unlawful.

SECTION 10: CONSTRUCTION, REPAIR AND DEMOLITION OF BUILDING, STREETS
a) 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 sunrise and sunset. b) 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 sunrise and sunset. Nothing in this article shall prevent work on any public street, including utility installation, removal or repair, when the City of Wood Heights has determined that the work is necessary in order to minimize traffic disruption.
c) 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 sunrise and sunset.
d) 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 sunrise and sunset.
e) Permits: Upon application, the City of Wood Heights may grant a permit to any person extending the hours of work set forth in subparagraphs (a) through (d) 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 of Wood Heights. A permit authorized by this subsection shall be granted only if the City of Wood Heights 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.
f) Fees: The city shall receive a fee of $15.00 upon receipt of an application for a permit as provided for in subparagraph (e).

SECTION II: IN VICINITY OF SCHOOLS AND CHURCHES
The creation of any excessive noise on any street adjacent to any school, institution of learning,

or church, while the same is in use, which disturbs or unduly annoys is hereby declared unlawful.

PENALTY
Any person violating any of the provisions of this article shall be deemed guilty of misdemeanor; and upon conviction thereof, shall be punished by a fine of less than one dollar($1.00) to five hundred ($500.00). Each day such violation committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. It shall be the duty of the Chief of Police and officers of the Police Department to enforce the provisions of this ordinance.

Section III. This Ordinance shall be in effect from and after the date of its passage and approval. All Ordinances or parts of Ordinances in conflict hereafter are hereby repealed (Ordinance Number 98-824-03 and Ordinance 246 are repealed).

Read three times and PASSED by the Board of Alderman and approved by the Mayor this 22 day of September, 2010.

_____
John D. Allen, Mayor

ATTEST:

_____
Kimberly Easley, City Clerk

Section 6.5 Indecent Exposure (Ord. 456)

hereto and incorporated herein by reference as if fully set forth herein.

SECTION 3
All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4
This ordinance shall become effective upon its passage and approval and upon execution by all parties to said contract.

Read three times and passed on August 13, 1990.

ORDINANCE NO. 547

AN ORDINANCE IN RELATION TO THE MAKING OF A CONTRACT FOR RESIDENTIAL SOLID WASTE COLLECTION; PROVIDING FOR AUTHORIZATION OF THE MAYOR AND CITY CLERK TO ENTER INTO SAID CONTRACT; PROVIDING FOR THE EFFECTIVE DATE OF SAID CONTRACT; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

SECTION 1
So that the residents of Wood Heights, Missouri, might have solid waste disposal in accordance with the requirements and the laws of the State of Missouri, the mayor and city clerk of the city of Wood Heights are authorized on behalf of the city of Wood Heights to execute a contract with J. & J. Disposal, Partners, L.P. for the collection of residential solid waste within the corporate limits of the city of Wood Heights, Missouri.

SECTION 2
A copy of said contract for residential solid waste collection between the city of Wood Heights and J. & F. Disposal, Partners, L.P., as approved by the board of aldermen, is attached

Section 6.6 Signs (Ord. 434)

BILL NO. 434 ORDINANCE NO. 434

AN ORDINANCE REGULATING SIGNS WITHIN THE CITY OF WOODS HEIGHTS, MISSOURI.

WHEREAS, the Board of Aldermen of the City of Wood Heights, Missouri finds and declares that outdoor advertising signs are a legitimate commercial use of private property within the City; and

WHEREAS, it is necessary to regulate and control such signs in order to promote highway safety, to promote convenience and enjoyment of highway travel, to preserve the natural scenic beauty of highways and adjacent areas within the City, and to promote the general health, safety and welfare of the citizens and denizens of the City of Wood Heights; and

WHEREAS, it is the policy of this City that the display and maintenance of outdoor advertising signs within the City be regulated in accordance with the following;

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. Definitions: For the purposes of this Ordinance and when not inconsistent with the context, the following words, terms and all derivations thereof shall have the meaning ascribed herein. Words used in the plural number shall include the singular number, words used in the singular number shall include the plural number, and words in the masculine gender shall include the feminine and neutral genders.

(a) "Abandoned" means, when applied to any sign, that such sign has not served an advertising or informational purpose, or

(c) "Day" means the twenty-four hour period from midnight to the next following midnight, or any portion thereof.

(d) "Display" means to expose, exhibit or make visible to the public, and includes all physical acts in preparation or furtherance of erecting any sign.

(e) "Initial Cost of Display" means all planning, construction, erection and display costs actually incurred by the person paying the costs of the display, from initial conception of the idea to display a sign up to and including the final display of the completed sign, but shall not include the cost of electricity used to illuminate the sign. In the absence of evidence to the contrary, it shall be presumed that the initial cost of display did not exceed One Dollar ($1.00) per square foot of surface area.

(f) "Person" means any natural person, corporation, association, partnership or any other entity or being recognized in law as capable of enjoying legal rights or subject to legal obligations, and includes any agent or employee of a person.

(g) "Road" means any street, highway or other condition upon land used for motor vehicle traffic.

(h) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard or any other outdoor thing designed, intended or used to advertise or convey information to any person.

(i) "Substantially Destroyed" means that the total reasonable cost of repair or replacement exceeds fifty per cent (50%) of the initial cost of display. Substantially destroyed encompasses destruction or damage to a sign from any cause, and includes signs which have become a health or safety hazard or are in disrepair.

not including any supports, uprights or bracing unless same shall clearly serve an advertising or sign function. In calculating the surface area of any sign, only the largest plane or face of any double-faced sign shall be counted; provided, that if the angle between the two faces of any such sign shall exceed 15 degrees, then the total surface area shall include the total area of both such planes or faces.

(k) "Traffic Sign" means any sign erected by or at the direction of any governmental body or agency.

Section 2. Signs Prohibited: On and after the passage and approval of this Ordinance it shall be unlawful for any person to display or cause to be displayed any sign within the City except as otherwise permitted herein.

Section 3. Signs Exempted: The following signs are hereby exempted from the provisions of this Ordinance:

(a) Signs, flags or emblems of any governmental, civic, philanthropic, educational or religious organizations; provided, such signs shall not exceed thirty square feet in surface area;

(b) Traffic signs.

(c) Signs advertising hospitals or airports; and

(d) Signs displayed prior to passage and approval of this Ordinance; provided, that such signs shall conform to and comply with this Ordinance whenever such signs shall be removed, abandoned, or are substantially destroyed after this Ordinance becomes effective.

Section 4. General Restrictions: All signs regulated by this Ordinance shall, unless hereinafter otherwise provided, conform to the following:

(a) Size: No sign shall exceed 12 feet in height nor 24

except that this sentence shall not apply to temporary Christmas lights nor to signs displaying the time, date, temperature or similar public service information, and which lights and signs do not unreasonably distract or interfere with a motorist's attention to driving a motor vehicle. In any event, no revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign nor shall any sign be so illuminated that it interferes with the effectiveness of or obscures any traffic sign. External lighting, such as flood lights, thin line and gooseneck reflectors, shall be permitted only if the light source is directed upon the face of the sign and is effectively shielded to prevent beams or rays of light from shining or reflecting onto any portion of any road or onto any adjacent lot or parcel of land not owned by the sign owner or lessor, and which lights are not of such intensity so as to cause glare to, impair the vision of, or otherwise interfere with any driver of a motor vehicle.

(c) Spacing: No sign shall be displayed within one hundred feet of an existing sign regulated hereunder and located on the same side of any road. No sign shall be displayed within 50 feet of any sidewalk or road. The distance between such signs, or between any sign and any sidewalk or road, shall be measured along a straight line comprising the shortest distance between any portion of such signs or such sign and the nearest edge of any sidewalk or road.

(d) Maintenance: All signs shall be maintained in good repair and shall be securely affixed to a sturdy and substantial supporting structure. All signs shall have a clean and neat

(e) Prohibited Locations: No sign shall be displayed or maintained upon any tree, rock or other natural feature.

Section 5. Penalties: Any person who shall violate any provision of this Ordinance shall, upon conviction, be fined a sum not to exceed Five Hundred Dollars ($500.00). Each day of violation shall constitute a separate offense hereunder.

Section 6. Severability: If any portion of this Ordinance shall be found to be unconstitutional or in conflict with any provision of State or Federal Law by a Court of competent jurisdiction, then the remaining portions of this Ordinance shall continue in full force and effect.

PASSED this ____ day of _____, 1983.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED this ____ day of _____, 1983.

_____
Mayor

Section 6.7 Failure to appear in court (Ord. 576)

ORDINANCE NO. 576 Bill No. 576

AN ORDINANCE REGULATING FAILURE TO APPEAR IN COURT.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

1. Any person who willfully violates his promise to appear in Municipal Court, given at the time of the service of a summons or warrant notifying him of his court appearance date or who shall willfully fail to appear in Municipal Court in response to a summons or warrant that has been served upon him, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

SECTION II

All Ordinances and parts of Ordinances that conflict with this ordinance are hereby repealed.

This Ordinance shall take effect from and after its date of passage.

READ TWO TIMES AND PASSED THIS 6th DAY OF April, 1993.

MAYOR AND CHAIRMAN OF THE BOARD OF ALDERMEN, CITY OF WOOD HEIGHTS, MISSOURI

ATTEST:

CITY CLERK

Section 6.8 Trespassing (Ord.160)

ORDINANCE NO. 160

AN ORDINANCE MAKING IT UNLAWFUL FOR ANY PERSON TO TRESPASS UPON THE POSTED REAL ESTATE OF ANOTHER; AND PROVIDING A CRIMINAL PENALTY THEREFORE.

SECTION 1: TRESPASS ON POSTED REAL ESTATE

No person shall willfully enter or go upon the enclosed premises of another, whereon the owner, or other person in charge of said premises, shall have previously posted plainly written signs or warnings thereon, where they may be readily seen, using the words *No Trespassing, Keep Out*, or words of similar meaning; and no person shall molest, injure and remove or destroy any such sign or warning so posted by the owner or person in charge of said premises.

SECTION 2: PENALTY

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $100.00 or confinement in the county jail for not more than ninety days, or by both such fine and confinement.

Passed on May 22, 1973.

Section 6.9 Fines

Section 6.9.1 Court cost for training (Ord. 586)

ORDINANCE NO. 586

AN ORDINANCE PROVIDING FOR THE COLLECTION OF ADDITIONAL COURT COSTS TO BE USED FOR THE POLICE OFFICER TRAINING FUND IN THE CITY OF WOOD HEIGHTS, MISSOURI.

SECTION 1
All fines collected by the municipal court of Wood Heights for violations or infractions of ordinances of the city will have a $2.00 charge added to the costs collected by the court. The municipal clerk shall be responsible for making monthly deposits of all moneys collected into the Training Fund for Police Officers of Wood Heights, Missouri.

SECTION 2
Pursuant to Section 590.140(1) RSMo. (1993), no such fee shall be collected for non-moving traffic violations, for fish and game regulations, or in cases where the proceeding has been dismissed.

SECTION 3
Pursuant to Section 590.140(2) RSMo. (1993), the city shall use funds received under this ordinance only to pay for the training required in Section 590.100, RSMo. (1993), et seq. The municipal clerk shall not retain more than $1,500.00 of such funds for each certified police officer. In the event that funds in excess of this amount are collected, the excess shall be turned into the general revenue fund of the city of Wood Heights, Missouri.

SECTION 4
All existing ordinances or parts of ordinances in conflict herewith are hereby repealed on the effective date hereof.

SECTION 5
This ordinance shall take effect from and after its date of passage.

Read two times and passed on December 7, 1993.

Section 6.9.2 Court costs to shelters for the victims of domestic violence (Ord. 596)

BILL NO. 596 ORDINANCE NO. 596

ORDINANCE AUTHORIZING THE COLLECTION AND DISTRIBUTION OF $1.00 COURT COSTS TO SHELTERS FOR THE VICTIMS OF DOMESTIC VIOLENCE PURSUANT TO RSMo 445.200 TO 455.230.

Whereas, Section 445.215 RSMo provides for an additional court cost in an amount not to exceed one dollar per case for each municipal ordinance violation case filed before a municipal judge. In the event a defendant pleads guilty or is found guilty, the judge may assess the additional cost against the defendant, except in those cases where the defendant is found by the judge to be indigent.

Whereas, no other application was made to the City by any shelter for funding within the time designated by 455.215, and

Whereas, the City finds that SafeHaven of Kansas City, Inc. is the only shelter who would qualify for such funds.

Now, therefore, be it ordained by the Board of Alderman of The City of Wood Heights, as follows:

Section 1. An additional one dollar ($1.00) per court cost shall be assessed to any municipal ordinance violation case filed before the municipal judge.

Section 2. The additional one dollar ($1.00) per court cost are to be paid to SafeHaven of Kansas City, Inc.

Section 3. The funds collected from said source shall be paid to the shelter monthly on the 15th day of the month following each court date, or as soon thereafter as practical.

READ TWO TIMES AND PASSED THIS 18th DAY OF October, 1995

Melvin Carmichael Jr
MAYOR

SEAL

ATTEST:

CITY CLERK

Section 6.9.3 Combining all court cost (Ord. 050111-1)

BILL NO. 050111-1 ORDINANCE NO. 050111-1

AN ORDINANCE COMBINING ALL COURT COSTS AUTHORIZED OR REQUIRED BY LAW.

BE IT ORDAINED, BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

1. *Costs of Court* in the amount of 12.00.

    a. *Police Officer Training Fee.* A fee of Three Dollars ($3.00) is hereby established and assessed as additional Court Costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.

        1. Two dollars ($2.00) of each such Court cost shall be transmitted monthly to the Police Officer Training Fund and used to pay for Police Officer training as provided by Sections 590.010 to 590.180 RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars ($1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City and will be administered by the Chief of Police or designate. Any excess funds shall be transmitted quarterly to the City's general fund.

        2. One dollar ($1.00) of each such Court Cost shall be sent to the StateTreasury to the credit of the Peace Officer's Standards and TrainingCommission Fund created by Section 590.178, RSMo.

    b. *Crime Victim's Compensation Fund.* An additional sum of seven dollars Fifty cents ($7.50) shall be assessed, 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 subsection shall be paid at least monthly as follows:

        1. Seven dollars thirteen cents ($7.13) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045, RSMo.
        2. Thirty-seven cents ($.37) shall be paid to the City's General Fund.

c. *Judicial Education and Training Fund.*

1. The Municipal Court is hereby authorized to additionally collect one dollar ($1.00) of the court costs collected on each case.
2. The funds retained by the Municipal Court pursuant to this ordinance shall only be used for the continuing education and certification required of the Municipal Judges by law or Supreme Court Rule, and the judicial education and training for the Court Administrator and Clerk of the Municipal Court.
3. The funds retained are further limited in that the Municipal Court shall not retain more than one thousand five hundred dollars ($1,500.00) in the fund for use by the Judge, Administrator, or Court Clerk. Any excess funds shall be transmitted quarterly to the City's General Revenue Fund.

d. *Domestic Violence Shelter.*

1. The City of Wood Heights finds that Synergy Services qualifies for funds under Section 445.215 RSMo.
2. One dollar ($1.00) shall be assessed as additional Court Costs on each proceeding.
3. The additional one dollar ($1.00) shall be paid to Synergy Services, Inc.
4. The funds collected from said source shall be paid to the shelter monthly.

e. *Reimbursement of certain costs of arrest.*

1. Upon a plea or a finding of guilty for the offense of violating the provisions of an ordinance of the City of Wood Heights, involving alcohol-or-drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
2. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
3. The Police Department shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.

4. Upon receipt of such additional costs authorized by this section, the Municipal Court Clerk shall retain such costs in a separate fund to be known as the Alcohol-Drug/Incarceration Fund.

f. Actual costs assessed against the City of Wood Heights for apprehension and/or confinement in the County Jail facility.

2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Read two times and passed by the Board of Aldermen for the City of Wood Heights, Missouri on this 11th day of January, 2005.

John D. Allen, Mayor

ATTEST:

Eileen McRorey, City Clerk

Amended by O#050614-1

BILL NO. 050614-1 ORDINANCE NO. 050614-1

AN ORDINANCE AMENDING ORDINANCE 050111-1, COMBINING ALL COURT COSTS AUTHORIZED OR REQUIRED BY LAW.

BE IT ORDAINED, BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

SECTION 1: Subsection d. shall be changed to read:

d. Domestic Violence Shelter.

1. The City of Wood Heights finds that Synergy Services qualifies for funds under Section 445.215 RSMo.
2. Two dollars ($2.00) shall be assessed as additional Court Costs on each proceeding.
3. The additional two dollars ($2.00) shall be paid to Synergy Services, Inc.
4. The funds collected from said source shall be paid to the shelter monthly.

This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Read two times and passed by the Board of Aldermen for the City of Wood Heights, Missouri on this 14th day of June, 2005.

John D. Allen, Mayor

ATTEST:

Eileen McRorey, City Clerk

O#1001

Bill No. 1000 Ordinance No. 1001

AN ORDINANCE ADOPTING A MINIMUM FINE FOR THE VIOLATION OF CITY ORDINANCES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1: Any person violating any of the provisions of any ordinance of the city of Wood Heights, Missouri, or neglecting or refusing to comply therewith shall upon conviction therefore be punished, by imprisonment where designated by law, for a period of not less than one (1) day nor more than ninety (90) days or by a fine of not less than one dollar ($1.00) nor more than five hundred dollars ($500.00), or by both such fine and imprisonment.

All existing ordinances or parts of ordinances in conflict herewith are hereby repealed on the effective date hereof.

This ordinance shall take effect from and after its date of passage.

Read two times and passed this 26th day of July, 2005.

Frank Davitt, Mayor Pro-Tem

ATTEST:

Sandra Davitt, Deputy City Clerk

Section 6.10. Bad checks (Ord. 581)

ORDINANCE NO. 581 Bill NO. 581

AN ORDINANCE PROVIDING FOR THE CRIME OF AND PENALTY FOR THE PASSING OF A BAD CHECK.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Ordinances of the City of Wood Heights, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION II

1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, he makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) He makes, issues, or passes a check or other similar sight order for the payment of money knowing that there are insufficient funds in his account or that there is no such account or no drawee and fails to pay the check or sight order within ten 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.

2. As used in subdivision (2) of subsection 1 of this section, actual notice in writing means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied by written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amount of any bad checks passed pursuant to one course of conduct within any ten-day period, may be aggregated in determining the grade of the offense.

4. Passing bad checks is punishable by the following fines and/or jail time:

(1) The face amount of the check or sight order or the aggregated amounts is one hundred fifty dollars ($150.00) or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, then

if convicted under subpart (1) or (2) above, the range of punishment shall be a minimum fine of Fifty dollars ($ 50.00) and a maximum fine of Five Hundred dollars ($ 500.00) and/or jail time not to exceed 60 days at the discretion of the judge.

(3) The face amount of the check or sight order is less than one hundred fifty dollars ($150.00) then

if convicted under subpart (3) the minimum fine for the offense is twenty-five dollars ($25.00) and/or jail time at the discretion of the judge.

SECTION III

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect from and after its date of passage.

READ TWO TIMES AND PASSED THIS 1st day of June, 1993.

Melvin Carmichael Jr.
Mayor

ATTEST:

City Clerk

(Based upon state statute R.S.Mo. Section 570.120)

Section 6.11 Charge codes (Ord. 97805)

In minutes

ORDINANCE NO. 97805 BILL NO. _____

AN ORDINANCE ADOPTING THE MISSOURI CHARGE CODE MANUAL AND ALL PARTS RELATING TO THE UNIFORM CRIME REPORTING SYSTEM CODES, MAJOR CATEGORY IDENTIFIERS FOR CHARGE CODES AND NCIC/STATE MODIFIERS, WITH THE REVISED MISSOURI STATE STATUTE NUMBERS ALL INCLUSIVE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

SECTION I. ALL CHAPTERS OF THE MISSOURI STATE STATUTE NUMBERS, COMMONLY KNOWN AS THE "MISSOURI CHARGE CODE MANUAL," IS HEREBY ADOPTED AS AND FOR THE WOOD HEIGHTS POLICE DEPARTMENT CHARGE CODE ORDINANCE OF THIS CITY WITH LIKE EFFECT AS IF RECITED AT LENGTH HEREIN.

SECTION II. UNLESS ANOTHER PENALTY IS EXPRESSLY PROVIDED BY LAW, EVERY PERSON IN VIOLATION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NO LESS THAN ONE DOLLAR ($1.00), AND NO MORE THAN FIVE HUNDRED DOLLARS, ($500.00), OR BY PUNISHMENT OF NOT MORE THAN NINETY (90) DAYS IMPRISONMENT OR BY BOTH FINE AND IMPRISONMENT.

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS _____ DAY _____, 1997.

_____
MAYOR

Melvin McCarmichael
Mayor

ATTEST:

_____
LISA VASSAR
CITY CLERK

SEAL

Section 6.12 Curfew

Section 6.12.1 No one under age of 14 to be at lake without parents (Ord. 90)

BILL NO. 90
ORDINANCE NO. 90

AN ORDINANCE ALLOWING NO ONE UNDER FOURTEEN YEARS OF AGE TO BE AT THE LAKE WITHOUT THEIR PARENTS.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows:

No one under the age of fourteen years shall be allowed to be at the Wood Heights Lake without their parents.

Passed and approved this 7th. day of May, 1968.

Signed
Joe Cox
Mayor

Attest:
City Clerk

(Seal of City)

Section 6.12.2 Curfew (Ord. 980203-1)

ORDINANCE NO. 980203-1

AN ORDINANCE, PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE OF MINORS UNDER THE AGE OF SEVENTEEN (17), AND ESTABLISHING A CURFEW FOR MINORS UNDER THE AGE OF SEVENTEEN (17) WITHIN THE CORPORATE LIMITS OF THE CITY OF WOOD HEIGHTS, MISSOURI, AND PRESCRIBING PENALTIES TO BE ASSESSED.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION I.

It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll, drive or ride in a vehicle or play in or upon the public streets, highways, roads, alleys, parks, or other public grounds, public places and public buildings, vacant lots or other unsupervised places between the hours of 1:00a.m. and 6:00a.m. provided, that this section shall not apply to a minor accompanied by his parent, guardian or other adult having the care and custody of the minor, or where the minor is on an emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of the minor, Each violation of the provisions of this subsection shall constitute a separate offense.

SECTION II:

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to violate the provisions of subsection (I) of this section. Each violation of the provisions of this subsection shall constitute a separate offense.

SECTION III.

Any police officer finding a child violating the provisions of subsection (I) of this section shall warn the child to desist immediately from such violation and take the child home to his parent or guardian. If such parent or guardian cannot be located, the police officer shall retain custody until the parent or guardian is located and the child delivered to such parent or guardian. The officer shall also report the violation to his superior officer, who shall cause a written notice to be served on the parent, guardian or person in charge of the child, setting forth the manner in which this section has been violated. Any parent, guardian or person in charge of such child who knowingly permits such child to violate the provisions of subsection (I) of this section, after receiving notice of the first violation shall upon conviction, be deemed guilty of a misdemeanor.

repealed

Section 6.12.3 Curfew for those under 16 (Ord. 030513-1)

ORDINANCE NO. 030513-1 BILL NO. 030513-1

AN ORDINANCE, PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE OF MINORS THE AGE OF SIXTEEN (16) AND UNDER, AND ESTABLISHING A CURFEW FOR MINORS THE AGE OF SIXTEEN (16) AND UNDER WITHIN THE CORPORATE LIMITS OF THE CITY OF WOOD HEIGHTS, AND PRESCRIBING PENALTIES TO BE ASSESSED.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION I:

It shall be unlawful for any minor 16 and under to loiter, idle, wander, stroll, drive, prowl, linger, peek in windows, run through yards or ride in a vehicle or play in or upon the public streets, highways, roads, alleys, parks, or other public grounds, public places and public buildings, vacant lots, or other unsupervised places or private property without the owners' consent, between the hours of 11 p.m. to 6 a.m.

SECTION II:

This curfew ordinance will not apply to the aforementioned minors if they are in the custody of a parent or legal guardian, on an emergency errand or legitimate business directed by his or her parent or legal guardian or other adult having control over said minor. This ordinance also will not apply to minors at the City Lake as long as they are there under the knowledge of their parents and/or legal guardians, and are fishing and/or congregating as long as a breach of the peace is not occasioned. This ordinance furthermore will not apply to licensed drivers or occupants of vehicles who at the age of 16 may operate a motor vehicle until 1 a.m. Under the 1 a.m. provision, the minor will not be allowed to operate a motor vehicle after 11 p.m. for the purpose of cruising. A minor found cruising will be advised to go home, and if subsequent contact is made, followed home and the parents and/or legal guardian contacted.

SECTION III:

It shall be unlawful for the parent, legal guardian or other adult having care, custody and control over said minor to permit such minor to violate the aforementioned provisions. Violation of said ordinance will constitute a city infraction.

Section 6.13 Mobile Homes

Section 6.13.1 Mobile homes (Ord. 473)

ORDINANCE NO. 473

AN ORDINANCE PROHIBITING THE PARKING OF MOBILE HOMES WITHIN THE CITY OF WOOD HEIGHTS; PROVIDING FOR EXCEPTIONS THERETO; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SECTION 1: Mobile home defined.
Any vehicle or structure not meeting local building codes, so designed and constructed in such a manner as will permit permanent occupancy thereof as living and sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade, or use as a selling or advertising device, and so designed that it is or may be mounted on wheels and conveyed on highways or streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks, and excepting the storage of campers or other recreational vehicles.

SECTION 2: Non-conforming mobile home.
Any mobile home which was lawfully erected and maintained prior to such time as it came within the purview of this ordinance.

SECTION 3: Except for any non-conforming mobile homes and except for the storage of campers or other recreational vehicles on real property of the owner or lessee thereof, no person shall park or occupy any mobile home within the city limits of Wood Heights, Missouri.

SECTION 4: In the event that any non-conforming mobile home shall be removed or destroyed and not replaced with another mobile home within ninety days thereafter, after the effective date of this ordinance, no replacement mobile home shall thereafter be permitted.

SECTION 5: Emergency or temporary stopping or parking of mobile homes.
Emergency or temporary stopping or parking of mobile homes is permitted on any street for not longer than forty-eight hours, subject to any other prohibitions or limitations imposed by the traffic and parking regulations for that street.

SECTION 6: Penalty.
Any person violating any provision of this ordinance shall upon conviction thereof be fined in an amount not to exceed five hundred dollars and/or imprisoned for a term not to exceed six months. Each day any such violation occurs or continues shall be considered a separate offense punishable hereunder.

SECTION 7: All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

SECTION 8: This ordinance shall take effect from and after its date of passage and approval.

Read three times and passed on October 1, 1985.

Section 6.13.1.1 Amend Ord. 473 (Ord. 980409-1)

ORDINANCE NO. 980409 -1

AN ORDINANCE AMENDING ORDINANCE NO 473 OF THE CITY OF WOOD HEIGHTS GOVERNING THE PARKING OF MANUFACTURED HOMES/MOBILE HOMES WITHIN THE CITY OF WOOD HEIGHTS; PROVIDING FOR EXCEPTIONS THERETO; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1. MANUFACTURED HOME DEFINED/MOBILE HOME ANY VEHICLE OR STRUCTURE NOT MEETING LOCAL BUILDING CODES, SO DESIGNED AND CONSTRUCTED IN SUCH A MANNER AS WILL PERMIT PERMANENT OCCUPANCY THEREOF AS LIVING AND SLEEPING QUARTERS FOR ONE (1) OR MORE PERSONS, OR THE CONDUCT OF ANY BUSINESS OR PROFESSION, OCCUPATION OR TRADE, OR USE AS A SELLING OR ADVERTISING DEVICE, AND SO DESIGNED THAT IT IS OR MAY BE MOUNTED ON WHEELS AND CONVEYED ON HIGHWAYS OR STREETS, PROPELLED OR DRAWN BY ITS OWN OR OTHER MOTIVE POWER, EXCEPTING A DEVICE USED EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS, AND EXCEPTING THE STORAGE OF CAMPERS OR OTHER RECREATIONAL VEHICLES.

SECTION 2. NONCONFORMING MANUFACTURED HOME/MOBILE HOME. ANY MANUFACTURED HOME WHICH WAS LAWFULLY ERECTED AND MAINTAINED PRIOR TO SUCH TIME AS IT CAME WITH THE PURVIEW OF THIS ORDINANCE.

SECTION 3. EXCEPT FOR ANY NONCONFORMING MANUFACTURED HOMES/MOBILE HOMES AND EXCEPT FOR THE STORAGE OF CAMPERS OR OTHER RECREATIONAL VEHICLES ON REAL PROPERTY OF THE OWNER OR LESSEE THEREOF, NO PERSON SHALL PARK OR OCCUPY ANY MANUFACTURED HOME/MOBILE HOME WITHIN THE CITY LIMITS OF WOOD HEIGHTS, MISSOURI ON LESS THAN SEVEN ACRES OF REAL PROPERTY.

SECTION 4. ANY PERSON, FIRM, OR CORPORATION REQUESTING TO PLACE A MANUFACTURED HOME/MOBILE HOME ON SEVEN ACRES OR MORE MUST OBTAIN A BUILDING PERMIT AND PRESENT SAID PERMIT TO THE BOARD OF ALDERMAN AND OR, PLANNING AND ZONING COMMITTEE FOR APPROVAL PRIOR TO PLACEMENT OF MANUFACTURED HOME/MOBILE HOME ON SEVEN ACRES OR MORE OF REAL PROPERTY.

SECTION 5. ANY PERSON, FIRM, OR CORPORATION PLACING A MANUFACTURED HOME/MOBILE HOME WITHIN THE CITY OF WOOD HEIGHTS ON SEVEN ACRES OR MORE OF REAL PROPERTY MUST COMPLY WITH THE FOLLOWING REGULATIONS:

A.) MANUFACTURED HOME/MOBILE HOME MUST BE 1000' SQ.FT OR MORE.

B.) MANUFACTURED HOME/MOBILE HOME MUST BE PLACED ON A PERMANENT FOUNDATION COMPLYING WITH ALL CURRENT STANDARD UNIFORM BUILDING CODES.

Z

SECTION 6. IN THE EVENT THAT ANY NONCONFORMING MOBILE HE/MANUFACTURED HOME SHALL BE REMOVED OR DESTROYED, AND NOT PLACED WITH ANOTHER MANUFACTURED HOME/MOBILE HOME WITHIN NINETY 9) DAYS THEREAFTER, NO REPLACEMENT MANUFACTURED HOME/MOBILE HOME ALL THEREAFTER BE PERMITTED.

SECTION 7. EMERGENCY OR TEMPORARY STOPPING OF PARKING OF NUFACTURED HOME/MOBILE HOMES. EMERGENCY OR TEMPORARY STOPPING OR RKING OF MANUFACTURED HOMES/MOBILE HOMES IS PERMITTED ON ANY REET FOR NOT LONGER THAN FORTY EIGHT (48) HOURS, SUBJECT TO ANY HER PROHIBITIONS OR LIMITATIONS IMPOSED BY THE TRAFFIC AND RKING REGULATIONS FOR THAT STREET.

SECTION 8. PENALTY. ANY PERSON, FIRM OR CORPORATION OLATING ANY PROVISION OF THIS ORDINANCE SHALL UPON CONVICTION EREOF BE FINED IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED ($500) LLARS AND/OR IMPRISONED FOR A TERM NOT TO EXCEED NINETY (90) YS. EACH DAY ANY SUCH VIOLATION OCCURS OR CONTINUES SHALL BE NSIDERED A SEPARATE OFFENSE PUNISHABLE HEREUNDER.

SECTION 9. ALL ORDINANCE OR PARTS OF ORDINANCE THAT NFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

SECTION 10. THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER TS DATE OF PASSAGE AND APPROVAL.

READ TWO TIMES AND PASSED THIS 9TH DAY OF April, 998.

Melvin Carmichael Jr.
MAYOR

TTEST:
Lisa Vossen
ITY CLERK

Section 6.14 Nuisance growth (Ord. 20157)

BILL NO. 1419 **ORDINANCE NO. 20157**

AN ORDINANCE DECLARING ANY GROWTH OF TREES, SHRUBS, BUSHES, GRASS, WEEDS, PLANTS, DEBRIS OR OTHER VEGETATION WHICH OBSTRUCTS STREET OR HIGHWAY SIGNS, STREET LIGHTS, FIRE HYDRANTS OR VISIBILITY OF AN OPERATION OF A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES TO BE A NUISANCE; WEEDS OVER EIGHT INCHES (8") IN HEIGHT TO BE A NUISANCE: PRESCRIBING THE ABATEMENT AND CREATION OF A LIEN ON REAL PROPERTY OF ABATEMENT COSTS BY THE CITY OF SAID NUISANCE; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; AND PRESCRIBING THE PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, AND EXEMPTING CERTAIN LANDS FROM THE PROVISIONS OF THIS ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. Unlawful Growth of Vegetation: Nuisance Declared.

No person, association, corporation, partnership, or other entity, owning, possessing or controlling or leasing any real property within the City of Wood Heights, Missouri shall cause, permit or maintain upon any such property any growth of trees, shrubs, bushes, grass, weeds, plants, or any vegetation (hereafter collectively referred to as vegetation) which obstructs any street or highway sign, or a street light, or which obstructs any motor vehicle operator's ability to observe traffic approaching within twenty-five feet (25') of any street or highway intersection within the City of Wood Heights, Missouri; and the existence of any such trees, shrubs, bushes, grass, weeds, plants, or any vegetation is hereby declared to create a dangerous and hazardous condition and to be a public nuisance.

Section 2. Debris Defined.

Any condition on any lot or land that has the presence of debris of any kind is hereby declared to be a public nuisance, subject to abatement. Debris includes weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are eight inches (8") or more in heights, rubbish and trash, lumber not piled or stacked, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, and/or any flammable material. The word "debris" also includes any other material which is found on any lot or land that is unhealthy or unsafe. Any debris within three feet (3') of any fire hydrant shall be a public nuisance.

Section 3. Weed Height Eight (8") Inches.

No person, firm or corporation occupying, owning or controlling or leasing any real estate within the City of Wood Heights, Missouri, shall allow or maintain upon any such lot, real estate or premises any growth of weeds to a height over eight (8") inches or allow any weeds over the heights of eight inches (8") to remain on said real estate or premises.

Section 8. Penalty.

Any person violating any provision of this Ordinance shall upon conviction thereof, be fined in an amount not to exceed Five Hundred Dollars ($500.00) or by imprisonment for not more than ninety (90) days or both such fine and imprisonment. Each day such violation is committed shall constitute a separate offense and shall be punishable as such hereunder.

Section 9. Repeat Violations.

If, more than once during the same growing season, repeat violations of the same provision by the same person at the same property are reported, the City may, without further notification, have the weeds removed and the cost of the same shall be billed to the owner.

Section 10. Authority of Police, etc., to Enter Upon Premises, etc., for Purpose of Cutting Weeds.

Police Officers and other employees of the City authorized by the Chief of Police are hereby authorized and required to go, in the daytime, upon any lot, premises, or real estate, whether public or private, for the purposes of cutting any weeds defined to be a nuisance in this Ordinance, when said weeds are ordered to be cut under the provisions of this Ordinance. If any person refuses to allow entry onto his private property, the Chief of Police may obtain a warrant from proper official and proceed in accordance therewith.

Section 11. Effective Date.

This Ordinance shall be in full force and effect from and after the date of its passage and approval. All Ordinances or parts of Ordinances in conflict hereafter are hereby repealed (Ordinance 383, 460 and 101117-03 are repealed).

INTRODUCED, READ TWO TIMES, PASSED AND ADOPTED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 21st day of July, 2015.

_____
Robert Pettegrew, Mayor

ATTEST:

_____
Sondra A. Kasserman, City Clerk, MRCC

SEAL

Section 7 Municipal Courts

Section 7.1 court cost

Court cost for training O#586

ORDINANCE NO. 586

AN ORDINANCE PROVIDING FOR THE COLLECTION OF ADDITIONAL COURT COSTS TO BE USED FOR THE POLICE OFFICER TRAINING FUND IN THE CITY OF WOOD HEIGHTS, MISSOURI.

SECTION 1
All fines collected by the municipal court of Wood Heights for violations or infractions of ordinances of the city will have a $2.00 charge added to the costs collected by the court. The municipal clerk shall be responsible for making monthly deposits of all moneys collected into the Training Fund for Police Officers of Wood Heights, Missouri.

SECTION 2
Pursuant to Section 590.140(1) RSMo. (1993), no such fee shall be collected for non-moving traffic violations, for fish and game regulations, or in cases where the proceeding has been dismissed.

SECTION 3
Pursuant to Section 590.140(2) RSMo. (1993), the city shall use funds received under this ordinance only to pay for the training required in Section 590.100, RSMo. (1993), et seq. The municipal clerk shall not retain more than $1,500.00 of such funds for each certified police officer. In the event that funds in excess of this amount are collected, the excess shall be turned into the general revenue fund of the city of Wood Heights, Missouri.

SECTION 4
All existing ordinances or parts of ordinances in conflict herewith are hereby repealed on the effective date hereof.

SECTION 5
This ordinance shall take effect from and after its date of passage.

Read two times and passed on December 7, 1993.

Court costs to shelters for the victims of domestic violence O#596

BILL NO. 596 ORDINANCE NO. 596

ORDINANCE AUTHORIZING THE COLLECTION AND DISTRIBUTION OF $1.00 COURT COSTS TO SHELTERS FOR THE VICTIMS OF DOMESTIC VIOLENCE PURSUANT TO RSMo 445.200 TO 455.230.

Whereas, Section 445.215 RSMo provides for an additional court cost in an amount not to exceed one dollar per case for each municipal ordinance violation case filed before a municipal judge. In the event a defendant pleads guilty or is found guilty, the judge may assess the additional cost against the defendant, except in those cases where the defendant is found by the judge to be indigent.

Whereas, no other application was made to the City by any shelter for funding within the time designated by 455.215, and

Whereas, the City finds that SafeHaven of Kansas City, Inc. is the only shelter who would qualify for such funds.

Now, therefore, be it ordained by the Board of Alderman of The City of Wood Heights, as follows:

Section 1. An additional one dollar ($1.00) per court cost shall be assessed to any municipal ordinance violation case filed before the municipal judge.

Section 2. The additional one dollar ($1.00) per court cost are to be paid to SafeHaven of Kansas City, Inc.

Section 3. The funds collected from said source shall be paid to the shelter monthly on the 15th day of the month following each court date, or as soon thereafter as practical.

READ TWO TIMES AND PASSED THIS 18th DAY OF October, 1995

Melvin Carmichael Jr
MAYOR

SEAL

ATTEST:

CITY CLERK

Combining all Court cost O`#050111-1

BILL NO. 050111-1 ORDINANCE NO. 050111-1

AN ORDINANCE COMBINING ALL COURT COSTS AUTHORIZED OR REQUIRED BY LAW.

BE IT ORDAINED, BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

1. *Costs of Court* in the amount of 12.00.

    a. *Police Officer Training Fee*. A fee of Three Dollars ($3.00) is hereby established and assessed as additional Court Costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.

        1. Two dollars ($2.00) of each such Court cost shall be transmitted monthly to the Police Officer Training Fund and used to pay for Police Officer training as provided by Sections 590.010 to 590.180 RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars ($1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City and will be administered by the Chief of Police or designate. Any excess funds shall be transmitted quarterly to the City's general fund.

        2. One dollar ($1.00) of each such Court Cost shall be sent to the StateTreasury to the credit of the Peace Officer's Standards and TrainingCommission Fund created by Section 590.178, RSMo.

    b. *Crime Victim's Compensation Fund.* An additional sum of seven dollars Fifty cents ($7.50) shall be assessed, 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 subsection shall be paid at least monthly as follows:

        1. Seven dollars thirteen cents ($7.13) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045, RSMo.
        2. Thirty-seven cents ($.37) shall be paid to the City's General Fund.

c. *Judicial Education and Training Fund.*

1. The Municipal Court is hereby authorized to additionally collect one dollar ($1.00) of the court costs collected on each case.
2. The funds retained by the Municipal Court pursuant to this ordinance shall only be used for the continuing education and certification required of the Municipal Judges by law or Supreme Court Rule, and the judicial education and training for the Court Administrator and Clerk of the Municipal Court.
3. The funds retained are further limited in that the Municipal Court shall not retain more than one thousand five hundred dollars ($1,500.00) in the fund for use by the Judge, Administrator, or Court Clerk. Any excess funds shall be transmitted quarterly to the City's General Revenue Fund.

d. *Domestic Violence Shelter.*

1. The City of Wood Heights finds that Synergy Services qualifies for funds under Section 445.215 RSMo.
2. One dollar ($1.00) shall be assessed as additional Court Costs on each proceeding.
3. The additional one dollar ($1.00) shall be paid to Synergy Services, Inc.
4. The funds collected from said source shall be paid to the shelter monthly.

e. *Reimbursement of certain costs of arrest.*

1. Upon a plea or a finding of guilty for the offense of violating the provisions of an ordinance of the City of Wood Heights, involving alcohol-or-drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
2. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
3. The Police Department shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.

4. Upon receipt of such additional costs authorized by this section, the Municipal Court Clerk shall retain such costs in a separate fund to be known as the Alcohol-Drug/Incarceration Fund.

f. Actual costs assessed against the City of Wood Heights for apprehension and/or confinement in the County Jail facility.

2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Read two times and passed by the Board of Aldermen for the City of Wood Heights, Missouri on this 11th day of January, 2005.

John D. Allen, Mayor

ATTEST:

Eileen McRorey, City Clerk

Amended by O#050614-1

BILL NO. 050614-1 ORDINANCE NO. 050614-1

AN ORDINANCE AMENDING ORDINANCE 050111-1, COMBINING ALL COURT COSTS AUTHORIZED OR REQUIRED BY LAW.

BE IT ORDAINED, BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

SECTION 1: Subsection d. shall be changed to read:

d. Domestic Violence Shelter.

1. The City of Wood Heights finds that Synergy Services qualifies for funds under Section 445.215 RSMo.
2. Two dollars ($2.00) shall be assessed as additional Court Costs on each proceeding.
3. The additional two dollars ($2.00) shall be paid to Synergy Services, Inc.
4. The funds collected from said source shall be paid to the shelter monthly.

This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Read two times and passed by the Board of Aldermen for the City of Wood Heights, Missouri on this 14th day of June, 2005.

John D. Allen, Mayor

ATTEST:

Eileen McRorey, City Clerk

Section 7.2 other

Establish a Municipal court and judge O#20152

BILL NO. 1414 **ORDINANCE NO. 20152**

AN ORDINANCE ESTABLISHING A WOOD HEIGHTS MUNICIPAL COURT, MUNICIPAL JUDGE AND COURT CLERK AND PROVIDING FOR ORDINANCE VIOLATIONS TO BE HEARD BY SUCH COURT.

WHEREAS, Wood Heights ordinance violations have pursuant to Ordinance 082507-01 been heard by the Associate Circuit Judge of Ray County, Missouri, and

WHEREAS, the City desires in the future that such violations be heard by a herein created new Wood Heights Municipal Court.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of Wood Heights, Missouri, as follows:

1. There is hereby established in the City of Wood Heights a Municipal Court to be known as the Wood Heights Municipal Court, a Division of the 8th Judicial Circuit Court of the State of Missouri.

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

3. The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 8th Judicial Circuit Court and shall be selected by appointment to the position by the Mayor with approval of a majority of the members of the Board of Aldermen for a term as specified herein.

4. The Municipal Judge shall hold his/her office for a period of two (2) years. He/she shall be appointed by the Mayor subject to confirmation by the Board of Aldermen at the first (1st) meeting of the Board in June of alternating years. If for any reason a municipal Judge vacates his/her office, the successor shall complete that term of office even if the same be for less than two (2) years.

5. The Municipal Judge shall vacate his/her office under the following conditions:

   A. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges as provided in Missouri Supreme Court Rule 12;

   B. Upon attaining his/her seventy-fifth (75th) birthday;

   C. If he/she should lose his/her license to practice law within the State of Missouri.

6. The Municipal Judge shall possess the following qualifications before he/she shall take office:

   A. He/she shall be a licensed attorney, qualified to practice law with the State of Missouri.

   B. He/she need not reside within the City.

   C. He/she must be a resident of the State of Missouri.

D. He/she must be between the ages of twenty-one (21) and seventy-fire (75) years.

E. He/she may serve as Municipal Judge for any other municipality.

F. He/she ma not hold any other office within the City Government.

G. 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.

7. 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.

8. The Municipal Judge shall cause the Court Clerk to prepare, within the first (1st) ten (10) days of every month, a report indicating the following:

   A list of all cases heard or tried before the Judge during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of costs, the names of defendants committed, and the cases in which there was an application for trial de novo, respectively. The Court Clerk of the Judge shall verify such lists and statements by affidavit and shall file the same with the City Clerk who shall lay the same before the Board of Aldermen of the City for examination at its first (1st) session hereafter. 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 month, if not previously paid to the Municipal Treasurer.

9. 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 Ray County. The Municipal Judge shall deliver said docket, records and all books and papers pertaining to his/her office to his/her successor in office or to the Presiding Judge of the Circuit.

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

    A. Establish a Violations Bureau as provided for in the Missouri Rules of Practice and Procedures in Municipal and Traffic Courts and Section 479.050, R.S. Mo.

    B. 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.

    C. 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.

D. 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 Municipal Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by any ordinance limited to such purposes, provided that such ordinances does not violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts or State Statutes.

E. 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.

11. The Municipal Judge for the City of Wood Heights shall be paid a sum as fixed by ordinance from time to time.

12. 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 Clerk and/or Court Clerk is hereby designated as the Violations Clerk for said Bureau, if established.

13. 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 of the Presiding Judge of the Circuit Court for reassignment.

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

15. 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 Court 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.

16. 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.

21. In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Court 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 Court Judge or Associate Circuit Court Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to Municipal Treasury to the General Revenue Fund of the municipality.

22. A Municipal Judge shall be disqualified to hear any case in which he/she is in any way 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 trail 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.

23. ABSENCE OF JUDGE - PROCEDURE

    A. If a Municipal Judge be absent, sick or disqualified from acting, the Mayor may designate some competent, eligible person to act as Municipal Judge until such absence or disqualification shall cease.

    B. The Governing Body of the municipality shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section.

24. FAILURE TO APPEAR IN RESPONSE TO A SUMMONS

    A. A person commits the ordinance violation of failure to appear in response to a summons is he/she shall, without just cause or excuse, fail to appear in open court when required to do so by said summons.

    B. Proof of not less than ten (10) days written notice to the accused, or proof of a signed promise to appear made by the accused at any time prior to the required appearance date, and the absences of the accused on the date and at the time specified in the summons shall constitute prima facie evidence of violation of this Section.

    C. The burden is on the accused to inject the issue of just cause or excuse as an affirmative defense, and to establish such defense by a preponderance of the evidence.

    D. A person convicted under this Section may be sentenced to pay a fine not to exceed five hundred dollars ($500.00), or to serve a period of imprisonment not to exceed thirty (30) days, or both.

25. The Court Clerk's duties shall include the following:

    A. To collect fines for violations of such ordinance violations as may be described and the Court costs thereof.

B. To take oaths and affirmations.

C. To accept signed complaints and allow the same to be signed and sworn to or affirmed before him/her.

D. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.

E. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violation Bureau cases or as directed by the Municipal Judge; generally act as Violation Clerk of the Traffic Violation Bureau.

F. 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.

G. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City and 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.

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

27. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Wood Heights Municipal Division of the 8th Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:

A. Costs of Court in the amount of twelve dollars ($12.00).

B. *Police Officer training fee.* A fee of three dollars $($3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceeding against the defendant have been dismissed.

1. Two dollars ($2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, R.S. Mo. The City shall not retrain for training purposes more than one thousand five hundred dollars ($1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.

2. One dollar ($1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, R.S. Mo.

C. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents ($7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding of

the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:

1. 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, R.S. Mo.

2. Five percent (5%) shall be paid to the City Treasury.

D. There is assessed a four dollar ($4.00) cost per case for each criminal case and each County or municipal ordinance violation case for the purpose of providing operating expenses for shelters for battered persons as set out in Section 488.607, R.S. Mo. The Municipal Court Clerk is directed to remit to Safehaven, a Northland Project of Share, Inc., on a monthly basis, all such Court costs collected by the City to be used by Safehaven solely for the operating expenses of Safehaven in providing shelter for battered persons as defined in Sections 455.200 through 455.230, R.S. Mo.

E. Other costs, such as for the issuance of a warrant, a commitment, or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.

F. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail.

G. 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.

H. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic violation as set out in Subsection (10) hereof.

I. Pursuant to Section 479.260, R.S. Mo., the Municipal Court is authorized to withhold one dollar ($1.00) of the Municipal Court costs to be sued for the education and training of the Court Administrator and Clerks and for the continuing education requirements of the Municipal Judges. In accordance with such Statute, the Municipal Court is hereby authorized to withhold such one dollar ($1.00) of Court costs for such purposes and to place same in a separate account of the City's General Fund.

J. *Reimbursement of certain costs of arrest.*

1. Upon a plea or a finding of guilty of violating any ordinance of the City of Wood Heights involving alcohol- or drug-related traffic violations, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.

2. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.

3. The Chief of Police may establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that costs are excessive.

4. Upon receipt of such additional costs authorized by this Subsection, the City Clerk shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.

28. SEARCH WARRANT REQUIRED – WHEN

A. If entry onto the private property of a citizen of Wood Heights, Missouri, in an area thereof wherein there may be a constitutionally recognized expectation of privacy is required or allowed by any ordinance of the City, the City officials so required or allowed shall, before said entry, secure consent of the owner or a search warrant from the Municipal Court upon a showing of probable cause and substantially in accordance with the Missouri Rules of Criminal Procedure for similar warrants.

B. The Municipal Court upon good cause shown is also authorized to issue other appropriate orders to aid in the enforcement of the City's ordinances as may be allowed by law.

29. The City pursuant to Section 479.040 R.S. Mo. Hereby elects to cease on July 1, 2015 having its Municipal ordinance violations heard by the Associate Judge of Ray County Missouri and instead to have such violations heard by the Wood Heights Municipal Court.

30. This ordinance shall be effective immediately upon passage, however, the Wood Heights Municipal Court, Municipal Judge and Court Clerk shall not commence their duties until July 1, 2015.

INTRODUCED, READ TWO TIMES, PASSED AND ADOPTED by the Board of Aldermen and Approved by the Mayor of the City of Wood Heights, Missouri this 24th day of March, 2015.

_____
Mayor, John D. Allen

Attest:

_____
Sondra A. Kasserman, City Clerk, MRCC

SEAL

Chapter 3: Zoning

Section 1 Zoning

Section 1.1 Create planning and zoning commission

Section 1.1.1 Board of adjustment (Ord. 9901-19B)

ORDINANCE NO. 9901-19B BILL NO. 9901-19B

AN ORDINANCE BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, COUNTY OF RAY, STATE OF MISSOURI ESTABLISHING A BOARD OF ADJUSTMENT FOR THE PLANNING AND ZONING COMMISSION ; APPOINTMENT OF MEMBERS; RULES AND REGULATIONS; PROCEDURES; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH:

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

SECTION 1. AFTER MATURE AND DELIBERATE CONSIDERATION FOR THE HEALTH AND WELFARE OF THE CITY OF WOOD HEIGHTS, THE BOARD OF ALDERMAN HEREBY ESTABLISHES A "BOARD OF ADJUSTMENT".

SECTION 2. THE BOARD OF ALDERMAN SHALL PROVIDE FOR THE APPOINTMENT OF A BOARD OF ADJUSTMENT, AND IN THE REGULATIONS AND RESTRICTIONS ADOPTED PURSUANT TO THE AUTHORITY OF CHAPTER 89, SECTIONS 89.010 TO 89.140 OF THE RSMo MAY PROVIDE THAT THE BOARD OF ADJUSTMENT MAY DETERMINE AND VARY THEIR APPLICATION IN HARMONY WITH THEIR GENERAL PURPOSE AND INTENT AND IN ACCORDANCE WITH GENERAL OR SPECIFIC RULES THEREIN CONTAINED. THE BOARD OF ADJUSTMENT SHALL CONSIST OF FIVE MEMBERS, WHO SHALL BE RESIDENTS OF WOOD HEIGHTS, MO. THE MEMBERSHIP OF THE FIRST BOARD APPOINTED SHALL SERVE RESPECTIVELY, ONE FOR ONE YEAR, ONE FOR TWO YEARS, ONE FOR THREE YEARS, ONE FOR FOUR YEARS, AND ONE FOR FIVE YEARS. THEREAFTER MEMBERS SHALL BE APPOINTED FOR TERMS OF FIVE YEARS EACH. THREE ALTERNATE MEMBERS MAY BE APPOINTED TO SERVE IN THE ABSENCE OF OR THE DISQUALIFICATION OF THEIR REGULAR MEMBERS. ALL MEMBERS AND ALTERNATES SHALL BE REMOVABLE FOR CAUSE BY THE BOARD OF ALDERMAN UPON WRITTEN CHARGES AND AFTER PUBLIC HEARING. VACANCIES SHALL BE FILLED FOR THE UNEXPIRED TERM OF ANY MEMBER WHOSE TERM BECOMES VACANT. THE BOARD SHALL ELECT ITS OWN CHAIRMAN WHO SHALL SERVE FOR ONE YEAR. THE BOARD SHALL ADOPT RULES IN ACCORDANCE WITH THE PROVISIONS OF ANY ORDINANCE ADOPTED PURSUANT TO CHAPTER 89, SECTIONS 89.010 TO 89.1040 OF THE RSMo. MEETINGS OF THE BOARD SHALL BE HELD AT THE CALL OF THE CHAIRMAN AND AT SUCH OTHER TIMES AS THE BOARD MAY DETERMINE. SUCH CHAIRMAN, OR IN HIS ABSENCE THE ACTING CHAIRMAN, MAY ADMINISTER OATHS AND COMPEL THE ATTENDANCE OF WITNESSES. ALL MEETINGS OF THE BOARD SHALL BE OPEN TO THE PUBLIC. THE BOARD SHALL KEEP MINUTES OF ITS PROCEEDINGS, SHOWING THE VOTE OF EACH MEMBER UPON QUESTION, OR, IF ABSENT OR FAILING TO VOTE, INDICATING SUCH FACT, AND SHALL KEEP RECORDS OF ITS EXAMINATIONS AND OTHER OFFICIAL ACTIONS, ALL OF WHICH SHALL BE IMMEDIATELY FILED IN THE OFFICE OF THE BOARD AND SHALL BE A PUBLIC RECORD. ALL TESTIMONY, OBJECTIONS THERETO AND RULINGS THEREON, SHALL BE TAKEN DOWN BY A REPORTER ASSIGNED BY THE BOARD FOR THAT PURPOSE.

SECTION 3.

THE BOARD OF ADJUSTMENT SHALL HAVE THE FOLLOWING POWERS:
A.) TO HEAR AND DECIDE APPEALS WHERE IT IS ALLEGED THERE IS ERROR IN ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY AN ADMINISTRATIVE OFFICIAL IN THE ENFORCEMENT OF THE "PLANNING AND ZONING COMMISSION" RULES AND REGULATIONS OR OF ANY ORDINANCE ADOPTED PURSUANT TO THE ORGANIZATION OF THE COMMISSION.

B.) TO HEAR AND DECIDE ALL MATTERS REFERRED TO IT OR UPON WHICH IT IS REQUIRED TO PASS UNDER SUCH ORDINANCE:

C.) IN PASSING UPON APPEALS, WHERE THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIP IN THE WAY OF CARRYING OUT THE STRICT LETTER OF SUCH ORDINANCE, TO VARY OR MODIFY THE APPLICATION OF ANY OF THE REGULATIONS OR PROVISIONS OF SUCH ORDINANCE RELATING TO THE CONSTRUCTION OR ALTERATION OF BUILDINGS OR STRUCTURES OR THE USE OF LAND SO THAT THE SPIRIT OF THE ORDINANCE SHALL BE OBSERVED, PUBLIC SAFETY AND WELFARE SECURED AND SUBSTANTIAL JUSTICE DONE.

SECTION 4. IN EXERCISING THE ABOVE MENTIONED POWERS SUCH BOARD MAY IN CONFORMITY WITH THE PROVISIONS OF CHAPTER 89, SECTION 89.010 TO 89.1040 OF THE RSMo, REVERSE OR AFFIRM WHOLLY OR PARTLY, OR MAY MODIFY THE ORDER, REQUIREMENT, DECISION OR DETERMINATION APPEALED FROM AND MAY MAKE SUCH ORDER, REQUIREMENT, DECISION OR DETERMINATION AS OUGHT TO BE MADE AND TO THAT END SHALL HAVE ALL THE POWERS OF THE OFFICER FROM WHOM THE APPEAL IS TAKEN. THE CONCURRING VOTE OF FOUR MEMBERS OF THE BOARD SHALL BE NECESSARY TO REVERSE ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION OF ANY SUCH ADMINISTRATIVE OFFICIAL, OR TO DECIDE IN FAVOR OF THE APPLICANT ON ANY MATTER UPON WHICH IT IS REQUIRED TO PASS UNDER ANY SUCH ORDINANCE OR TO EFFECT ANY VARIATION IN SUCH ORDINANCE.

SECTION 5. APPEALS TO THE BOARD OF ADJUSTMENT MAY BE TAKEN BY ANY PERSON AGGRIEVED, BY AN NEIGHBORHOOD ORGANIZATION AS DEFINED IN SECTION 32.105, RSMo, REPRESENTING SUCH PERSON, OR BY ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE CITY OF WOOD HEIGHTS AFFECTED BY ANY DECISION OF THE ADMINISTRATIVE OFFICER. SUCH APPEAL SHALL BE TAKEN WITHIN A REASONABLE TIME, AS PROVIDED BY THE RULES OF THE BOARD, BY FILING WITH THE OFFICER FROM WHOM THE APPEAL IS TAKEN AND WITH THE BOARD OF ADJUSTMENT A NOTICE OF APPEAL SPECIFYING THE GROUNDS THEREOF. THE OFFICER FROM WHOM THE APPEAL IS TAKEN SHALL FORTHWITH TRANSMIT TO THE BOARD ALL THE PAPERS CONSTITUTING THE RECORD UPON WHICH THE ACTION APPEALED FROM WAS TAKEN. AN APPEAL STAYS ALL PROCEEDINGS IN FURTHERANCE OF THE ACTION APPEALED FROM, UNLESS THE OFFICER FROM WHOM THE APPEAL IS TAKEN CERTIFIES TO THE BOARD OF ADJUSTMENT AFTER THE NOTICE OF APPEAL SHALL HAVE BEEN FILED WITH HIM THAT BY REASON OF FACTS STATED IN THE CERTIFICATE A STAY WOULD, IN HIS OPINION, CAUSE IMMEDIATE 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 COURT OF RECORD ON APPLICATION OR NOTICE TO THE OFFICER FROM WHOM THE APPEAL IS TAKEN AND ON DUE CAUSE SHOWN. THE BOARD OF ADJUSTMENT SHALL FIX A REASONABLE TIME FOR THE HEARING OF

TIME. UPON THE HEARING ANY PARTY MAY APPEAR IN PERSON OR BY AGENT OR BY ATTORNEY.

SECTION 6. ANY PERSON OR PERSON JOINTLY OR SEVERALLY AGGRIEVED BY ANY DECISION OF THE BOARD OF ADJUSTMENT, ANY NEIGHBORHOOD ORGANIZATION AS DEFINED IN SECTION 32.105 RSMo, REPRESENTING SUCH PERSON OR PERSONS OR ANY OFFICER, DEPARTMENT, BOARD OR BUREAU OF THE CITY OF WOOD HEIGHTS, MAY PRESENT TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE PROPERTY AFFECTED IS LOCATED A PETITION, DULY VERIFIED, SETTING FORTH THAT SUCH DECISION IS ILLEGAL, IN WHOLE OR IN PART, SPECIFYING THE GROUNDS OF THE ILLEGALITY. SUCH PETITION SHALL BE PRESENTED TO THE COURT WITHIN THIRTY DAYS AFTER THE FILING OF THE DECISION IN THE OFFICE OF THE BOARD. UPON THE PRESENTATION OF SUCH PETITION THE COURT MAY ALLOW A WRIT OF CERTIORARI DIRECTED TO THE BOARD OF ADJUSTMENT TO REVIEW SUCH DECISION OF THE BOARD OF ADJUSTMENT AND SHALL PRESCRIBE THEREIN THE TIME WITHIN WHICH A RETURN THERETO MUST BE MADE AND SERVED UPON THE RELATOR'S ATTORNEY, WHICH SHALL NOT BE LESS THAN TEN DAYS AND MAY BE EXTENDED BY THE COURT. THE ALLOWANCE OF THE WRIT SHALL NOT STAY PROCEEDINGS UPON THE DECISION APPEALED FROM, BUT THE COURT MAY, ON APPLICATION, ON NOTICE TO THE BOARD AND ON DUE CAUSE SHOWN, GRANT A RESTRAINING ORDER. THE BOARD OF ADJUSTMENT SHALL NOT BE REQUIRED TO RETURN THE ORIGINAL PAPERS ACTED UPON BY IT, BUT IT SHALL BE SUFFICIENT TO RETURN CERTIFIED OR SWORN COPIES THEREOF OR OF SUCH PORTIONS THEREOF AS MAY BE CALLED FOR. THE RETURN SHALL CONCISELY SET FORTH SUCH OTHER FACTS AS MAY BE PERTINENT AND MATERIAL TO SHOW THE GROUNDS OF THE DECISION APPEALED FROM AND SHALL BE VERIFIED. IF, UPON THE HEARING, IT SHALL APPEAR TO THE COURT THAT TESTIMONY IS NECESSARY FOR THE PROPER DISPOSITION OF THE MATTER, IT MAY TAKE ADDITIONAL EVIDENCE OR APPOINT A REFEREE TO TAKE SUCH EVIDENCE AS IT MAY DIRECT AND REPORT THE SAME TO THE COURT WITH HIS FINDINGS OF FACT AND CONCLUSIONS OF LAW, WHICH SHALL CONSTITUTE A PART OF THE PROCEEDINGS UPON WHICH A DETERMINATION OF THE COURT SHALL BE MADE. THE COURT MAY REVERSE OR AFFIRM, WHOLLY OR PARTLY, OR MAY MODIFY THE DECISION BROUGHT UP FOR REVIEW. COSTS SHALL NOT BE ALLOWED AGAINST THE BOARD UNLESS IT SHALL APPEAR TO THE COURT THAT IT ACTED WITH GROSS NEGLIGENCE, OR IN BAD FAITH, OR WITH MALICE IN MAKING THE DECISION APPEALED FROM.

BUILDING, STRUCTURE OR LAND IS USED IN VIOLATION OF ALL SECTIONS OR A OF ANY ORDINANCE OR OTHER REGULATION MADE UNDER AUTHORITY CONFERRED HEREBY, THE CITY OF WOOD HEIGHTS, IN ADDITION TO OTHER REMEDIES, MAY INSTITUTE ANY APPROPRIATE ACTION OR PROCEEDINGS TO PREVENT SUCH UNLAWFUL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, CONVERSION, MAINTENANCE OR USE, TO RESTRAIN, CORRECT OR ABATE SUCH VIOLATION, TO PREVENT THE OCCUPANCY OF SUCH BUILDING, STRUCTURE, OR LAND, OR TO PREVENT ANY ILLEGAL ACT, CONDUCT, BUSINESS, OR USE IN OR ABOUT SUCH PREMISES. SUCH REGULATIONS SHALL BE ENFORCED BY AN OFFICER EMPOWERED TO CAUSE ANY BUILDING, STRUCTURE, PLACE OR PREMISES TO BE INSPECTED AND EXAMINED AND TO ORDER IN WRITING THE REMEDYING OF ANY CONDITION FOUND TO EXIST THEREIN OR THEREAT IN VIOLATION OF ANY PROVISION OF THE REGULATIONS MADE UNDER THE AUTHORITY OF SAID ORDINANCE.

SECTION 8. THE OWNER OR GENERAL AGENT OF A BUILDING OR PREMISES WHERE A VIOLATION OF ANY PROVISION OF SAID REGULATIONS HAS BEEN COMMITTED OR SHALL EXIST, OR THE LESSEE OR TENANT OF AN ENTIRE BUILDING OR ENTIRE PREMISES WHERE SUCH VIOLATION HAS BEEN COMMITTED OR SHALL EXIST, OR THE OWNER, GENERAL AGENT, LESSEE OR THE TENANT OF ANY PART OF THE BUILDING OR PREMISES IN WHICH SUCH VIOLATION HAS BEEN COMMITTED OR SHALL EXIST, OR THE GENERAL AGENT, ARCHITECT, BUILDER, CONTRACTOR OR ANY OTHER PERSON WHO COMMITS, TAKES PART OR ASSISTS IN ANY SUCH VIOLATION OR WHO MAINTAINS ANY BUILDING OR PREMISES IN WHICH ANY SUCH VIOLATION SHALL EXIST SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN ONE DOLLAR AND NOT MORE THAN ONE HUNDRED DOLLARS FOR EACH AND EVERY DAY THAT SUCH VIOLATION CONTINUES, BUT IF THE OFFENSE BE WILLFUL ON CONVICTION THEREOF, THE PUNISHMENT SHALL BE A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS OR MORE THAN TWO HUNDRED AND FIFTY DOLLARS FOR EACH AND EVERY DAY THAT SUCH VIOLATION SHALL CONTINUE OR BY IMPRISONMENT FOR TEN DAYS FOR EACH AND EVERY DAY SUCH VIOLATION SHALL CONTINUE OR BY BOTH SUCH FINE AND IMPRISONMENT IN THE DISCRETION OF THE COURT.

SECTION 9. ANY SUCH PERSON WHO HAVING BEEN SERVED WITH AN ORDER TO REMOVE ANY SUCH VIOLATION SHALL FAIL TO COMPLY WITH SUCH ORDER WITHIN TEN DAYS AFTER SUCH SERVE OR SHALL CONTINUE TO VIOLATE ANY PROVISION OF THE REGULATIONS MADE UNDER AUTHORITY OF CITY OF WOOD HEIGHTS ORDINANCE IN THE RESPECT NAMED IN SUCH ORDER SHALL ALSO BE SUBJECT TO A CIVIL PENALTY OF TWO HUNDRED AND FIFTY DOLLARS.

SECTION 10. THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER ITS DATE OF PASSAGE AND APPROVAL. ALL ORDINANCE OR PARTS OF ORDINANCE SIN CONFLICT HEREWITH ARE HEREBY REPEALED.

MAYOR

ATTESTED BY:

CITY CLERK

SEAL

Section 1.1.2 Planning and zoning (Ord. 99-01-99.8)

BILL NO. 01-19-990 ORDINANCE NO. 99-01-99-8

AN ORDINANCE BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, COUNTY OF RAY, STATE OF MISSOURI, AUTHORIZING THE MAYOR TO ESTABLISH A PLANNING AND ZONING COMMISSION; APPOINT MEMBERS; RULES AND REGULATIONS; PROCEDURES; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

SECTION 1. AFTER MATURE AND DELIBERATE CONSIDERATION FOR THE HEALTH AND WELFARE OF THE CITY OF WOOD HEIGHTS, THE BOARD OF ALDERMAN HEREBY AUTHORIZES THE MAYOR OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI TO APPOINT A COMMISSION, TO BE KNOWN AS THE "THE ZONING COMMISSION", TO RECOMMEND THE BOUNDARIES OF THE VARIOUS ORIGINAL DISTRICTS AND APPROPRIATE REGULATIONS TO BE ENFORCED THEREIN. SUCH COMMISSION SHALL MAKE A PRELIMINARY REPORT AND HOLD PUBLIC HEARINGS THEREON BEFORE SUBMITTING ITS FINAL REPORT AND SUCH THE BOARD OF ALDERMAN SHALL NOT HOLD ITS PUBLIC HEARINGS OR TAKE ACTION UNTIL IT HAS RECEIVED THE FINAL REPORT OF SUCH ZONING COMMISSION.

SECTION 2. FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, MORALS OR THE GENERAL WELFARE OF THE COMMUNITY, THE PLANNING AND ZONING COMMISSION IS HEREBY EMPOWERED TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE PRESERVATION OF FEATURES OF HISTORICAL SIGNIFICANCE, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES.

SECTION 3. FOR ANY OR ALL THE PLANNING AND ZONING COMMISSION MAY DIVIDE THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER, SHAPE, AND AREA AS MAY BE DEEMED BEST SUITED CARRY OUT SAID PURPOSES OF THE CITY; AND WITHIN SUCH DISTRICTS MAY REGULATE AND RESTRICT THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION OR USE OF BUILDINGS, STRUCTURES, OR LAND. ALL SUCH REGULATIONS SHALL BE UNIFORM FOR EACH CLASS OR KIND OF BUILDINGS THROUGHOUT EACH DISTRICT, BUT THE REGULATIONS IN ONE DISTRICT MAY DIFFER FROM THOSE IN OTHER DISTRICTS.

SECTION 4. SUCH REGULATIONS SHALL BE MADE IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND DESIGNED TO LESSEN CONGESTION IN THE STREETS; TO SECURE SAFETY FROM FIRE, PANIC AND OTHER DANGERS; TO PROMOTE HEALTH AND THE GENERAL WELFARE; TO PROVIDE ADEQUATE LIGHT AND AIR; TO PREVENT THE OVERCROWDING OF LAND; TO AVOID UNDUE CONCENTRATION OF POPULATION; TO PRESERVE FEATURES OF HISTORICAL SIGNIFICANCE; TO FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SEWERAGE, PARKS, AND OTHER PUBLIC REQUIREMENTS. SUCH REGULATIONS SHALL BE MADE WITH REASONABLE CONSIDERATION, AMONG OTHER THINGS, TO THE CHARACTER OF THE DISTRICT AND ITS PECULIAR SUITABILITY FOR PARTICULAR USES, AND WITH A VIEW TO CONSERVING THE VALUES OF BUILDINGS AND ENCOURAGING THE MOST APPROPRIATE USE OF LAND THROUGHOUT THE MUNICIPALITY.

SECTION 5. THE PLANNING AND ZONING COMMISSION OF THE CITY OF WOOD HEIGHTS SHALL PROVIDE FOR THE MANNER IN WHICH SUCH REGULATIONS AND RESTRICTIONS AND THE BOUNDARIES OF SUCH DISTRICTS SHALL BE DETERMINED, ESTABLISHED, AND ENFORCED, AND FROM TIME TO TIME AMENDED, SUPPLEMENTED, OR CHANGED. HOWEVER, NO SUCH REGULATION, RESTRICTION, OR BOUNDARY SHALL BECOME EFFECTIVE UNTIL AFTER A PUBLIC HEARING IN RELATION THERETO, AT WHICH PARTIES IN INTEREST AND CITIZENS SHALL HAVE AN OPPORTUNITY TO BE HEARD. AT LEAST FIFTEEN DAYS'; NOTICE OF THE TIME AND PLACE OF SUCH HEARING SHALL BE PUBLISHED IN AN OFFICIAL PAPER.

SECTION 6. SUCH REGULATIONS, RESTRICTIONS, AND BOUNDARIES MAY FROM TIME TO TIME BE AMENDED, SUPPLEMENTED, CHANGED, MODIFIED OR REPEALED. IN CASE, HOWEVER, OF A PROTEST AGAINST SUCH CHANGE DULY SIGNED AND ACKNOWLEDGE BY THE OWNERS OF THIRTY PERCENT OR MORE, EITHER OF THE AREAS OF LAND (EXCLUSIVE OF STREETS AND ALLEYS) INCLUDED IN SUCH PROPOSED CHANGE OR WITHIN AN AREA DETERMINED BY LINES DRAWN PARALLEL TO AND ONE HUNDRED AND EIGHTY-FIVE FEET DISTANT FROM THE BOUNDARIES OF THE DISTRICT PROPOSED TO BE CHANGED, SUCH AMENDMENT SHALL NOT BECOME EFFECTIVE EXCEPT BY THE FAVORABLE VOTE OF TWO-THIRDS OF ALL THE MEMBERS OF THE BOARD OF ALDERMAN. THE PROVISIONS RELATIVE TO PUBLIC HEARING AND OFFICIAL NOTICE SHALL APPLY EQUALLY TO ALL CHANGES OR AMENDMENTS.

SECTION 7. THE ZONING COMMISSION SHALL CONSIST OF NOT MORE THAN FIFTEEN NOR LESS THAN SEVEN MEMBERS, INCLUDING THE MAYOR, A MEMBER OF THE COUNCIL SELECTED BY THE MAYOR AND AT THE OPTION OF THE MAYOR, THE CITY SUPERVISOR OR SIMILAR CITY OFFICIAL AND NOT MORE THAN TWELVE NOR LESS THAN FOUR CITIZENS APPOINTED BY THE MAYOR AND APPROVED BY THE COUNCIL. ALL CITIZEN MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION. THE TERM OF EACH OF THE CITIZEN MEMBERS SHALL BE FOR FOUR YEARS, EXCEPT THAT THE TERMS OF THE CITIZEN MEMBERS FIRST APPOINTED SHALL BE FOR VARYING PERIODS SO THAT SUCCEEDING TERMS WILL BE STAGGERED. ANY VACANCY IN A MEMBERSHIP SHALL BE FILLED FOR THE UNEXPIRED TERM BY APPOINTMENT AS APORESAID. THE MAYOR MAY REMOVE ANY CITIZEN MEMBER FOR CAUSE STATED IN WRITING AND AFTER PUBLIC HEARING.

SECTION 8. THE COMMISSION SHALL ELECT ITS CHAIRMAN AND SECRETARY FROM AMONG THE CITIZEN MEMBERS. THE TERM OF CHAIRMAN AND SECRETARY SHALL BE FOR ONE YEAR WITH ELIGIBILITY FOR REELECTION. THE COMMISSION SHALL HOLD REGULAR MEETINGS AND SPECIAL MEETINGS AS THUS PROVIDED BY RULE, AND SHALL ADOPT RULES FOR THE TRANSACTION OF BUSINESS AND KEEP A RECORD OF ITS PROCEEDINGS. THESE RECORDS SHALL BE PUBLIC RECORDS. THE COMMISSION SHALL APPOINT THE EMPLOYEES AND STAFF NECESSARY FOR ITS WORK, AND MAY CONTRACT WITH PROFESSIONAL PERSONS FOR THE SERVICES IT REQUIRES. THE EXPENDITURES OF THE COMMISSION, EXCLUSIVE OF GRANTS AND GIFTS, SHALL BE WITHIN THE AMOUNTS APPROPRIATED FOR THE PURPOSE BY COUNCIL.

SECTION 9. THE COMMISSION SHALL MAKE AND ADOPT A CITY PLAN FOR THE PHYSICAL DEVELOPMENT OF THE MUNICIPALITY. THE CITY PLAN, WITH THE ACCOMPANYING MAPS, PLATS, CHARTS AND DESCRIPTIVE AND EXPLANATORY MATTER, SHALL SHOW THE COMMISSION'S RECOMMENDATIONS FOR THE PHYSICAL DEVELOPMENT AND USES OF LAND, AND MAY INCLUDE, AMONG OTHER THINGS, THE GENERAL LOCATION, CHARACTER AND EXTENT OF STREETS AND OTHER PUBLIC WAYS, GROUNDS, PLACES AND SPACES; THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES AND TERMINALS, WHETHER PUBLICLY OR PRIVATELY OWNED, THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION, RELOCATION, NARROWING, VACATION, ABANDONMENT OR CHANGE OF USE OF ANY OF THE FOREGOING; THE GENERAL CHARACTER, EXTENT AND LAYOUT OF THE REPLANNING OF BLIGHTED DISTRICTS AND SLUM AREAS. THE COMMISSION MAY ALSO PREPARE A ZONING PLAN FOR THE REGULATION OF THE HEIGHT, AREA, BULK, LOCATION AND USE OF PRIVATE, NONPROFIT AND PUBLIC STRUCTURES AND PREMISES, AND OF POPULATION DENSITY, BY THE ADOPTION, ENFORCEMENT AND ADMINISTRATION OF THE ZONING PLAN.

SECTION 10. IN THE PREPARATION OF THE CITY PLAN, THE COMMISSION SHALL MAKE CAREFUL AND COMPREHENSIVE SURVEYS AND STUDIES OF THE EXISTING CONDITIONS AND PROBABLE FUTURE GROWTH OF THE MUNICIPALITY. THE PLAN SHALL BE MADE WITH THE GENERAL PURPOSE OF GUIDING AND ACCOMPLISHING A COORDINATED DEVELOPMENT OF THE MUNICIPALITY WHICH WILL, IN ACCORDANCE WITH EXISTING AND FUTURE NEEDS, BEST PROMOTE THE GENERAL WELFARE, AS WELL AS EFFICIENCY AND ECONOMY IN THE PROCESS OF DEVELOPMENT.

SECTION 11. THE COMMISSION MAY ADOPT THE PLAN AS A WHOLE BY A SINGLE RESOLUTION, OR, AS THE WORK OF MAKING THE WHOLE CITY PLAN PROGRESSES, MAY FROM TIME TO TIME ADOPT A PART OR PARTS THEREOF, ANY PART TO CORRESPOND GENERALLY WITH ONE OR MORE OF THE FUNCTIONAL SUBDIVISIONS OF THE SUBJECT MATTER OF THE PLAN. BEFORE THE ADOPTION, AMENDMENT OR EXTENSION OF THE PLAN OR PORTION THEREOF THE COMMISSION SHALL HOLD AT LEAST ONE PUBLIC HEARING THEREON. FIFTEEN DAYS NOTICE OF THE TIME AND PLACE OF SUCH HEARING SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER. THE HEARING MAY BE ADJOURNED FROM TIME TO TIME. THE ADOPTION OF THE PLAN REQUIRES A MAJORITY VOTE OF THE PLANNING COMMISSION. THE RESOLUTION SHALL REFER EXPRESSLY TO THE MAPS, DESCRIPTIVE MATTER AND OTHER MATTERS INTENDED BY THE COMMISSION FOR FORM THE WHOLE OR PART OF THE PLAN AND THE ACTION TAKEN SHALL BE RECORDED ON THE ADOPTED PLAN OR PART THEREOF BY THE IDENTIFYING SIGNATURE OF THE SECRETARY OF THE COMMISSION AND FILED IN THE OFFICE OF THE COMMISSION, IDENTIFIED PROPERLY BY FILE NUMBER, AND A COPY OF THE PLAN OR PART THEREOF SHALL BE CERTIFIED TO THE COUNCIL AND MUNICIPAL CLERK, AND A COPY SHALL BE AVAILABLE IN THE OFFICE OF THE COUNTY RECORDER OF DEEDS AND SHALL BE AVAILABLE AT THE MUNICIPAL CLERK'S OFFICE FOR PUBLIC INSPECTION DURING NORMAL OFFICE HOURS.

SECTION 12. THE COMMISSION MAY MAKE REPORTS AND RECOMMENDATIONS RELATING TO THE PLAN AND DEVELOPMENT OF THE MUNICIPALITY TO PUBLIC OFFICIALS AND AGENCIES, PUBLIC UTILITY COMPANIES, CIVIC, EDUCATIONAL, PROFESSIONAL AND OTHER ORGANIZATIONS AND CITIZENS. IT MAY RECOMMEND TO THE BOARD OF ALDERMAN OF THE MUNICIPALITY PROGRAMS FOR PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF. ALL PUBLIC OFFICIALS SHALL, UPON REQUEST, FURNISH TO THE COMMISSION, WITHIN A REASONABLE TIME, ALL AVAILABLE INFORMATION IT REQUIRES FOR ITS WORK. THE COMMISSION, ITS MEMBERS AND EMPLOYEES, IN THE PERFORMANCE OF ITS FUNCTIONS, MAY ENTER UPON ANY LAND TO MAKE EXAMINATIONS AND SURVEYS. IN GENERAL, THE COMMISSION SHALL HAVE THE POWER NECESSARY TO ENABLE IT TO PERFORM ITS FUNCTIONS AND PROMOTE MUNICIPAL PLANNING.

SECTION 13. WHENEVER THE COMMISSION ADOPTS THE PLAN OF THE MUNICIPALITY OR ANY PART THEREOF, NO STREET OR OTHER PUBLIC FACILITIES, OR NO PUBLIC UTILITY, WHETHER PUBLICLY OR PRIVATELY OWNED, AND, THE LOCATION, EXTENT AND CHARACTER THEREOF HAVING BEEN INCLUDED IN THE RECOMMENDATIONS AND PROPOSALS OF THE PLAN OR PORTIONS THEREOF, SHALL BE CONSTRUCTED OR AUTHORIZED IN THE MUNICIPALITY UNTIL THE LOCATION, EXTENT AND CHARACTER THEREOF HAS BEEN SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION. IN CASE OF DISAPPROVAL THE COMMISSION SHALL COMMUNICATE ITS REASONS TO THE COUNCIL, AND THE COUNCIL, BY VOTE OF NOT LESS THAN TWO-THIRDS OF ITS ENTIRE MEMBERSHIP, MAY OVERRULE THE DISAPPROVAL AND, UPON THE OVERRULING, THE COUNCIL OR THE APPROPRIATE BOARD OR OFFICER MAY PROCEED, EXCEPT THAT IF THE PUBLIC FACILITY OR UTILITY IS ONE THE AUTHORIZATION OR FINANCING OF WHICH DOES NOT FALL WITHIN THE PROVINCE OF THE COUNCIL, THEN THE SUBMISSION TO THE PLANNING COMMISSION SHALL BE BY THE BOARD HAVING JURISDICTION, AND THE PLANNING COMMISSIONS DISAPPROVAL MAY BE OVERRULED BY THAT BOARD BY A VOTE OF NOT LESS THAN TWO THIRDS OF ITS ENTIRE MEMBERSHIP. THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION, RELOCATION, NARROWING, VACATION, ABANDONMENT, CHANGE OF USE, ACQUISITION OF LAND FOR, SALE OR LEASE OF ANY STREET OR THE PUBLIC FACILITY IS SUBJECT TO SIMILAR SUBMISSION AND APPROVAL, AND THE FAILURE TO APPROVE MAY BE SIMILARLY OVERRULED. THE FAILURE OF THE COMMISSION TO ACT WITHIN SIXTY DAYS AFTER THE DATE OF OFFICIAL SUBMISSION TO IT SHALL BE DEEMED APPROVAL.

SECTION 14. WHEN THE PLANNING COMMISSION ADOPTS A CITY PLAN WHICH INCLUDES AT LEAST A MAJOR STREET PLAN OR PROGRESSES IN ITS CITY PLANNING TO THE MAKING AND ADOPTION OF A MAJOR STREET PLAN, AND FILES A CERTIFIED COPY OF THE MAJOR STREET PLAN IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY, NO PLAT OF A SUBDIVISION OF LAND LYING WITHIN THE MUNICIPALITY SHALL BE FILED OR RECORDED UNTIL IT HAS BEEN SUBMITTED TO AND REPORT AND RECOMMENDATION THEREON MADE BY THE COMMISSION TO THE CITY COUNCIL AND THE COUNCIL HAS APPROVED THE PLAT AS PROVIDED BY LAW.

SECTION 15. THE PLANNING COMMISSION SHALL RECOMMEND AND THE COUNCIL MAY BY ORDINANCE ADOPT REGULATIONS GOVERNING THE SUBDIVISION OF LAND. THE REGULATIONS, IN ADDITION TO THE REQUIREMENTS PROVIDED BY LAW FOR THE APPROVAL OF PLATS, MAY PROVIDE REQUIREMENTS FOR THE COORDINATED DEVELOPMENT OF THE MUNICIPALITY; FOR THE COORDINATION OF STREETS WITHIN SUBDIVISIONS WITH OTHER EXISTING OR PLANNED STREETS OR WITH OTHER FEATURES OF THE CITY PLAN OR OFFICIAL MAP OF THE MUNICIPALITY; FOR ADEQUATE OPEN SPACES FOR TRAFFIC, RECREATION, LIGHT AND AIR; AND FOR A DISTRIBUTION OF POPULATION AND TRAFFIC. THE REGULATION MAY INCLUDE REQUIREMENTS AS TO THE EXTENT AND MANNER IN WHICH THE STREETS OF THE SUBDIVISION OR ANY DESIGNATED PORTIONS THERETO SHALL BE GRADED AND IMPROVED AS WELL AS INCLUDING REQUIREMENTS AS TO THE EXTENT AND MANNER OF THE INSTALLATION OF ALL UTILITY FACILITIES, AND COMPLIANCE WITH ALL OF THESE REQUIREMENTS IS A CONDITION PRECEDENT TO THE APPROVAL OF THE PLAT. THE REGULATIONS OR PRACTICE OF THE COUNCIL MAY PROVIDE FOR THE TENTATIVE APPROVAL OF THE PLAT PREVIOUS TO THE IMPROVEMENTS AND INSTALLATIONS; BUT ANY TENTATIVE APPROVAL SHALL NOT BE ENTERED ON THE PLAT. THE REGULATIONS OR PRACTICE OF THE COUNCIL MAY PROVIDE THAT , IN LIEU OF THE COMPLETION OF THE WORK AND INSTALLATIONS PREVIOUS TO THE FINAL APPROVAL OF A PLAT, THE COUNCIL MAY ACCEPT A BOND IN AN AMOUNT AND WITH SURETY AND CONDITIONS SATISFACTORY TO IT, PROVIDING FOR AND BY THE COUNCIL AND EXPRESSED IN THE BOND; AND THE COUNCIL MAY ENFORCE THE BOND BY ALL APPROPRIATE LEGAL AND EQUITABLE REMEDIES. THE REGULATIONS MAY PROVIDE, IN LIEU OF THE COMPLETION OF THE WORK AND COUNCIL IS PUT IN AN ASSURED POSITION TO DO THE WORK AND MAKE THE INSTALLATIONS AT THE COST OF THE OWNERS OF THE PROPERTY WITHIN THE SUBDIVISION. THE REGULATIONS MAY PROVIDE FOR THE DEDICATION, RESERVATION OR APPROPRIATE MEANS OF PROVIDING FOR THE COMPENSATION, INCLUDING REASONABLE CHARGES AGAINST THE SUBDIVISION, IF ANY, AND OVER A PERIOD OF TIME AND IN A MANNER AS IS IN THE PUBLIC INTEREST. BEFORE ADOPTION OF ITS SUBDIVISION REGULATIONS OR ANY AMENDMENT THEREOF, A DULY ADVERTISED PUBLIC HEARING THEREON SHALL BE HELD BY THE COUNCIL.

SECTION 16. WITHIN SIXTY DAYS AFTER THE SUBMISSION OF A PLAT TO THE COMMISSION, THE COMMISSION SHALL APPROVE OR DISAPPROVE THE PLAT; OTHERWISE THE PLAT IS DEEMED APPROVED BY THE COMMISSION, EXCEPT THAT THE COMMISSION WITH THE CONSENT OF THE APPLICANT FOR THE APPROVAL, MAY EXTEND THE SIXTY DAY PERIOD. THE GROUND OF DISAPPROVAL OF ANY PLAT BY THE COMMISSION SHALL BE MADE A MATTER OF RECORD.

SECTION 17. THE APPROVAL OF A PLAT BY THE COMMISSION DOES NOT CONSTITUTE OR EFFECT AN ACCEPTANCE BY THE MUNICIPALITY OR PUBLIC OF THE DEDICATION TO PUBLIC USE OF ANY STREET OR OTHER GROUND SHOWN UPON THE PLAT.

SECTION 18. NO COUNTY RECORDER SHALL RECEIVE FOR FILING OR RECORDING ANY SUBDIVISION PLAT REQUIRED TO BE APPROVED BY THE CITY COUNCIL OR CITY PLANNING COMMISSION UNLESS THE PLAT HAS ENDORSED UPON IT THE APPROVAL OF THE CITY COUNCIL UNDER THE HAND OF THE CLERK AND SEAL OF THE CITY, OR BY THE SECRETARY OF THE PLANING COMMISSION.

SECTION 19. NO OWNER, OR AGENT OF THE OWNER, OF ANY LAND LOCATED WITHIN THE PLATTING JURISDICTION OF THE MUNICIPALITY, KNOWINGLY OR WITH INTENT TO DEFRAUD, MAY TRANSFER, SELL AGREE TO SELL, OR NEGOTIATE TO SELL THAT LAND BY REFERENCE TO OR BY OTHER USE OF A PLAT OF ANY PURPORTED SUBDIVISION OF THE LAND BEFORE THE PLAT HAS BEEN APPROVED BY THE COUNCIL OR PLANNING COMMISSION AND RECORDED IN THE OFFICE THE COUNTY RECORDER. ANY PERSON VIOLATING THE PROVISION OF THIS SECTION SHALL FORFEIT AND PAY TO THE MUNICIPALITY A PENALTY NOT TO EXCEED THREE HUNDRED DOLLARS FOR EACH LOT TRANSFERRED OR SOLD OR AGREED OR NEGOTIATED TO BE SOLD; AND THE DESCRIPTION BY METES AND BOUNDS IN THE INSTRUMENT OF TRANSFER OR THE DOCUMENT USED IN THE PROCESS OF SELLING OR TRANSFERRING SHALL NOT EXEMPT THE TRANSACTION FROM THIS PENALTY. THE CITY OF WOOD HEIGHTS MAY ENJOIN OR VACATE THE TRANSFER OR SALE OR AGREEMENT BY LEGAL ACTION, AND MAY RECOVER THE PENALTY IN SUCH ACTION.

SECTION 20. UPON ADOPTION OF A MAJOR STREET PLAN AND SUBDIVISION REGULATIONS, THE CITY OF WOOD HEIGHTS SHALL NOT ACCEPT, LAY OUT, OPEN, IMPROVE, GRADE, PAVE OR LIGHT ANY STREET, LAY OR AUTHORIZE THE LAYING OF WATER MAINS, SEWERS, CONNECTIONS OR TO OTHER UTILITIES IN ANY STREET WITHIN THE MUNICIPALITY UNLESS THE STREET HAS RECEIVED THE LEGAL STATUS OF A PUBLIC STREET PRIOR TO THE ADOPTION OF A CITY PLAN; OR UNLESS THE STREET CORRESPONDS IN ITS LOCATION AND LINES WITH A STREET SHOWN ON A SUBDIVISION PLAT APPROVED BY THE COUNCIL OR PLANNING COMMISSION OR ON A STREET PLAN MADE BY AND ADOPTED BY THE COMMISSION. THE COUNCIL MAY LOCATE AND CONSTRUCT OR MAY ACCEPT ANY OTHER STREET IF THE ORDINANCE OR OTHER MEASURE FOR THE LOCATION AND CONSTRUCTION OR FOR THE ACCEPTANCE IS FIRST SUBMITTED TO THE COMMISSION FOR ITS APPROVAL AND APPROVED BY THE COMMISSION OR, IF DISAPPROVED BY THE COMMISSION, IS PASSED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO THIRDS OF THE ENTIRE MEMBERSHIP OF THE COUNCIL.

SECTION 21. AFTER THE ADOPTION OF A MAJOR STREET PLAN, NO BUILDING PERMIT SHALL BE ISSUED FOR AND NO BUILDING SHALL BE ERECTED ON ANY LOT WITHIN THE TERRITORIAL JURISDICTION OF THE COMMISSION UNLESS THE STREET GIVING ACCESS TO THE LOT UPON WHICH THE BUILDING IS PROPOSED TO BE PLACED CONFORMS TO THE REQUIREMENTS OF SECTION 20.

SECTION 22. WHENEVER A PLAN FOR MAJOR STREETS HAS BEEN ADOPTED, THE COUNCIL, UPON RECOMMENDATION OF THE PLANNING COMMISSION, IS AUTHORIZED AND EMPOWERED TO ESTABLISH, REGULATE AND LIMIT AND AMEND, BY ORDINANCE, BUILDING OR SETBACK LINES ON MAJOR STREETS, AND TO PROHIBIT ANY NEW BUILDING BEING LOCATED WITHIN BUILDING OR SETBACK LINES. WHEN A PLAN FOR PROPOSED MAJOR STREETS OR THE PUBLIC IMPROVEMENTS HAS BEEN ADOPTED, THE COUNCIL IS AUTHORIZED TO PROHIBIT ANY NEW BUILDING BEING LOCATED WITHIN THE PROPOSED SITE OR RIGHT OF WAY WHEN THE CENTER LINE OF THE PROPOSED STREET OR THE LIMITS OF THE PROPOSED SITES HAVE BEEN CAREFULLY DETERMINED AND ARE ACCURATELY DELINEATED ON MAPS APPROVED BY THE PLANNING COMMISSION AND ADOPTED BY THE COUNCIL. THE COUNCIL SHALL PROVIDE FOR THE METHOD BY WHICH THIS SECTION SHALL BE ADMINISTERED AND ENFORCED AND MAY PROVIDE FOR A BOARD OF ADJUSTMENT WITH POWERS TO MODIFY OR VARY THE REGULATIONS, IN SPECIFIC CASES, IN ORDER THAT UNWARRANTED HARDSHIP, WHICH CONSTITUTES AND UNREASONABLE DEPRIVATION OF USE AS DISTINGUISHED FROM THE MERE GRANT OF PRIVILEGE, MAY BE AVOIDED. THE REGULATIONS OF THIS SECTION SHALL NOT BE ADOPTED, CHANGED OR AMENDED UNTIL A PUBLIC HEARING HAS BEEN HELD THEREON AS PROVIDED.

SECTION 23. THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER ITS DATE OF PASSAGE AND APPROVAL. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR AND BOARD OF ALDERMAN THIS 19TH DAY OF JANUARY, 1999.

_____
MAYOR

ATTESTED BY:

_____
CITY CLERK

SEAL

Section 1.1.3 Zoning regulations (Ord. 20155)

BILL NO. 1415

ORDINANCE NO. 20155

AN ORDINANCE BY THE BOARD OF ALDERMEN ESTABLISHING ZONING REGULATIONS WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

SECTION 010: TITLE

This Ordinance shall be known, cited and referred to as: "The Wood Heights Zoning Ordinance".

SECTION 020: PURPOSE AND INTENT

This Ordinance is adopted for the purpose of:

1. Promoting the public health, safety, comfort, morals, convenience and general welfare.
2. Securing adequate light, pure air and safety from fire and other dangers.
3. Conserving the value of land and buildings throughout the City of Wood Heights.
4. Assure a means of efficient and safe vehicular and pedestrian circulation throughout the City.
5. To these ends, this Ordinance is designed to establish certain standards and objectives by:
    a. Dividing the entire City of Wood Heights into districts and restricting and regulating therein the location, construction, reconstruction, alteration and use of the building structures, and land whether for residence, business, manufacturing or other specified uses.
    b. Avoiding or lessening congestion in the public streets.
    c. Preventing the overcrowding of land through regulating and limiting the height and bulk of buildings hereafter erected as related to land area.
    d. Establishing regulations and limiting the building or setback lines on or along streets, alleys or property lines.
    e. Regulating and limiting the intensity of the use of land, and defining and regulating the area of open spaces within and surrounding such uses.
    f. Establishing spatial standards to which buildings or structures therein shall conform.
    g. Prohibiting uses, building or structures incompatible with the character of nearby residence, business or manufacturing districts.
    h. Preventing additions to and alterations or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.

i. Providing for the gradual elimination of those uses, buildings, and structures which are incompatible with the character of the districts in which they are located; including, without being limited thereto:

   1) Elimination of such uses improved lands or lot areas when existing rights of the persons in possession thereof are terminated, or when the uses to which they are devoted are discontinued;

   2) Elimination of uses to which such buildings and structures are devoted, if they are adaptable to permitted uses,

   3) Elimination of such buildings and structures when they are destroyed or damaged in major part.

j. Defining and limiting the powers and duties of the administrative officers and bodies thereafter.

k. Prescribing penalties for the violation of the provisions of this Ordinance, or any amendment thereto.

SECTION 030: DEFINITIONS

The language set forth in the test of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and plural the singular;
2. The present tense includes and the future tenses and the future the present;
3. The word "shall" is mandatory while the word "may" is permissive;
4. The masculine gender includes the feminine and neuter;
5. Whenever a word or term defined hereinafter appears in the text of this Ordinance its meaning shall be construed as set forth in the definition thereof;
6. All measured distances shall be the nearest foot; if a fraction is one-half (1/2) foot or more, the integral foot next above shall be taken;
7. The following words and terms wherever they occur in this Ordinance shall be construed as herein defined.

AGRICULTURE: The planting, cultivating, harvesting and storage of grains, hay, or plants commonly grown in Clay and Ray Counties. The raising and feeding of livestock and poultry shall be considered agriculture if the area in which the livestock or poultry is kept is part of an ownership often ten (10) acres or more, the primary use of which is row crops or grazing. Stockyards, sale of machinery, feed lots, grain elevators, and similar commercial operations shall not be included in this definition.

AIRPORT: Any premises which are used, or intended for use, for the landing and take-off of aircraft; and any appurtenant areas which are used, or intended for use, for airport buildings or other airport structures or right of way together with all airport buildings and structures located therein.

ALLEY: A right of way with a width not exceeding twenty-four (24) feet which affords a secondary means of access to abutting property.

ALTERATION: Any additional, removal, extension or change in the location of any exterior wall of a building.

ANIMAL HOSPITAL: Any building or portion thereof, designed for used for the care, observation, or treatment of domestic animals.

AUTOMATIC CAR WASH: Any building, or portion thereof, where automobiles are washed using a conveyor, blower, steam cleaning equipment, or other mechanical devise of production line nature.

AUTOMOBILE SERVICE STATION: Any building or portion thereof, or premises used for dispensing or offering for sale at retail any automotive fuels or oils, having pumps and storage tanks thereon; or where battery, tire, and other similar services are rendered, but only if rendered wholly within the lot lines. When dispensing, sale, or offering for sale is only incidental to the conduct of a repair garage, the premises are classified as repair garage. Automobile service stations do no include open sale lots of vehicle storage lots.

AUTOMOBILE SALVAGE OR WRECKING YARD: Any area of land where three (3) or more inoperable motor vehicles or parts thereof, are stored in the open and are not being restored to operation; or any land, building, structure used for stripping, wrecking, or storing or such automobiles or parts thereof and which may include sale of parts of vehicles.

BASEMENT: A portion of a building located partly underground, but having more than half (½) its floor-to-ceiling height below the average grade of the adjoining ground.

BLOCK: A tract of land bounded by streets or by a combination of one (1) or more streets and public parks, cemeteries, railroads right-of-way, or shorelines of waterways or corporate boundary lines.

BOARDING OR LODGING HOUSES: A residential building containing one (1) or more rooms which have no cooking facilities and which are occupied by persons other than members of the immediate family of and which may or may not include meals.

BUILDING: Anything constructed for shelter or enclosed of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.

BUILDING, ACCESSORY: A subordinate building or portion of a principal building the use of which is incidental to that of the principal building and customary in connection with that use.

BUILDING, DETACHED: A principal building surrounded by open space on the same lot.

BUILDING, HEIGHT: The vertical distance measured from the average finished grade adjoining the building to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of the mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevators, penthouses, tanks, and similar projections shall not be included in calculating the height.

BUILDING, PRINCIPAL: A building which is conducted the principal use of the lot on which it is located.

BUILDING, RESIDENTIAL: A building arranged, designed, used, or intended to be used for residential by one (1) or more families.

BUILDING, TEMPORARY: A building not designated to be permanently located, placed, or affixed in the place where it is situated.

BULK: A composite characteristic of a given building as located upon a given lot, not definable as a single quantity, but involving all of the following characteristics:

1. Size and heights of building,
2. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings,
3. Gross floor area of the building in relation to lot area (floor area ratio),
4. All open spaces allocated to the building, and
5. Amount of lot are provided per dwelling unit.

BUSINESS: An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold or where services are offered.

CALIPER: A measurement of size of a shade tree, that being the diameter of the trunk measured one (1) foot above ground surface or top of earth ball.

CAMPGROUND: An area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreational vehicles and other modes of sleeping while traveling by automobile.

CLUB OR LODGING, PRIVATE: An association of persons who are bona fide members, paying dues, and being generally restricted to members and their guests.

CLUSTER HOUSING: The site planning technique of grouping of dwelling units around courts, parking areas, common open spaces, and private drives as opposed to fronting all on a public street.

COMMERCIAL TRUCKS OR BUSSES: A truck or bus licensed at or above eighteen thousand (18,000) pounds gross vehicle weight.

CONDOMINIUM: A type of ownership whereby portions of a building are separately owned under a condominium states of the State of Missouri.

CONGRGATE LIVING: A style of living where by senior adults reside in separate living quarters but utilize common dining and recreations facilities.

COURT: An open, unoccupied space, other than a yard, bounded on three (3) or more sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable.

CURB LEVEL: The level of the established curb in front of a building or a building or structure measured at the center such front. Where no curb level has been established, it shall be deemed to be established level of a center line of the street surface in front of a building or structure measured at the center line of such front.

DAYCARE CENTER: A building wherein children not being of the same family, are kept during portions of the day when the children's parents are employed or otherwise occupied elsewhere.

DECIBEL: A unit of measurement of the intensity (loudness) of sound. As used in this Ordinance decibel levels shall be measured on the "A Scale" and referred to as "db (A)".

DRIVE: A right-of-way which affords a means of vehicular access to or through an area and which is owned and maintained by the owner of the property it serves.

DRIVE-IN ESTABLISHMENT: A place of business operated for the retail sale of food and other goods, services, or entertainment; where patrons may be served or otherwise conduct their business while remaining in the automobile which is parked on parking provided on the premises.

DRIVE-THRU SERVICES: Any business wherein a patron is served through a window or other device while remaining in a motor vehicle and where products served to persons in a vehicle are not normally consumed on the premises.

DOG KENNEL: Any premises where three (3) or more dogs are owned, boarded, bred, and/or offered for sale.

DWELLING: A building or portion thereof intended for occupancy for residential purposes but not including hotels, motels, rooming houses, nursing homes, tourist homes, motor homes, or recreation vehicles.

DWELLING UNIT: One (1) or more rooms constituting all or part of a dwelling and which are arranged, designed, used, or intended for exclusively as a single housekeeping unit for one (1) family, and which includes cooking, living, sanitation and sleeping facilities.

DWELLING-SINGLE-FAMILY: A dwelling containing one (1) dwelling unit.

DWELLING-TWO-FAMILY (Duplex): A dwelling containing two (2) dwelling units.

DWELLING-MULTIPLE-FAMILY: A dwelling, or portion thereof, containing three (3) or more dwelling units.

FAMILY: One (1) or persons, each related to the other by blood, marriage, or legal adoption, or group of not more than four (4) persons not so related, and maintaining a common household and using one (1) set of kitchen facilities in a dwelling unit. A family may include not more than two (2) roomers, boarders, or permanent guest not part of a common household, whether or not gratuitous.

FENCE-SOLID: A fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties, streets, alleys, or public ways, materials stored and operations and activities conducted behind it.

FLOOR-TOTAL AREA: The sum of the gross horizontal areas of all floors in a building measured in square feet, including the basement floor, measured from the exterior faces of the exterior walls or from the center line of the walls separating two (2) buildings. The floor area of a building shall also include elevator shafts and stairwells at each floor; floor space used for mechanical equipment; penthouses; attic space having headroom of seven (7) feet ten (10) inches or more; interior balconies and mezzanines; enclosed porches; and floor devoted to accessory uses, provided that any space devoted to off-street parking or loading shall not be included in the total floor area.

FLOOR AREA FOR THE PURPOSE OF DETERMINGING OFF-STREET PARKING REQUIREMENTS: The total floor area of the building, expressed in square feet, measured from the exterior surface of outside walls, and including mezzanines, upper floors, whether finished or not, from which is subtracted the floor are of washrooms, elevator shafts, stairways, mechanical room and any permanent shopping center malls.

FLOOR AREA RATIO: The numerical value obtained through dividing the floor area of a building or buildings by the area of the lot on which such building or buildings are located.

GARAGE-DETACHED: A free standing *"accessory building"* as defined above which is not part of a principle structure. A "detached garage" may not be a principle structure or be allowed on a lot or parcel in a resident district where no principal structure is located.

GARAGE-PRIVATE: An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing of private passenger

vehicles of the persons, family of families using the premises; as well as storage of boats, campers and recreational vehicles; and legally permitted hobby and craft pursuits of persons, family or families using the premises.

GARAGE-STORAGE: A building or premises used for housing motor vehicles pursuant to previous arrangements and for the duration greater than three (3) days.

GARDEN APARTMENTS: An apartment building located on a lot, either singly or together with other similar apartment buildings, generally having a low density of population and having substantial landscaped open space adjacent to the dwelling units.

GROUND FLOOR AREA: The lot area covered by a building measured from the exterior faces of exterior walls, but excluding open terraces or open porches, garages, or carports.

GROUP HOME: A residential facility for five (5) or more persons, who for various reasons, cannot reside in their natural home and where twenty-four (24) hour adult care, supervision and consultation shall exist.

GUEST-PERMANENT: A person who occupies, or has the right to occupy, a residence or dwelling accommodation for a period of thirty (30) days or more.

HEIGHT OF STRUCTURE OTHER THAN A BUILDING: The vertical distance from the average ground level at the base of the structure to the highest part thereof.

HOME OCCUPATION: Any gainful occupation, business, or profession conducted in a dwelling by a member of the immediate family residing on the premises.

HOTEL: A building containing lodging rooms, a common entrance and lobby, halls, and stairways, and which lodging rooms do not have doorways opening directly to the outdoors except for emergencies; and where more than fifty (50) of the lodging rooms are for rent, with or without meals, to transient guests for a continuous period of less than (30) days.

HOTEL-APARTMENT: A hotel, except that more than fifty percent (50%) of the lodging rooms is available for permanent guests.

JUNK YARD: An open area where waste, used or second-hand material are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard including an auto wrecking yard, but does not include uses carried on entirely within enclosed buildings, nor does it include an establishment engaged only in the processing of scrap metal for the manufacture of steel on the same premises.

LABORATORY: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the principal investigation or research function.

LANDSCAPING: The bringing or the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

LODGING ROOM: A room rented as a sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suit of rooms, each room shall be counted as one (1) lodging room.

LOT: A parcel of land occupied by, or intended for occupancy by, one (1) principal building, unified groups of buildings or principal use, and having access to a public street. A lot may be one (1) or more platted lots, or tract or tracts as conveyed, or parts thereof.

LOT AREA: The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

LOT CORNER: A lot situation at the junction of, and abutting on two (2) or more intersecting streets. A corner shall be deemed to front of the street on which it has its least dimension unless otherwise specified by the Building Officials.

LOT DEPTH: The average horizontal distance between the front line and rear lot line of a lot measured within the lot boundaries.

LOT LINE: A property boundary line of any lot.

LOT LINE-FRONT: That boundary line between a lot and the street on which it fronts.

LOT LINE-REAR: That boundary of a lot which is opposite and most distant from and is approximately parallel to the front lot line. If the rear lot is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot lines shall be deemed to be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE-SIDE: Any boundary of a lot that is not a front or rear lot line.

LOT-REVERSED CORNER: A comer lot where the side lot line adjoining the street is substantially a continuation of the front line first (1) lot to its rear.

LOT THROUGH: An interior lot having frontage on two (2) streets.

LOT WIDTH: The horizontal distance between side lot lines, measured at the front building line.

MOBILE HOME: A residential structure, assembled in total or in not more than three (3) sections at the factory, and transported over the road on its own wheel carriage to a destination, and which may be moved from one (1) destination to another.

MOBILE HOME PARK: A tract of land having a system of utilities including water supply, sanitary sewers, power and telephone, which utilities are available to mobile homes which may be placed on the property on a temporary or permanent basis for residential purposes.

MOTEL OR MOTOR HOTEL: A building containing lodging rooms having adjoining individual bathrooms, and used primarily by transient guests traveling by automobile.

MOTOR FREIGHT TERMINAL: A building or premises in which freight is received or dispatched by motor vehicle.

MOTOR VEHICLE: Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

NAMEPLATE: A sign indicating the name and address of a building, or the name of an occupant thereof and/or practice of a permitted occupation therein.

NOXIOUS MATTER: Material, which is capable of causing injury or physical discomfort to living organism by chemical reaction or is capable of causing detrimental effects upon the health or the psychological, social, or economic well-being of human beings.

NURSING HOME: A residential establishment for the care of persons requiring a continuous and moderate level of health care.

OPEN SALE LOT: Any land used or occupied for the purpose of displaying, buying, or selling merchandise, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, or for similar items or for storing the same prior to sale

PARTICULATE MATTER: Material which is suspended in or discharged into the atmosphere in finely divided form as liquid or solid atmosphere temperature and pressure.

PARTY WALL: A wall which is common to but divides contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof.

PERFORMANCE STANDARD: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare, hear, or other effect generated by or inherent in the uses of land or buildings.

PLANNED ZONING DISTICT: The zoning designation of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract.

PLANNING AND ZONING COMMISSION: The duly appointed advisory board having duties and jurisdiction in the City of Wood Heights as set out in Missouri State Statutes and local ordinances and which board may be referred to herein as "Planning Commission" or "Commission".

RECYCLING: The separation and reuse of materials, which might otherwise be disposed of as solid waste.

REFUSE: Waster products resulting from human habitation or conduct of business or industry, except sewage.

ROOMING HOUSE: A building, or portion thereof, containing lodging rooms which accommodates persons which are not members of the keeper's family and where lodging rooms or meals, or both, are provided for compensation.

SCREENING: A structure erected or vegetation planted as a screen designed to conceal structures, materials and operations, conducted behind it.

SENIOR ADULT: A person fifty-five (55) years of age or older,

STORAGE: The word storage, stored, or store when used in this Ordinance shall mean the keeping of materials, equipment or products of the following nature:

1. In Residential Districts the keeping of building materials, industrial equipment, semi-trailer trucks, recreational vehicles and equipment and similar items for a period of time longer than would normally be involved in the day to day use or consumption of the same. The keeping of motor passenger cars, pickup trucks, and similar vehicles used for daily transportation by occupants of the premises; recreational equipment and vehicles which are used one (1) or more times per month for recreational purposes during the period keeping on the premises; and construction materials and equipment which are being used on construction on the premises shall not be considered storage.
2. In commercial and industrial districts the keeping of merchandise, raw materials, products, or equipment which are a necessary part of the sales, manufacturing or other activity on the premises.

STORY: The part of a building included between the surface of one (1) floor and the surface of the floor above, or if there is no floor above, that part of the building which is between the surface of a floor and a ceiling next above. A top story attic is half (½) story when the main line of the eaves is not above the middle of the interior height of such story. The first (1st)

story is a half (½) story when between fifty percent (50%) and 75 percent (75%) of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air. When less than fifty percent (50%) of the area of the walls of the first (1st) story is exposed to outside light and air entirely above grade, that story shall be classed as a basement and in the case of a multi-family dwelling may not be occupied as a resident by other than a caretaker or manager.

STREET: A right of way which affords a primary means of access to abutting property.

STRUCTURAL ALTERATION: Any change, other than incidental repairs more or less permanent location on the ground, or attached to something having permanent location on ground.

STRUCTURE: Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

TRAILER: A vehicle, other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

TRAILER ADVERTISING: A trailer, as defined above, but carrying or having attached thereto, a sign, billboard, lettering or other media for advertising or announcing 11 business, premises or event.

TRAILER-HAULING: A trailer, as defined above, and designed and normally used for over-the- road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

TRAVEL TRAILER, RECREATION VEHICLE OR MOTOR HOME: A portable structure mounted on wheels or on a motorized chassis, including converted bus, and which is normally used as sleeping quarters and shelter while traveling but not as a dwelling.

USE: The purpose or activity for which the land or building thereon is designed, arranged, or intended or for which it is occupied or maintained.

USE-ACCESSORY: A subordinate use which is clearly and customarily incidental to the principal use of a building or premises, and which is located on the same lot as the principal building or use.

USE-NON-CONFORMING: Any use of a building or premises which on effective date of this Ordinance does not, even though lawfully established, comply with all of the applicable use regulations as set forth herein for the Zoning District in which such buildings or premises is located.

USE-PERMITTED: Any building, structure, or use, which on the effective date of this Ordinance, complies with the applicable regulations governing permitted uses in the Zoning District in which such building, structure, or use is located.

USE-PRINCIPAL: The main use of land or building as distinguished from a subordinate or accessory use.

UTILITY BUILDING: A free standing building in a Commercial of Industrial District which houses secondary or incidental equipment or functions of the principal use. Utility buildings are subject to all of the Zoning and Building code provisions of the Municipal Code of Wood Heights.

VARIANCE: A variation of or relief from a specific requirement in this Ordinance as applied to a specific property as approved by the Board of Adjustment.

YARD: An open space on a lot which is generally occupied and obstructed from ground level to the sky, except as otherwise permitted in this Ordinance. A yard extends along a lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD-FRONT: A yard across the full width of the lot with the principal building located between the rear line of the building and the rear lot line extending for the full width of the lot.

YARD-REAR: The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot lines extending for the full width of the lot.

YARD-SIDE: A yard extending alongside a lot line between the front yard and the rear yards.

SECTION 040: GENERAL PROVISIONS

A. *Interpretation.*

1. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare of the citizens of Wood Heights.
2. Where the condition imposed by any provision of this Ordinance upon the:
   a. Use of land or buildings;
   b. The bulk of buildings;
   c. Floor area requirements;
   d. Lot area requirements; and
   e. Yard requirements are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of the Ordinance or of the adopted Building Code, any law ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
3. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement; provided, that where the regulations of this Ordinance are more restrictive or impose higher standards, such requirements shall govern.
4. No building, structure, or use not lawfully existing at the time of the adopting of this Ordinance, shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that, said unlawful building, structure or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.

B. *Separability.* It is hereby declared to be the intention of the Board of Aldermen of the City of Wood Heights that the several provisions of this Ordinance are separable provisions, in accordance with the following:

1. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in such judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affects the application of said provisions to any other property, building, or

structure not specifically included in said judgement.

C. *Building on Lot.* In a single-family dwelling hereafter erected or structurally altered shall be located on a lot, and there shall not be more than one (1) principal building on one (1) lot except as may be approved in the planned zoning process.

D. *Allowable Use of Land or Buildings.* The following uses of land or buildings are allowed in the district indicated on the Zoning District Map and under the conditions specified in this Ordinance.

1. Uses lawfully established on the effective date of this Ordinance.
2. Permitted uses as designed in Sections 050 through 220 inclusive.

E. *Prohibited Use of Land or Buildings.* No building or tract of land shall be devoted to any use other than one (1), which is specified as a Permitted Use, Accessory Use, or Special Use in Section 00.070 through 00.120 inclusive. However, where a building permit for a building or structure has regulations or where plans for a building or structure of this Ordinance, a period of transition is provided.

F. *Control Over Use.* No building or premises shall hereafter be used or occupied and no building or structure, or part thereof, shall be erected, moved, reconstructed, enlarged, altered, except in conformity with the regulations herein specified for the district in which it is located; except that in Residence Districts a lot in single ownership which was of record at the time of adoption of this Ordinance, even though not meeting the requirements of this Ordinance as to the area and width, may be used for single-family residence purposes, provided that such use conforms with all other applicable regulations of this Ordinance.

G. *Special Uses.* To provide for the location of certain uses hereinafter specified which are deeming desirable for the public welfare within a given district or districts, but which have characteristics, which are unusual and which prevent their inclusion in the Standard Zoning Districts contained herein, a classification of Special Uses is hereby established. Procedures for Special Uses are set forth in Section 050 and Section 200.

SECTION 050: PROCEDURES FOR APPROVAL OF REZONINGS, SPECIAL USES, AND SITE DEVELOPMENT PLANS

A. *Authority to File Applications.*

1. Zoning Text Amendment. Application for a zoning text amendment may only be initiated by the Board of Aldermen or Planning and Zoning Commission.
2. Zoning Map Amendment (Rezoning). Application for a zoning map amendment or changes in zoning may be initiated by the Board of Aldermen, Planning and Zoning Commission, and the owner or authorized agent of the property affected.
3. Special Use. Application for a special use may be initiated by the Board of Aldermen, Planning and Zoning Commission, and the owner of the property affected.
4. Development Plan. Application for a development plan may only be filed by the owner of property or their authorized agent.

5. Site Plan. Application for a site plan may only be filed by the owner of property or their authorized agent.

B. *General Provisions*

1. Application Submission. An application for a zoning map amendment or change in zoning, a special use and development plan shall be made to the Planning and Zoning Commission upon appropriate forms available from the City Clerk, and shall include a list of names and addresses of all property owners within 185 feet of the rezoning area. Such application shall be made at least twenty (20) days prior to a regularly scheduled Planning and Zoning Commission meeting, unless the submission deadlines adopted by the Planning and Zoning Commission contain different time periods.
2. Proof of Ownership and/or Authorized Agent. Where an application provided for in this Article has been filed by a landowner or authorized agent, an affidavit of ownership or control of the land wholly contained within the application, or authorizing an agent to submit an application on behalf of the owner, shall be submitted to the City Planning Representative or his/her authorized representative.
3. Pre-Application Conference. Prior to filing an application provided for in this Article, a pre-application meeting shall be required between the applicant and the City Planning Representative or his/her authorized representative, unless waived by said Representative. The purpose of this meeting is to provide an opportunity to receive advice and assistance of the city staff, and shall not constitute a formal application. The meeting is for informational purposes only and is not a substitute for a complete reading by the applicant of all applicable regulations, or is it to be considered as any indication of approval or disapproval by the City Planning Representative. The meeting may include a discussion of technical studies, concept plans, site plans, landscape plans, development standards and other information deemed relevant. A discussion on anticipated level of citizen interest and notification requirements shall also be included.
4. Complete Applications Required. No application shall be deemed complete until all items required to be submitted in support of an application have been submitted subject to the provisions of this Article. If the City Planning Representative or his/her authorized representative determines that the application is incomplete, the Representative shall return the application to the applicant as incomplete and identify how the application is deficient with a written explanation of his/her determination. The applicant may re-apply or may appeal the determination to the Board of Adjustment.
5. Concurrent Review. The applicant may request, subject to the City Planning Representative's approval, concurrent processing and review of various development applications.
6. City Planning Representative Review. The City Planning Representative may distribute the application and other submittals to city divisions and departments, and to other appropriate city, county, and state agencies to solicit comments and ensure that the proposal complies with all applicable standards and requirements.
7. Submission of Technical Studies. The City Planning Representative, Planning and Zoning Commission or Board of Aldermen may require applicants for rezoning, special uses, concept plan, and a site plan to submit technical studies as may be necessary to enable the Planning and Zoning Commission or Board of Aldermen to evaluate the application. Examples of technical studies that may be required shall include, but are not limited to: traffic studies, engineering studies, geologic or hydrologic studies,

environmental impact assessments, noise studies, market demand studies, and economic impact reports. The persons or firms preparing the studies shall be subject to the approval of the City Planning Representative. The costs of all studies shall be borne by the applicant. Any decision of the City Planning Representative to require any such study or to disapprove the person or firm selected by the applicant to perform the study may be appealed to the Planning and Zoning Commission. The decision of the Planning and Zoning Commission on any such appeal shall be final.

8. Planning and Zoning Commission and Board of Aldermen Public Hearing.

   a. All proposed zoning map amendments, special uses, and development plans shall first be submitted to the Planning and Zoning Representative for recommendation and report, and no amendment or change shall be made without a Public Hearing before the Planning and Zoning Commission. The Planning and Zoning Commission shall cause an accurate written summary to be made of the proceedings.

   b. Public notice of such Public Hearing shall be published by the City Clerk not more than fifteen (15) days and not less than five (5) days prior to the date of said hearing in a newspaper of general circulation legally authorized to publish such notices, and notification letters shall be mailed to all property owners with 185 feet of the proposed rezoning area. Said notices shall notify the public that such hearing will take place, fix the time and place for the hearing; describe the nature of the application which will be presented; and state that the public may attend and be heard. When the proposed changes are not a general revision of an existing Ordinance and will affect specific property, such property shall also be designated by legal description. Proof of publication of such notice shall be filed with the Planning and Zoning Commission in advance of said Public Hearing by the City Clerk who is responsible for such publications.

   c. After the Public Hearing before the Planning and Zoning Commission, the Commission shall approve, approve subject to modifications, or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Planning and Zoning Commission to the Board of Aldermen.

   d. No zoning map amendment or change, special use, or development plan shall be authorized without a Public Hearing before the Board of Aldermen. The procedures described in Section 050 shall be followed. The Board of Aldermen shall cause an accurate written summary to be made of the proceedings.

9. Protest Petition. In case a protest against a zoning map amendment or special use is presented, duly signed and acknowledged (properly notarized) by the owners of thirty percent (30%) or more, either of the areas of land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Board of Aldermen.

10. Conditions Attached to Rezoning, Special Uses, Development Plans, and Site Plans. The Planning and Zoning Commission may recommend and the Board of Aldermen may adopt a zoning amendment, special use, development plan and a site plan with conditions attached. The City may impose reasonable conditions on the approval of a Special Use Permit. Such conditions my include a provision approving a Special Use

Permit limited to an individual property owner or owners alone or a provision approving a Special Use Permit for a specific period of time.

11. Time of Performance in Rezoning.

    a. In cases where the Planning and Zoning Commission and Board of Aldermen deem that time of development is a critical factor in protecting the City of Wood Heights public welfare in a rezoning action, a time of performance may be included in the Rezoning Ordinance. Such time allowed for performance shall be reasonable. Such time shall be not less than three (3) years from the date of publication of the Rezoning Ordinance for all rezoning into districts in which single-family dwellings are allowed and not less than two (2) years from the date of publication of the Rezoning Ordinance for all rezoning into districts in which single-family dwellings are not allowed. Such Ordinance shall clearly state what constitutes performance in each case.

    b. If, at the termination of such stipulated period of time, performance as required has not occurred, the Planning and Zoning Commission may, within reasonable time thereafter, publish notice and conduct a Public Hearing for purposes of determining whether or not a change in zoning to a more restrictive district would, at that time, be in the public interest. The owner of the property in question shall be notified by registered mail of the proposed hearing not less than fifteen (15) days prior to the date of the hearing. Other notification and posting as required in this Section shall be performed by the City and all proceedings shall be the same as for other rezoning actions.

    c. It shall be the purpose of this hearing to hear the owner and other interested parties and make a determination as to which of the following actions would be recommended to the Board of Aldermen:

        1) Extend the time of performance to a specified date.

        2) Remove the time of performance section from that Rezoning Ordinance.

        3) Rezone the land to another specific district.

    d. After the Public Hearing the Planning and Zoning Commission shall forward its recommendation to the Board of Aldermen. The Board of Aldermen will then act to approve or disapprove the recommended action consistent with these regulations.

12. Limitation on Land Use. The Planning and Zoning Commission and the Board of Aldermen may, in the process of rezoning land, limit the use of the land to one (1) specific use permitted in the district to which the land is rezoned.

13. Fees. A fee, in the amount set by the Board of Aldermen, shall accompany all applications. The amount of such fee shall also reimburse the City for the cost of the publication notice and notification mailings to surrounding property owners for which the City agrees to take responsibility.

14. Limitations on Reapplication for Amendments.

    a. Whenever any application has been made under this Article and the application has been denied by the Board of Aldermen or withdrawn after it has been advertised for Public Hearing, such application or one (1) substantially similar shall not be reconsidered for the same property sooner than six (6) months after the previous denial or from the date the application was withdrawn.

b. The Board of Aldermen may waive the limitation in this Section for good cause if there is a substantial change in the original application. All requests for an exemption from this Section shall be submitted to the Board of Aldermen fifteen (15) days prior to a regularly scheduled meeting of the Board of Aldermen and shall be included on the agenda for that meeting. If the Board of Aldermen determines that the application constitutes a substantial change from the original application, the item will be advertised and a Public Hearing will be held at the next regularly scheduled meeting of the Planning and Zoning Commission.

15. Vested Rights. A landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment or change to a Zoning Ordinance, a permit or site plan when the landowner:

    a. Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project.

    b. Relies in good faith on the significant affirmative governmental act.

    c. Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

16. Development Agreements. Whenever it deems necessary, the Board of Aldermen may direct the City Planning Representative and City Attorney, with the continuing participation of the Board of Aldermen, or a committee thereof, to enter into discussions and negotiations with a private party to propose a Developer Agreement to effectuate any purpose or goal set forth in this Zoning Ordinance or the Wood Heights City Comprehensive Plan.

C. *Criteria for Review of Zoning Map Amendment.*

The Planning and Zoning Commission and Board of Aldermen shall consider each of the following criteria when reviewing a zoning map amendment.

1. The existing uses of the subject property and uses of adjacent and near properties.
2. The current zoning of the subject property and adjacent or nearby properties.
3. The extent to which the property values are diminished by the present zoning restrictions.
4. The extent to which the restrictions diminishing property values, promote the health, safety, morals, or general welfare of the public.
5. The relative gain to the public compared to the extent of hardship imposed upon the individual property owner.
6. The suitability of the subject property considered under the proposed zoning classification.
7. The history of the use of the subject property considered in the context of land development in the vicinity of the property.
8. The conformity with the Wood Heights Comprehensive Plan or other planning documents.
9. The capacity to provide adequate public services, facilities, and utilities to accommodate the proposed development.

10. The extent to which appropriate transportation design and access is provided given existing and planned roadway capacity.
11. The extent to which the rezoning will not result in adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.

D. *Criteria for Review of Special Uses.*

The Planning and Zoning Commission and Board of Aldermen shall consider each of the following criteria when reviewing a Special Use Permit.

1. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of land use and operations proposed.
2. Accessibility of the property to police, fire, refuse collection, and other municipal services.
3. Adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of the off-street parking and loading areas.
4. Utilities and services, including water, sewer, drainage, gas and electricity, with particular reference to location, availability, capacity and compatibility.
5. The location, nature and height of buildings, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
6. The adequacy of required yard and open space requirements and sign provisions.
7. The general compatibility with adjacent properties; other properties in the neighborhood; and the safety, health, comfort and general welfare of the community.
8. The consistency of the proposed use with the Wood Heights Comprehensive Plan or other planning documents, and provision for orderly and proper renewal, development and growth.
9. Conservation of property values; promotion of the safety of individuals and property; provision of adequate light and air.
10. Invasion of inappropriate uses and the value, type and character of existing or authorized improvements and land uses.

E. *Continuance and Period of Validity of Special Use Permit*

1. Continuance. A Special Use Permit shall be allowed to continue, unless specified otherwise as a condition of its authorization, as long as all conditions placed on it are met; however, if after a Public Hearing the City finds that particular use ceases to exist for a period of six (6) months or if the use is no longer in compliance with the conditions placed upon such Special Use Permit by the Planning and Zoning Commission and/or the Board of Aldermen, the property forfeits its Special Use Permit and will not be allowed to exist again unless a new application is made, a Public Hearing held as provided for in these regulations and a new Special Use Permit approved.
2. Period of Validity. The approval of a Special Use Permit shall lapse and become void unless the applicant shall apply for a building permit within two (2) years of the date of approval by the Planning and Zoning Commission. Upon the written request of the

property owner, and for good cause shown, the Planning and Zoning Commission may grant a one (1) year extension.

F. *Site Plan Requirements.*

1) Purpose. The provisions contained in this Section are established to ensure the safe and efficient movement of traffic, promote the development of a harmonious and well-ordered community, further the goals and objectives of the Wood Heights Comprehensive Plan, and best serve the interest of public health, safety, and general welfare.

2) Section Overview. A site plan application shall be submitted at the time or prior to when a property owner submits an application for a building permit. The site plan allows the City Planning Representative, Planning and Zoning Commission, and Board of Aldermen to ensure that new construction is in accordance with an approved concept plan, and is consistent with the provisions of the Zoning Ordinance. Site plan approval is required prior to the issuance of a building permit.

3) Types of Site Plan Review. A three tier site plan review process is incorporated into the code. The first tier of site plan review involves a review and approval by the Planning and Zoning Commission and Board of Aldermen and is referenced as a major site plan review. The second tier involves a review by the Planning and Zoning Commission and is referenced as a minor site plan review. The third tier involves an administrative staff review and is referenced as staff level site plan review.

4) Site Plan Exceptions. New One- and Two-Family Structures. An application for single-family and duplex building permits shall include a plot plan of the site to be built upon. The plot plan shall be sealed by a land surveyor licensed in the State of Missouri.

5) Site Plan Submission Requirements. The requirements for submission of site plan shall include the following: Note these submission requirements apply to major, minor, and staff level site plan applications.

a. An approved concept plan when located in a Planned Zoning District.

b. Three (3) copies of the site plan must be submitted to the City Planning Representative or his/her authorized representative.

c. All copies of site plans must be submitted on superior quality paper in a 24 X 36 inch format (or a format specified by the City Planning Representative). The scale shall be a professionally acceptable standard suitable to the area of the purposed project. In addition, ten (10) sets of reduced site plans must be submitted in an 11 x 17 inch format.

d. Unless otherwise specified, each site plan shall contain the following information:

1) Project title.

2) Plan creation and revision dates

3) Name and address of owner and developer.

4) Name and address of the registered engineer, architect, surveyor or landscape architect responsible for preparing the site plan.

5) North arrow and graphic scale.

6) Names of abutting developments and landowners.

e. Property line bearings, distances, and corners.

f. Public right-of-ways.

g. Easements and encroachments (location, dimensions, purpose).

h. 100-year floodplain, if applicable.

i. Building foot print, dimensions, orientation, and finished grade elevation.

j. Contours and spot elevations at appropriate contour interval.

k. Streets and roads (labeled).

l. Sanitary sewer utility location, including manholes.

m. Water utility location, including hydrants.

n. Curb and gutter and sidewalks.

o. Ditches, catch basins, storm water detention or retention, and drainage channels.

p. Fences, walls, and exterior lighting.

q. Outside storage areas, refuse disposal and service areas.

r. Parking lot location, shape, dimensions, and capacities, including aisles, curbing, surface type, driveways, and curb cuts.

s. Loading and service area location, dimensions and capacities, including aisles, curbing, surface type, driveways, and curb cuts.

t. Landscape plan in accordance with the Landscaping Regulations.

u. Signage plans in accordance with the 26 Sign Regulations.

v. The Planning and Zoning Commission, in its discretion, may require a survey showing the physical features of the property, including contours at vertical intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%), and ten (10) foot intervals for non-residential uses. Elevations shall be marked on such contours based on the existing datum plane established by the U.S. Coast and Geodetic Survey. Bench mark elevations used shall be described on the plan.

G. *Major Site Plan.*

1. Major Site Plan Review Procedure. Site plans subject to major site plan review shall be reviewed by the Planning and Zoning Commission and Board of Aldermen. In their review of a major site plan, the Planning and Zoning Commission and Board of Aldermen shall follow Section 050 Site Development Standards.

2. Required Submissions.

   a. Upon application to the City Planning Representative or his/her authorized representative for a building permit, the applicant shall submit a complete set of site plans. See Section 050 Site Plan Submission Requirements.

   b. If the City Planning Representative or his/her authorized representative finds the submission to be incomplete (i.e., contains insufficient information to render a decision on the plans), the City Planning Representative's office shall notify the applicant of the information required for a complete submission or shall reject the application.

3. Referral to Planning and Zoning Commission. The City Planning Representative shall, within thirty (30) days of receipt of a complete submission, submit said plans, together with the staff report, to the Planning and Zoning Commission.

4. Action by Planning and Zoning Commission. The Planning and Zoning Commission shall, within forty-five (45) days of receipt of said site plans and report from the City Planning Representative, review and approve, approve with conditions, or deny applications for major site plan approval at a public meeting. All interested persons shall have the right to appear and speak concerning the application.

5. Action by Board of Aldermen. The Board of Aldermen shall review and approve, approve with conditions or deny applications for major site plan approval at the first available public meeting after action by the Planning and Zoning Commission. All interested persons shall have the right to appear and speak concerning the application.

6. Action by City Planning Representative. The City Planning Representative shall review the approved site plan for each phase or all of the development prior to issuing a building permit. If the property is not to be developed as indicated by the site plan or any approved amendments, the City Planning Representative shall refuse to sign off on any building permit. The building permit applicant, in case of denial of a building permit, may appeal the action by the City Planning Representative to the Board of Adjustment.

H. *Minor Site Plans.*

1. Minor Site Plan Review Procedure. Site plans subject to minor site plan review shall be reviewed by the Planning and Zoning Commission. In their review of a minor site plan, the Planning and Zoning Commission shall follow Section 050 Site Development Standards.

2. Required Submissions.

   a. Upon application to the City Planning Representative or his/her authorized representative for a building permit, the applicant shall submit a complete set of site plans. See Section 050 Site Plan Submission Requirements.

   b. If the City Planning Representative or his/her authorized representative finds the submission to be incomplete (i.e., contains insufficient information to render a decision on the plans), the City Planning Representative's office shall notify the applicant of the information required for a complete submission or shall reject the application.

3. Referral to Planning and Zoning Commission. The City Planning Representative shall, within thirty (30) days of receipt of a complete submission, submit said plans, together with the staff report, to the Planning and Zoning Commission.

4. Action by Planning and Zoning Commission. The Planning and Zoning Commission shall, within forty-five (45) days of receipt of said site plans and report from the City Planning Representative, review and approve, approve with conditions, or deny applications for major site plan approval at a public meeting. All interested persons shall have the right to appear and speak concerning the application.

5. Action by City Planning Representative. The City Planning Representative shall review the approved site plan for each phase or all of the development prior to issuing a building permit. If the property is not to be developed as indicated by the site plan or

any approved amendments, the City Planning Representative shall refuse to sign off on any building permit. The building permit applicant, in case of denial of a building permit, may appeal the action by the City Planning Representative to the Board of Adjustment.

I. *Staff Level Review Site Plans.*

1. Staff Level Review Procedure. Site plans subject to staff level site plan review shall be reviewed by the City Planning Representative or his/her authorized representative. In their review of a site plan, the city staff shall follow Section 050 Site Development Standards.
2. Required Submissions.
   a. Upon application to the City Planning Representative or his/her authorized representative for a building permit, the applicant shall submit a complete set of site plans. See Section 050 Site Plan Submission Requirements.
   b. If the City Planning Representative or his/her authorized representative finds the submission to be incomplete (i.e., contains insufficient information to render a decision on the plans), the City Planning Representative's office shall notify the applicant of the information required for a complete submission or shall reject the application.
3. Action by City Planning Representative. The City Planning Representative or his/her authorized representative shall review and approve, approve with conditions, or deny the site plan within thirty (30) days of a complete application.
4. Appeals. All appeals from the decision of the City Planning Representative shall be taken by the applicant to the Planning and Zoning Commission and shall be filed, processed, and reviewed by the Planning and Zoning Commission, as a new site plan submission, but without additional fees.

J. *Effect of Site Plan Approval.*

Following approval of a site plan submitted in compliance with this Article, all real property described in the building permit application must be improved, developed and used in accordance with the approved site plan and building permit application and any written proposals submitted therewith within the time schedule set forth on the site plan. Changes and modifications to the site plan shall be subject to the same procedures and standards set forth in this Article for initial approval. Upon approval of the site plan and issuance of the building permit, the property owner is responsible for completing all improvements shown on the site plan.

K. *Site Plan Approval Expiration.*

Any approval of a site plan either by the City Planning Representative or the Planning and Zoning Commission shall become void one (1) year from the date of approval if no occupancy or building permit has been issued for development of the project. An extension of six (6) months may be granted by the City Planning Representative upon written request by the owner or developer. Further extensions may only be granted by the Planning and Zoning Commission.

L. *General Site Design Standards.*

1. In the review of a site plan, the City Planning Representative or his/her authorized representative, Planning and Zoning Commission, and Board of Aldermen shall review the site plan for compliance with the provisions of the Zoning Ordinance, principles of good planning and design as presented in Section 050 Site Development Standards, and to advance the intent and purpose of this Section.
2. The applicant must demonstrate that the site plan meets the following standards and that the development as proposed will not be detrimental to the public health, safety or general welfare:
   a. The development shall be compatible with (and not cause adverse impact on) the neighboring properties and public facilities.
   b. The development shall provide adequate parking and safe access to and from public streets and highways, and shall minimize adverse effects on vehicular and pedestrian circulation. If deemed necessary by the City Planning Representative or Planning and Zoning Commission, the applicant may be required to prepare a traffic impact analysis to quantify the amount of traffic generated by the proposed development and projected impacts on traffic circulation in the area.
   c. The development shall provide for open space and parkland, when required, and protect sensitive natural areas from development which minimizes natural hazards.
   d. The development shall be adequately served by public facilities and services, such as sewer, water, streetlights, sidewalks, storm water management and/or storm drains; and police, fire and refuse collection.
   e. The development of commercial structures shall ensure the highest possible quality, design, appearance and character or theme of architecture that best advances the overall image of the community, and relates to and/or compliments with adjacent sites and structures.
3. Site plans for storm water management and/or sediment and erosion control measures as required shall be reviewed by the City for compliance with City and State requirements.
   a. All development shall control any storm water drainage which occurs off the property according to adopted City standards which are currently "Storm Drainage Systems and Facilities of Division V, Design Criteria of the Kansas City Metropolitan Article of the American Public Works Association (APWA).
   b. Development within the designated floodplain zone shall conform to the requirements of the Floodplain Overlay District.

SECTION 060: NON-CONFORMING BUILDINGS, STRUCTURES, AND USES

A. *Statement of Purpose.* The purpose of this Section is to provide for the regulation of non-conforming uses, buildings, and structures.

B. *Authority to Continue Non-Conforming Buildings, Structures, and Uses Thereof.* Any non-conforming building, structures, or use which existed lawfully at the time of adoption of this Ordinance and which remains non-conforming, and any such building, structure or use which shall become non-conforming upon the adoption of this Ordinance or of any subsequent amendment thereto, may be continued in accordance with the regulations which follow.

C. *Restrictions on Non-Conforming Buildings, Structures, and Uses Thereof.* Any lawfully existing building or structure, which does not conform to the regulations of the District, in which it is located, shall be subject to provisions of this Subsection.

1. *Repair.* Ordinary repairs may be made to a non-conforming building or structure. Ordinary repairs shall be determined by the Building Official and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.

2. *Alterations and enlargements.*

   a. A non-conforming building or structure which is non-conforming only as of height, yard, parking, or loading regulations may be altered, including structural alterations, or enlarged provided such alteration or enlargement complies with the regulations of this Ordinance.

   b. A non-conforming building or structure, all of which is designed or intended for a use not permitted in the District where it is located shall not be added to or enlarged unless such non-conforming building or structure and additions thereto are made to conform with all regulations herein for the District in which it is located.

3. *Restoration of damaged non-conforming building.* A building or structure, all or substantially all, of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent of not more than fifty percent (50%) of its true current value may be restored to its original size and occupancy. Such restoration shall be completed within twelve (12) months of the date of damages provided anytime for litigation shall not be counted in the twelve (12) month period. Said building or structure, if destroyed or damaged to an extend greater than fifty percent (50%) of its true current value, shall be restored only if said building or structure, and the use thereof, shall conform to all regulations of this District in which it is located.

4. *Discontinuance of use of non-conforming building or structure.* A building or structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is vacant and remains unoccupied, or is not used for a continuous period of one hundred and eighty (180) days, shall not thereafter be occupied or used, except by a district in which it is located. A building or structure, which is non-conforming only as to height, yard, parking, or loading requirements, shall not be subject to this provision.

5. *Expansion of use in non-conforming building or structure.* The nonconforming use of a part of a building or structure may be expanded within the building or structure in which said use is presently located, but no structural alterations shall be made unless such structural alterations and the use thereof, conform to all regulations of the District in which the building or structure is located.

6. *Change of use in non-conforming building or structures.* The non-conforming use of a part of a building or structure may be changed to a use permitted in the district in which the building or structure is located; but no change shall extend or otherwise modify any provisions in this Ordinance for elimination of such non-conforming building or structure, and the use thereof

D. *Non-Conforming Use of Conforming, Buildings, or Structures.* The lawfully existing non-conforming use of a part or all of a building or structure, all or substantially all of which

building or structure designed or intended for a use permitted in the District in which it is located, may be continued subject to the following provisions:

1. *Expansion of non-conforming use.* The non-conforming use of a part of a building or structure, all or substantially all of which building or structure is designed or intended for use permitted in the District in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any other non-conforming use.
2. *Discontinuance.* The non-conforming use of a building or a structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of ninety (90) days, it shall not be renewed and any subsequent use of the building or structure shall conform to the use regulations of the District in which the premises are located.
3. *Change of non-conforming Use.* No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all of substantially all of which building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

E. *Non-Conforming Use of Land.* The non-conforming use of land not involving a building or where any building or structure thereon is merely incidental or accessory to the principal use of the land, may be continued subject to the following provisions:

1. *Expansion.* A non-conforming use of land shall not be expanded beyond the area it occupies.
2. *Discontinuance.* The non-conforming use of land is discontinued for a period of one hundred and eighty (180) days it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.
3. *Change of use.* A non-conforming use of land shall not be changed to any other use, except to use permitted in the district in which the land is located.
4. *Elimination of non-conforming use of land.* The non-conforming use of land shall in certain cases be discontinued and cease in accordance with the following:
   a. Where no building or structures are employed in connection with such use, discontinued within one (1) year.
   b. Where such use is maintained in connection with a conforming building or structure, except for inadequate off-street parking facilities may be continued for so long as the premises are so used.
   c. Where non-conforming use of land is accessory to the non-conforming use of a building or structure, discontinued on the same date on which the non-conforming use of the building or structure is discontinued.
   d. Where the use of commercial or industrial land is rendered non-conforming by the screening requirements of Section 050 of this Ordinance.

SECTION 070: ZONING DISTRICTS

A. *Establishment of Districts.* In Order to carry out the purposes and provisions of this Ordinance the City of Wood Heights, is hereby divided into the following districts:

District "A"	Agriculture District.
District "R-1"	Medium Density Single-Family Residential District.
District "R-2"	Two-Family Residential District.
District "R-3"	Cluster, Townhouses or Garden Type Residential District.
District "R-4"	Medium Density Apartment District.
District "R-5"	High Density Apartment District.
District "RMP"	Mobile Home Park District.
District "C-0"	Non-Retail Business Park.
District "C-1"	Local Business District.
District "C-2"	General Business District.
District "C-2A"	Special Business District.
District "C-3"	Service Business District.
District "M-1"	Light Industrial District.
District "M-2"	General Industrial District.

B. *Planned Zoning Districts.* Each of the districts hereinbefore set forth excepting Districts "RMP" and "C-2A" shall have a separate and distinct counterpart known and herein referred to as a Planned District. A Planned District shall be for the purpose of permitting and regulating the uses heretofore permitted in the equivalent district and further provide for and encourage latitude and flexibility in the location of building, structures, roads, drives, variation in yards and open spaces, all subsequent to approval of the plan by local officials. The purpose is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations.

District "RP-1A"	Planned Low Density Single-Family Residential District.
District "RP-1B"	Planned Standard Single-Family Residential District.
District "RP-1C"	Planned Medium Density Single-Family Residential District.
District "RP-2"	Planned Two-Family Residential Districts.
District "RP-3"	Planned Cluster, Townhouses or Garden Type Residential District.
District "RP-4"	Planned Medium Density Apartment District.
District "RP-5"	Planned High Density Apartment District.
District "CP-0"	Planned Non-Retail Business District.
District "CP-1"	Planned Local Business District.
District "CP-2"	Planned General Business District.
District "CP-3"	Planned Service Industrial District.
District "MP-1"	Planned Light Industrial District.
District "MP-2"	Planned General Industrial District.

C. *Objectives.* The zoning of Wood Heights to one (1) of the Planned Districts ("RP-1A" to "MP-2" inclusive) shall be for the purpose of requiring orderly development on a quality level generally equal to that of the equivalent Standard Zoning Districts, but permitting variations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large-scale development tracts, innovation and imaginative site planning, conditions and objectives of planned zoning.

1. A proposal to rezone land to a Planned District shall be subject to the same criteria relative to compliance with master plans, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements, as is normal in rezoning deliberations.

2. The submittal by the developer and the approval by the City of development plans represent a firm commitment by the developer that development will indeed follow the approved plans in concept, intensity of use, aesthetic levels and quantities of open space.
3. Deviations in yard requirements, setbacks and relationship between buildings are acceptable and may be approved within the limits set out in "Standards of Development" in this section, if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development will result than under standard zoning procedures.
4. Residential areas will be planned and developed in a manner that will produce more usable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques.
5. Commercial areas will be planned and developed so as to result in attractive, viable and safe centers and clusters, as opposed to strip patterns along thoroughfares. Control of vehicular access, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on the street system and other services of the community.
6. The developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.
7. Planned zoning shall not be used as a refuge from the requirements of the equivalent district as to intensity of land use, amount of open space or other established development criteria.
8. No use will be permitted in the planned District that is not clearly permitted in the equivalent district.
9. Any Building or portion thereof may be owned in condominium under appropriate Missouri statues.

C. *Standards of Development in Planned Zoning Districts*

1. The maximum heights of buildings and structures shall be as set out in the equivalent district.
2. The intensity of land use, the floor area and bulk of buildings, the concentration or population, the percentage of lot coverage, the amount of open space, light and air shall be generally equal to what is required in the equivalent Zoning District.
3. The density of residential dwelling units, the parking requirements and the performance standards shall be the same as in the equivalent district.
4. The permitted uses shall be the same as those permitted in the equivalent district, provided that limitations may be placed on the occupancy of certain premises, if such limitation is deemed essential to the health, safety or general welfare of the community.
5. The Planning and Zoning Commission may, in the process of approving preliminary and final plans, approve deviations from the minimum standards in the equivalent districts as follows:
    a. Setbacks of buildings and paved areas from a public street may be reduced to seventy-five percent (75%) of the Ordinance requirement.

b. Setbacks of buildings and paved areas from a property line of the project (other than a street line) may be reduced to eighty-five percent (85%) of the Ordinance requirements.

c. Side yards between buildings may be reduced to zero.

d. A portion of the parking area required under this Ordinance may remain unimproved until such time as the Board of Aldermen deems it must be improved to serve the demand adequately.

The foregoing deviations may be granted by the Planning and Zoning Commission only where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege. Reduction of setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project. In all cases such deviation shall be in keeping with good land planning principles, and must be specifically set out in the minutes of the Commission, as well as on plans and other exhibits in the record.

E. *Procedures.* The procedure for zoning land to a Planned District shall be established by the Planning and Zoning Commission.

F. *Conformance to Master Plan.* In the consideration of a change to a Planned Zoning District, the Planning and Zoning Commission and governing body shall determine whether the proposal conforms to master plans, special studies and policies normally utilized in making zoning decisions in the City of Wood Heights.

G. *Map.* The location and boundaries of the districts established by this Ordinance are set forth in the "Zoning District Map," which is hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein. The said map shall be filed with the office of the City Clerk and copies thereof shall be open to the public reference at all times during which those offices are open.

H. *Boundaries of Districts.* When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:

1. District boundary lines are either the centerlines of railroads, or the right of way lines of highways, streets, alley, tract or lot lines, or such lines extended, unless otherwise indicated.

2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street, highway, or railroad, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the property line of the street, highway, or railroad, and the length of frontage shall be in accordance with dimensions shown on the map from the property lines of streets, highways or railroad right of way unless otherwise indicated.

3. Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, in the owner's discretion, extend over the entire lot, but not more than twenty-five (25) feet beyond the mapped boundary line of the district.

I. *Exemptions.* The following City-owned and operated utility uses are permitted in any district poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distribution equipment. However, installation shall conform with applicable Federal, State and local government rules and regulations other than zoning.

SECTION 070: DISTRICT "A" - AGRICULTURAL DISTRICT

A. Permitted Uses. In District "A", no building structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:

1. Farming, dairy farming, livestock and poultry raising and all uses commonly classed as agriculture. There shall be no restrictions on operation of vehicles, or machinery customarily incidental to such uses: of the sale or marketing of products raised on the premises, provided that any building, structure or yard hereafter used or constructed for the raising, feeding, or housing of livestock or poultry shall confirm to existing appropriate Ordinances;
2. Churches and publicly owned and operated community buildings, public museums, public libraries;
3. One-Family dwellings;
4. Fish hatcheries, apiaries, aviaries;
5. Forests, wildlife, and conservation preserves;
6. Fur farming;
7. Golf courses and club houses customarily incident thereto except miniature golf, driving ranges and similar activities used as a business;
8. Kennels, provided that the pens and buildings shall not be located closer than five hundred (500) feet to a dwelling in a District "R-1" to "R-5", inclusive;
9. Mushroom barns and caves;
10. Nurseries, greenhouses and truck gardens;
11. Picnic groves;
12. Publicly-owned parks and playgrounds, including public recreation or service buildings within such parks, public administration buildings, police, fire stations and City-owned and operated buildings, structures, and substations;
13. Public schools, elementary and high and private schools with curriculum equivalent to that of a public elementary or high school and institutions of higher learning, including stadium and dormitories in conjunction, if located on the campus;
14. Railroad rights of way not including railroad yards;
15. Riding stables and riding tracks;
16. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses;

B. *Height and Area Regulations.* In District "A" the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows:

1. *Height.* Buildings or structures shall not exceed thirty-five (35) feet or two and one-half (2 ½) stories in height.

2. *Front Yard.* There shall be a front yard the minimum depth which shall be fifty (50) feet.
3. *Side Yards.* There shall be a side yard on each side of a dwelling of not less than fifteen (15) feet.
4. *Rear Yard.* There shall be a rear yard the minimum depth of which shall be fifty (50) feet.
5. *Lot Width.* The minimum width of a lot shall be one hundred fifty (150) feet provided that where a lot of record has less width than herein required in separate ownership at the time of passage of this Ordinance, this regulation shall not prohibit the erection of a one-family dwelling.
6. *Lot Area.* Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall provide a lot area of not less than one (1) acre, forty-three thousand five hundred sixty (43,560) square feet, provided that where a lot of record has less area than herein required in separate ownership of the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a single-family dwelling.
7. *Minimum Dwelling Size.* Minimum size of a single-family dwelling shall be twelve hundred (1,200) square feet of living floor area.

D. *Subdivisions Prohibited.* The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential or business use and where the opening or new streets or roadways is contemplated to accomplish this purpose is not permitted in District "A".

SECTION 080: DISTRICT "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

A. *Permitted Uses.* In District "R-1" no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses.

1. Dwellings, one-family;
2. Parks and playgrounds, including recreation or service buildings and swimming pools, which are owned or operated by a governmental agency;
3. Public schools, elementary and high, and the accessory uses normally associated with such institutions; private schools, with curriculum equivalent to that of a public elementary or high school and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus;
4. Golf courses and clubhouses appurtenant thereto, (except miniature golf courses, driving ranges and other similar activities operated as a business);
5. Railroad rights of way, not including railroad yards;
6. Agriculture, provided no feed lot, pens or concentration of livestock or poultry shall be located closer than five hundred (500) feet to a dwelling;
7. Nurseries, and truck gardens limited to the propagation and cultivation of plants; provided no retail or wholesale business shall be conducted upon the premises;
8. Churches and synagogues.

B. *Height and Area Regulations.* In a District "R-1" the height of buildings, the minimum dimensions of lot and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. *Height.* Building or structures shall not exceed two and one-half (2 ½) stories or thirty five (35) feet in height except that on lots having a natural slope, a full three (3) stories may be exposed above grade on the downhill side.
2. *Front Yards.* Any dwelling hereafter constructed shall provide for a front yard, the minimum depth of which shall be twenty-five (25) feet.
3. *Side Yards.* There shall be a side yard on each side of the dwelling, the minimum depth of which shall be not less than seven (7) feet. Dwellings on corner lots shall provide a side yard on the street side of not less than twenty-five (25) feet.
4. *Rear Yards.* The depth of the rear yard shall be at least twenty-five (25) feet.
5. *Lot Area Per Family.* Every dwelling hereafter erected, moved, or altered shall provide a lot area of not less than seven thousand five hundred (7,500) square feet per family, provided that where a lot has less area than herein required in separate ownership at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a one-family dwelling. In order to carry out this provision for use of lots having less than seven thousand five hundred (7,500) square feet, corresponding reductions in yards, floor area or parking may be required, and are hereby authorized, only to the minimum extent necessary, and only on joint concurrence of the Planning and Zoning Commission and the Board of Aldermen. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, only a single-family dwelling may be constructed and the minimum lot area therefore shall be determined by the County Health Officer.
6. *Lot Width.* The width of a lot, measured at the front building line, shall not be less than seventy (70) feet provided that where a lot has less width than herein required in separate ownership at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a single-family dwelling.
7. *Floor Area.* No single-family dwelling shall be constructed, reconstructed, altered or moved unless it contains a main floor area, main living quarters, of not less than one thousand two hundred (1,200) square feet. (Main living quarters excluded bathrooms, halls and closets.)
8. *Parking Regulations.* Three (3) off-street parking spaces shall be provided for each single-family dwelling, at least one (1) of which shall be enclosed.
9. *Height and Area Standard Exceptions.* The Planning and Zoning Commission may, I the process of approving preliminary and formal plans, approve one (1) or more deviations from the standard requirements as follows:
    a. Setbacks of buildings and paved areas from a public street may be reduced by ten percent (10%) of the standard requirement
    b. Side and rear yards between buildings may be reduced by ten percent (10%) when the Planning and Zoning Commission have been assured that adequate open space for the project and between buildings has been established.
    c. Setbacks of buildings and paved areas from a freeway may be reduced by ten percent (10%).

d. Lot area and lot width may be reduced by ten percent (10%) of the standard requirement. Any common open space resulting from the variance of such density standard shall be set aside for the use and benefit of the occupants of such development.

e. Compensating open space shall include conservation areas, combination sidewalk/bikeways, decorative street lighting, monumentuals, landscaping, perimeter buffers and/or the granting of additional rights-of-way.

f. The foregoing deviations (a) through (d) may be granted by the Planning and Zoning Commission only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.

SECTION 090: DISTRICT "R-2" TWO-FAMILY RESIDENTIAL DISTRICT

A. *Permitted Uses.* In District "R-2" no building structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

1. Any use permitted in District "R-1".
2. Dwellings, two-family, commonly referred to as duplexes.

B. *Height and Area Regulations.* In District "R-2" the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows provided the single-family dwellings in this district shall comply with the height and area regulations of District "R-1".

1. *Height.* Building or structures shall not exceed two and one-half (2 ½) stories or thirty five (35) feet in height except that on lots having a natural slope, a full three (3) stores may be exposed above grade on the downhill side.
2. *Front Yards.* Any dwelling hereafter constructed shall provide for a front yard, the minimum depth of which shall be thirty (30) feet.
3. *Side Yards.* There shall be a side yard on each side of the dwelling, the minimum depth of which shall be not less than seven (7) feet. Dwellings on corner lots shall provide a side yard on the street side of not less than thirty (30) feet.
4. *Rear Yards.* The depth of the rear yard shall be at least twenty-five (25) feet.
5. *Lot Area Per Family.* Every dwelling hereafter erected, moved, or altered shall provide a lot area of not less than ten thousand eight hundred (10,800) square feet per family for each single- family dwelling, or five thousand four hundred (5,400) square feet per family for two-family dwellings, provided that where a lot has less area than herein required in separate ownership at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a one-family dwelling.
6. *Lot Width.* The width of the lot shall be at least ninety (90) feet except that two-family dwellings which otherwise comply with the codes and Ordinances of the City of Wood Heights may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownership shall

not constitute violations of the lot and yard requirements of this Ordinance.

7. *Parking Regulations.* Three (3) off-street parking spaces shall be provided for each family dwelling unit, at least one and one-half (1½) of which shall be enclosed.

8. *Height and Area Standard Exceptions.* The Planning and Zoning Commission may, in the process of approving preliminary and final plans, approve one (1) or more deviations from the standard requirements as follows:

   a. Setbacks of buildings and paved areas from a public street may be reduced by ten percent (10%) of the standard requirement.

   b. Side and rear yards between buildings may be reduced by ten percent (10%) when the Planning and Zoning Commission have been assured that adequate open space for the project and between buildings has been established.

   c. Setbacks of buildings and paved areas from a freeway may be reduced by ten percent (10%).

   d. Lot area and lot width may be reduced by ten percent (10%) of the standard requirement. Any common open space resulting from the variance of such density standard shall be set aside for the use and benefit of the occupants of such development.

   e. Compensating open space shall include conservation areas, combination sidewalk/bikeways, decorative street lighting, monumentation, landscaping, perimeter buffers and/or the granting of additional rights-of-way.

   f. The foregoing deviations (a) through (d) may be granted by the Planning and Zoning Commission only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.

SECTION 100: "R-3" CLUSTER-TOWNHOUSE OR GARDEN APARTMENT DISTRICT

A. *Permitted Uses.* In District "R-3" no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

   1. Any use permitted in District "R-2",
   2. Garden apartment buildings and townhouses;
   3. Innovative housing techniques such as patio houses, zero lot line homes and mixed housing system.

B. *Height and Area Regulations.* In District "R-3" the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:

   1. *Height.* Building or structures shall not exceed three (3) stories in height plus a basement as defined in Section 030.

2. *Front Yards.* Any dwelling hereafter constructed shall provide for a front yard, the minimum depth of which shall be thirty (30) feet to a public street.
3. *Side and Rear Yards.* No building shall be located closer than fifteen (15) feet to a project property line, other than the street line. No side yard shall be less than seven (7) feet.
4. *Lot Area Per Family.* The minimum lot shall be six thousand (6,000) or three thousand (3,000) square feet per family.
5. *Parking Regulation.* Two (2) off street parking spaces shall be provided for each dwelling unit.

C. *Planned Zoning Required.* No garden apartment buildings, townhouses, cluster housing, patio homes, zero lot line homes, or mixed housing systems may be constructed in this district until said property is zoned under the planned zoning criteria set out in Section 070 of this Ordinance except that planned zoning shall not be required for single and two-family dwellings.

SECTION 110: "R-4" MEDIUM DENSITY RESIDENTIAL DISTRICT

A. *Permitted Uses.* In a District "R-4" no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for (1) or more of the following uses:

1. Single-family dwellings under the regulations of District "R-1".
2. Two-family dwellings under the regulations of District "R-2".
3. Medium density apartment buildings hereafter erected, constructed, or reconstructed shall be limited to a Planned District.
4. Housing which shall be considered congregate living for senior adults and of a single or multi-family nature and limited to a Planned District.

B. *Height and Area Regulations.* In District "R-4" the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. *Height.* Building or structures shall not exceed two and one-half (2½) stories.
2. *Front Yards.* Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be thirty (30) feet.
3. *Side Yard.* There shall be a side yard on each side of the building equal to the heights of the building wall adjacent to said yard except that in no case shall the side yard be less than fifteen (15) feet.
4. *Rear Yard.* The depth of the rear yard shall not be less than thirty (30) feet.
5. *Lot Area Per Family.* Every medium density apartment house and every senior adult dwelling hereafter constructed shall provide a lot area per unit of not less than the following:

4 Bedroom Unit – 2,000 square feet

3 Bedroom Unit - 1,700 square feet

2 Bedroom Unit - 1,400 square feet

1 Bedroom Unit - 1,100 square feet.

C. *Parking Regulations.* Two (2) off-street parking spaces shall be provided on the premises for each two (2) or more bedroom dwelling units and one and one-half (1½) spaces for each unit having one (1) bedroom.

SECTION 120: "RMP" - MOBILE HOME PARK DISTRICT

A. See Ordinance 050412-2

SECTION 130: "C-0" - NON-RETAIL BUSINESS DISTRICT

A. *Permitted Uses.* In District "C-0", no building, structure, or land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

1. Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies;
2. Other offices limited to the following:
    a. Answering and secretarial services
    b. Architects
    c. Brokers and accountants
    d. Engineers
    e. Dentists
    f. Lawyers
    g. Physicians and others in the healing arts licensed by the State of Missouri
    h. Real estate and insurance
3. Mortuaries.
4. Hospitals, clinics, laboratories and other treatment and diagnostic facilities for the medical arts for humans only.
5. Churches and synagogues.
6. Residential uses. Residential uses shall be allowed in this and subsequent Commercial Zoning Districts, except in the "C-2A" special Business District, subject to the following conditions:
    a. Residential units may be developed either in a freestanding building or a part of a building that contains other permitted uses in the district.
    b. Dwelling units shall be allowed on a basis of one (1) unit per five thousand (5,000) square feet of land or parcel area, provided that the Planning and Zoning Commission may allow units on a general area basis rather than on the area of an individual subject property. The intent is to realize a general average of one (1) unit per five thousand (5,000) square feet rather than to preclude residential

units from some of the parcels which due to the nature of the commercial districts contain less than five thousand (5,000) square feet. The Planning and Zoning Commission shall have the authority to assign the number of units to the individual parcels.

c. When a residential unit is located in a building, which also contains permitted non-residential uses, all applicable codes shall apply, including but not limited to provisions for separate access and construction standards.

d. Adequate trash enclosures shall be provided, as may be determined by the Planning and Zoning Commission, and these areas shall be screened and protected.

e. Residential housing for three (3) or more units hereafter erected, constructed or reconstructed, shall be limited to planned districts.

B. *Performance Standards.* The following standards shall not be exceeded in this district:

1. No retail or wholesale sales shall be permitted where products or samples are involved on the premises or where contact with the customer takes place except they eyeglasses may be sold in connection with the practice of an optometrist; prescription medicines, drugs, pharmaceuticals and orthopedic devices may be sold in connection with the practice of medicine and caskets may be sold in connection with mortuaries.

2. No direct exterior entrance to a pharmacy or sales room for eyeglasses shall be allowed.

3. No commercial or industrial equipment shall be kept on the premises outside of a building.

4. Sale of or otherwise handling of insurance, stocks and bonds, real estate and similar services are permitted on the premises with limited contact with the customer.

C. *Height and Area Regulations.* In District "C-0" the height of the buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows, provided residential uses in this district shall be subject to those regulations in the district in which the specific residential use in enumerated.

1. *Height.* No building or structure shall exceed three (3) stories in height except that in District "CP-0" no building or structure shall exceed one hundred forty-four (144) feet in height.

2. *Front Yard.* A front yard of not less than thirty (30) feet shall be provided.

3. *Side Yard.* There shall be aside yard on each side of the building equal to the height of the building wall adjacent to said yard except that no case shall the side yard be less than fifteen (15) feet.

4. *Rear Yard.* The depth of the rear yard shall be at least thirty (30) feet.

D. *Parking Regulations.*

1. Four (4) off-street parking spaces shall be provided on the premises in the side or rear yard for each one thousand (1,000) square feet of floor area and shall be allowed in the front yard for churches.

2. All new or substantially rehabilitated dwelling units shall provide designated off-street parking spaces on a basis of one (1) space per dwelling unit. These spaces shall be

designated and may be located within two hundred (200) feet of the property where the dwelling units are located. In the event parking cannot be located within two hundred (200) feet, the Planning & Zoning Commission may approve designated parking at a greater distance from the property. Designated off-street parking spaces may be on any property which is under the control of the owner of the dwelling units, and may also be on property which is held in common with other owners, as long as the spaces are not available for other uses, such as a church parking lot. The spaces shall be marked and identified as to the dwelling unit to which they are assigned.

E. *Conversion of Buildings.* No building that was designed and constructed as a residential building shall be converted for use as an office building or other business purpose unless the following conditions are met:

1. Setbacks comply with those required in this district.
2. All off street parking required by this Ordinance or by the proposed use of the premises can be accommodated in the side or rear yard and have access and dimensions to permit the full and safe use thereof.
3. The building is made to comply with all building and other Code requirements.
4. A site plan depicting the above requirements plus any changes to the exterior of the building shall be prepared by a professional architect, registered in the State of Missouri, and submitted for review and approval by the Planning & Zoning Commission prior to issuance of permits.

SECTION 140: DISTRICT "C-1" - LOCAL BUSINESS DISTRICT

A. *Permitted Uses.* In District "C-1" no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses.

1. Any use permitted in District "C-0".
2. Shops and stores for sale at retail of such goods as foods and beverages for human consumption; furniture and appliances; printed materials; notion's; hardware and paint; kitchenware; toys and sporting goods; jewelry, gifts and novelties; flowers, tobacco products, photographic equipment, antiques, artists and hobby supplies, music supplies and medical supplies, bicycles; electronic equipment.
3. Services such as business offices, banks and savings and loans associations, insurance, barber and beauty shops, schools, optical shops, seamstress and tailoring, dry cleaning and laundry stores including coin-operated, eating establishments, interior decorator, photographer, shoe repairs, clinics and health spas, small animal hospitals, day care.
4. Offices of all types, including post offices, public or privately owned utilities offices.

B. *Performance Standards.* The following standards shall not be exceeded by any use in this district.

1. No wholesale sales shall be conducted.
2. No merchandise or equipment shall be stored or displayed outside a building.
3. All products shall be sold and all services rendered inside a building except that

banks and savings and loan establishments may have driven-through and walk-up services.

4. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and not dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
5. Alcoholic beverages shall not be sold for consumption on the premises.

C. *Height and Area Regulations.* In District "C-1 ", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows.

1. *Height.* Buildings or structures shall not exceed three (3) stories.
2. *Side Yards.* For one (1) and two (2) story buildings no side yard is required except that where a side line of lot in this district abuts the side line of a lot in District "R-1" to "C-0" inclusive, a side yard shall then be provided the same as required in the district it abuts. A side yard of fifteen (15) feet shall also be provided on the street side of a corner lot.
3. *Rear Yard.* No rear yard is required except that where a rear line of a lot in this district abuts upon land in a District "R-1" to "C-0" inclusive a rear yard of not less than twenty-five (25) feet shall then be provided in this district.

D. *Parking Regulations.* Four (4) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of floor area.

E. *Conversion of Buildings.* No building that was designed and constructed as a residential building shall be converted for use as an office building or other business purpose unless the following conditions are met:

1. Setbacks comply with those required in this district;
2. All off-street parking required by this Ordinance or by the proposed use of the premises can be accommodated in the side or rear yard and have access and dimensions to permit the full and safe use thereof;
3. The building is made to comply with all building and other code requirements;
4. A site plan depicting the above requirements plus any changes to the exterior of the building shall be prepared by a professional architect, registered in the State of Missouri, and submitted to review and approval by the Planning & Zoning Commission prior to issuance of permits.

Those buildings and premises being used in violation of this regulation on the date of the adoption of this Ordinance may continue as non-conforming uses under Section 060.

SECTION 150: DISTRICT "C-2" – GENERAL BUSINESS DISTRICT

A. *Permitted Uses.* In District "C-2", no building structure, land premises shall be used, and no building or structures shall be hereafter erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:

1. Any use permitted in District "C-1 ";
2. Shops and stores for the sale of retail or wholesale of department store

merchandise, furniture and appliances, new automobiles and trucks, used car lots, automobile supplies, motorcycles, petroleum products (bulk plants not permitted), newspapers, pets, books, stationary, handcraft, office and hotel supplies;

3. Services such as clubs, hotels and motels, automobile repair in connection with new auto sales, dry cleaning and laundries, appliance and small equipment repair, printing and publishing, custom maintenance, on site handcrafting, health spa, delivery services, radio and television broadcasting studios, public or private entertainment and recreation, places where alcoholic beverages are served, charity and welfare.

B. *Performance Standards.*

1. Drive-through or drive-in services may be provided, except where alcoholic beverages in any form are served, dispensed or otherwise change hands.
2. No noise, smoke, radiation vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
3. Automobiles and trucks for sale may be stored or displayed outside a building but not within five (5) feet of a street line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that required by this Ordinance.

C. *Height and Area Requirements.*

1. *Height.* Buildings or structures shall not exceed three (3) stories in height, except that in a District "CP-2" buildings and structures shall not exceed twelve (12) stories in height.
2. *Front Yards.* No front yard is required.
3. *Side Yards.* No side yard is required except that where a side line of a lot in this district abuts the side line of a lot in District "R·I" or "C·0" inclusive, a side yard shall then be provided the same as required in the district it abuts.
4. *Rear Yards.* No rear yard is required except that where a rear line of a lot in this district abuts upon land in a District "R-1" to "C-0" inclusive, a rear yard of not less than twenty-five (25) feet shall then be provided in this district.

D. *Parking Regulations.* No off-street parking is required in the central business district. Outside the central business district four (4) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of floor area.

E. *Conversion of Buildings.* No building that was designed and constructed as a single-family, two family or multi-family dwellings shall be converted to or hereafter used for nonresidential purposes enumerated in this district except that hotels may be used for nonresidential uses. The building and premises being used in violation of this regulation on the date of adoption of this Ordinance may continue as nonconforming uses under this Section 060.

SECTION 160: DISTRICT "C-2A" – SPECIAL BUSINESS DISTRICT

A. *Intent.* This Zoning District is for the purposes of allowing the renovation or conversion of building, or the construction of mew building for occupancy by retail or service activities which cater primarily to the traveling public, tourists, families on vacation or local persons who have a need for a product or service not generally available in the usual business district. It is further intended that such special retail sales and services will utilize, for the most part, existing residential buildings or buildings of a scale similar to prevailing homes in the area and that such business will be oriented to the pedestrians in the street as opposed to highly competitive markets drawing fur a large trade area. Mixed residential and business uses are permitted in the same building and structures built as dwellings may be converted to business uses provided suitable architectural character exists, the structure is sound and the conversion will retain desirable and historically significant features of the building. The section of the City in which this district may be utilized will be shown on a map which to be on file in the City Clerk's office.

B. *Permitted Uses.* In District "C-2A" no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, altered, except for one (I) of the following uses:

Accounting and Bookkeeping Services
Advertising Services
Alteration, Pressing and Garment Repair Services
Amusement Parks
Antiques, Coins and Collectibles
Apparel and Accessories Retail
Architecture, Engineering and Planning
Art Galleries
Artists, Painters, Sculptors
Automobile Parking
Bakeries-Retail
Banks
Barber Services
Bed and Breakfast
Blueprinting and Photocopying Services
Boarding and Rooming Houses
Books-Retail
Business and Management Consulting
Business Offices
Bowling Alley
Candy, Nut and Confectionery Retail
China, Glassware and Metal ware-Retail
Chiropractors, Optometrists and other similar Health services
Clock, Watch and Jewelry Repair Services
Commodity and Security Brokers
Consulting Services Dairy Products - Retail
Day Care Centers Dental Services
Department Stores- Retail
Drug and Proprietary -Retail
Dry Cleaning and Laundering
Duplicating

Dwelling – Single Family
Dwelling – Two Family
Dwelling – Multi Family
Educational and Scientific Research
Electrical Supplies – Retail
Employment Services
Florists - Retail
Fraternal, Civic and Social Association
Furniture – Retail
Furs – Retail Association
General Stores - Retail
Gifts, Novelties and Souvenir – Retail
Glass and Glassware
Greenhouses
Health and Exercise Spas
Health Resorts
Hearing Aids
Hobby Supplies - Retail
Holding and Investment Services
Hotels, Tourists, Courts and Motels
Insurance Agents and Broker Services
Jewelry - Retail
Legal Services
Libraries
Liquor – Packaged
Magazines and Newspapers – Retail
Medical Clinics, Patient Services
Medical Instruments and Supply
Miniature Golf
Music Supplies
Optical Goods
Pattern Shop
Photo Shop
Postal Services
Private Clubs
Professional Offices
Radios, Television, Computers, DVR's, Electronics
Real Estate Sales
Residential Hotels Restaurants
Riding Stables
Savings and Loan Association
School-Art
School-Computers School-Dancing School- Music
Shoe Repair
Shoes - Retail
Sporting Goods-Retail
Stationary - Retail
Tailoring - Custom
Tennis Clubs

Theaters - Legitimate
Theaters, Motion Picture, Indoor
Travel Agents
Upholstery, Draperies and Curtains - Retail
Video Games

C. *Height and Area Regulation:* In District "C2-A", the height of buildings, the minimum dimensions of lots and yards, and the minimum lot per family permitted on any lot shall be as follows:

1. *Height.* Maximum height shall be thirty-five (35) feet.
2. *Yard Regulations.*
    a. Minimum front yard is fifteen (!5) feet
    b. Minimum side yard is seven (7) feet except that a building may have a side yard less than seven (7) feet but not less than three (3) feet upon written approval of the Chief of the Fire Department.
    c. Minimum rear yard - None required except that twenty (20) feet shall be provided where no alley exists and the rear abuts property occupied as a residence.
3. *Minimum Lot Area.* None
4. *Minimum Lot Width.* Thirty five (35) feet.
5. *Minimum Lot Coverage.* Fifty Percent (50%).

D. *Performance Standards.*

1. All business establishments shall be retail or service establishments dealing directly with the *consumer.* Any goods produced on the premises shall be sold at retail on the premises where produced.
2. No outdoor storage or display shall be permitted.
3. No product shall be sold or otherwise dispensed to persons in a vehicle and no drive-through or drive-in service is allowed.
4. No business establishment shall occupy more than one (1) building or more than five thousand (5,000) square feet of floor area.
5. One (1) family may occupy a building which also contains one (1) or more business activities provided all life-safety standards are met as certified by the Chief of the Fire Department and by the Building Inspector.
6. In general, the goods and services provided in this district shall be in the nature of art and handcraft objects, ready to eat foods, souvenirs, notions, soft goods and clothing, collector's items, antiques and jewelry
7. Alcoholic beverages may be served for consumption on the premises only in food service establishments where gross revenue from the sale of food is not less than fifty percent (50%) of the total revenue of the establishment.

E. *Conversion of Buildings.* A building constructed as a residence may be converted to business use provided the following conditions are met:

1. The building will, when converted, conform to all code and life-safety standards of the City of Wood Heights.
2. A building constructed as a residence may not be converted or used for worship or other group religious services.
3. Detailed plans of the building shall be submitted to be reviewed and approval by the Planning & Zoning Commission prior to beginning construction or conversion. Such plans shall be prepared by a professional architect, registered in the State of Missouri, who shall present the plans to the Commission and fully explain the conversion, construction or renovation process. Structural integrity of the building, its ability to conform to applicable codes and standards shall be demonstrated by the architect at this time. Plans shall include a site plan, any changes in interior partitions or structure, the appearance of the exterior of the building when completed, landscaping, signs, and off-street parking.
4. When off-street parking is to be provided on land not owned by the applicant, proof of long term rights to use said non-owned property for parking in the form of executed lease, contract, etc., shall be submitted for the City's review and kept in the record. Such plans, when and if found to be in conformance with the spirit and intent of this section, shall be approved in concept by the Commission and forwarded to the Board of Aldermen for formal action. The Commission shall consider recommendations by the Fire Department and other officials in reaching a conclusion.
5. Upon arrival of the plans by the Planning & Zoning Commission, a permit may be issued for conversion and renovation of the building. The approval of the plans by the Commission shall remain valid for a period of one (1) year whereupon the approval of any permits issued in connection therewith become null and void. Full and complete compliance with the plans is mandatory.

F. *Off-Street Parking.* Off-street parking at a ratio of one (1) space for each three hundred (300) square feet of total floor area used for business purposes, or one (1) space for each sleeping room, shall be provided on the premises or within three hundred (300) feet therefrom. No parking shall be permitted in the required front or side yards in this district. The Planning Commission may, in the process of reviewing construction, conversion or renovation plans, vary the parking requirements of a business if permanent public off-street parking is provided in quantity and location to adequately serve the premises.

SECTION 170: DISTICT "C-3" – SERVICE BUSINESS DISTRICT

A. *Permitted Uses.* In District "C-3", no building structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:

1. Any use permitted in District "C-2".
2. Shops, stores and yards for the sale at retail or wholesale, or the rental of such items as automotive equipment, trucks, trailers, boats, camping accessories, tools, farm machinery, and supplies, building supplies and lawn accessories.
3. Services such as assembly and meeting halls, automobile repair and washing, farm machinery repair, pop bottling, miniature golf and commercial recreational parks, drive-in theatres, general repair and fix-it shops, frozen foods, including lockers, swimming

pools, trade schools and small article storage for general public use commonly called mini-warehouses.

4. Nurseries, greenhouses and bakeries.
5. Manufacture or assembly of product to be sold only at retail on the premises.
6. Recycling, subject to a special use permit.

B. *Performance Standards.*

1. Drive-up or drive-in service may be provided at any establishment.
2. Any manufacturing or assembly of products as permitted above shall be entirely within a totally enclosed building.
3. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to human or property shall be produced.
4. Automobiles, trucks, boats and trailers for sale may be stored or displayed outside a building but not within ten (10) feet of a street line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, shall not reduce the capacity of a parking lot below that required by this Ordinance.

C. *Height and Area Regulations.* In District "C-3", the height of the buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows:

1. *Height.* Building or structures shall not exceed three (3) stories except that in District "CP-3" buildings and structures shall not exceed twelve (12) stories in height.
2. *Front Yard. A* front yard of not less than fifteen (15) feet shall be provided.
3. *Side Yards.* No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a District "R-1" to "C-0" inclusive, a side yard shall then be provided the same as required in the District it abuts, and a side yard of fifteen (15) feet shall be provided on the street side of a comer lot.
4. *Rear Yard.* No real yard required, except that when a rear lot line abuts a line in District "R-1" to "C-0" inclusive, a rear yard of not less than twenty-five (25) feet shall be provided.

D. *Parking Regulations.* Four (4) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of floor area.

E. *Conversion of Buildings.* No building that was designed and constructed as a residential building shall be converted to or hereafter used for non-residential purposes enumerated in this district. Those buildings and premises being used in violation of this regulation on the date of the adoption of this Ordinance may continue as non-conforming uses under Section 060.

SECTION 180: DISTRICT "M-1" - LIGHT INDUSTRIAL DISTRICT

A. *Planned Zoning Required.* In district "M-I", No building structure, and or premises shall be used, no building or structure shall be hereafter erected, constructed, reconstructed, or

moved, except for one (1) or more of the uses described below, and then only when said property is zoned under the Planned Zoning criteria set out in Section 070 of this Ordinance, except that Planned Zoning shall not be required for alterations when a change in use is not caused:

1. Offices and restaurants.
2. Manufacturing, processing, fabrication, assembling, disassembling, packaging, repairing, cleaning, servicing, or testing of a commodity except junk or salvage.
3. Warehousing, wholesaling and storage of any commodity except junk or salvage.
4. Public and private utility facilities.
5. Recycling, subject to Special Use Permit.

B. *Performance Standards.*

1. All operations shall be conducted within fully enclosed building.
2. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible at eye level within three hundred (300) feet of the proper(y line.
3. Retail sales shall be limited to those products manufactured on the premises.
4. No use shall be permitted or so operated as to produce or emit the following.
    a. Smoke or particulate matter of Number 1 or darker on the Ringlemann Chart.
    b. Dust, fly ash, radiation, gases, eat, glare or other effects which are obviously injurious to humans at the property line.

C. *Height and Area Regulations.* In District "M-1", the height of buildings, and the minimum dimension of lots and yards shall be as follows:

1. *Height.* No building or structure shall exceed three (3) stories or fifty (50) feet in height except that in District "MP-1" buildings and structures shall not exceed one hundred fifty (150) feet in height.
2. *Front Yard.* A front yard of not less than thirty (30) feet shall be provided.
3. *Side Yards.* A side yard shall be provided on each side of a building or unit group of buildings, the total of which side yards shall not be less than ten (10) feet. A side yard abutting a street in the case of a comer lot or as side yard abutting a zoned residential lot shall be not less than twenty (20) feet.
4. *Rear Yard.* A rear yard of not less than fifteen (15) feet shall be provided.

D. *Parking and Loading Regulations.* Each industrial establishment shall provide sufficient off street parking space for all employees, customers, visitors and others who may spend time at the establishment during working hours. Not less than one (1) space for each five-hundred (500) square feet of total floor area shall be provided except that in grain storage structures the floor area designed and used exclusively for grain storage shall not be included in the calculation. Such parking spaces shall be on the premises or on the property within two hundred (200) feet of an employee entrance to the building being served. Each establishment shall also provide adequate loading spaces within a building or on the premises in such a way that all storage, standing and maneuvering of trucks and other service vehicles shall be off the public right-of-way. Any office or restaurant located

in this district shall provide parking in the quantity required in the district wherein the use is enumerated.

SECTION 190: DISTRICT "M-2" - GENERAL INDUSTIUAL DISTRICT

A. *Planned Zoning Required.* In District "M-2", no building, structure, land or premises shall be used, no building or structure shall be hereafter erected, constructed, reconstructed, or moved, except for one (1) or more of the uses described below, and then only when said property is zoned under the Planned Zoning criteria set out in Section 070 of this Ordinance, except that Planned Zoning shall not be required for alterations when a change in use is not caused:

1. Any uses in District "M-1"
2. Body Shops
3. Building material stores and yards
4. Bus barns or lots
5. Cleaning, pressing and dyeing plants including laundries.
6. Cold storage plants
7. Concrete and asphalt plants
8. Dog pounds and kennels if within an enclosed building
9. Sale and service of farm and contractor's supplies and equipment
10. Machine and welding shops.
11. Petroleum storage
12. Plumbing and sheet metal shops.
13. Railroad yards
14. Railroad repair shops
15. Truck and bus storage, sales and service
16. Freight terminals, docks, loading and unloading equipment

B. *Performance Standards.*

1. Operations may be conducted within a building or in an open yard except that no operations shall be conducted within ten (10) feet of the property line.
2. All storage of materials, products or equipment shall be within a fully enclosed building or in a partially enclosed building or in an open yard having a solid screen fence not less than six (6) feet high giving total or partial screening from neighboring property and adjacent streets.
3. No use shall be permitted or so operated as to produce or emit the following:
   a. Smoke or particulate matter of Number 1 or darker on the Ringlemann Chart.
   b. Dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious or damaging to humans or property beyond the property line.
   c. Vibration or concussion perceptible without instruments at the property line.

d. Noise that exceeds 80 db (A) at any point along the property line.

e. Industrial wastes of a quantity or nature that may overburden the public sewage disposal facilities or cause odors or sanitary effects beyond the property line.

C. *Height and Area Regulations.* In District "M-2", the height of buildings and the minimum dimension of lots and yards shall be as follows:

1. *Height.* Buildings or structures shall not exceed one hundred and fifty (150) feet in height.
2. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
3. *Side Yards.* A side yard shall be provided on each side of a building or unit group of buildings, the total of which side yards shall not be less than ten (10) feet.
4. *Rear Yard.* A rear yard of not less than twenty (20) feet shall be provided.

D. *Parking and Loading Regulations.* Each industrial establishment shall provide sufficient off-street parking space for all employees, customers, visitors and others who may spend time at the establishment during working hours. Not less than one (1) space for each five hundred (500) square feet of total floor area shall be provided except that in grain storage structures the floor area designed and used exclusively for grain storage shall not be included in the calculation. Such parking spaces shall be on the premises or on the property within two hundred (200) feet of an employee entrance to the building being served. Each establishment shall also provide adequate loading spaces within a building or on the premises in such a way that all storage, standing and maneuvering of trucks and other service vehicles shall be off the public right-of-way. Any office or restaurant located in this District shall provide parking in the quantity required in the district wherein the use is enumerated.

SECTION 200: SPECIAL USE PERMITS

A. *Purpose.* The development and administration of the Zoning Code is based on the division of the City into districts within any one (1) of which the use of land and buildings and the bulk and location of buildings or structures, as related to land, are essentially uniform. It is recognized, however, that there are special uses which, because of unique character, cannot be properly classified in any particular district or districts without consideration, in each case of the impact of those uses upon the public need for the particular use or the particular location. Such special uses fall into three (3) categories:

1. Uses operated by a public agency or public-related utilities, or uses traditionally affected with a public interest.
2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
3. Uses which are of short duration and short range impact on the community.

B. *Authorization.* Special uses may be authorized only by the Board of Aldermen, provided that no application for a special use shall be acted upon by the Board of Aldermen until after a Public Hearing is scheduled and notice posted and thereafter held by the Planning & Zoning Commission, and its finding and recommendations are reported to the Board of Aldermen.

C. *Application.* An application for special use shall be filed with the Zoning Commission.

D. *Standards.* No special use shall be granted unless the use:

1. Is deemed necessary for the public convenience at that location.
2. It is designed, located, and proposed to be operated so that the public health, safety and welfare will be protected.
3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted otherwise.

E. *Conditions.* The Planning & Zoning Commission may recommend and the Board of Aldermen may provide such conditions and restrictions upon the construction, location, and operation of a special use including time limit provisions for off-street parking and loading and other conditions as may be deemed necessary to promote the general objectives of this Ordinance and to minimize any injury to the value of property in the neighborhood. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the permit for such special use.

F. *Uses Which May Be Permitted.* Any of the following uses may be located in any District by Special Use Permit.

1. Amusement parks, privately owned baseball or athletic fields.
2. Airports, landing strips and helicopter ports under such restrictions as the Council may impose on land, buildings or structures within an approach zone to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards.
3. Cemeteries, mausoleums, or crematories for the disposal of the dead.
4. Clubs.
5. Drive-in theaters.
6. Golf driving ranges, commercial or illuminated; tennis and similar recreation structures.
7. Gun clubs, skeet shoots, target ranges, indoor tennis and similar recreation structures.
8. Hospitals, residential or outpatient facilities for the treatment of alcohol and other drug abuse, penal or correctional institutions; veterinary clinics.
9. Camping areas, campground or RV park.
10. Mines or quarries, including the removing, screening, crushing, washing, or storage of ore, sand, clay, stone, gravel or similar materials.
11. Nursery sales office, building, greenhouse, or area (wholesale or retail).
12. Nursing and convalescent homes.
13. Dog Kennels.
14. Radio, television and microwave towers.
15. Reservoirs, towers, filter beds, or water treatment plants.

16. Riding stables and tracks.
17. Sewage, refuse, garbage disposal plants or landfills.
18. Buildings, structures, and premises for public utility services, or public service corporations.
19. Temporary use of land or building for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the district in which it is situated, shall be temporary, and any storage equipment or material shall be removed upon the date of the expiration of the Special Use Permit, which permit shall be valid for not more than two (2) years but may be renewed after a public hearing.
20. Assembly halls, churches, community centers, philanthropic organizations, and trade schools.
21. Group care centers, including preschools, day care and adult care.
22. Off-street parking lots or structures of a temporary or permanent nature.
23. Mobile and manufactured home sales areas.
24. Special housing for persons who have special and unusual housing needs, including but not limited to, persons fifty-five (55) years of age and over, persons who are handicapped and children and adults who require housing separate from their natural homes or families.
25. Bed and breakfast homes.
26. Adult entertainment establishments, subject to the regulations and requirements set forth in Section 210.

G. *Short Term Special Uses.* The Board of Aldermen may authorize the issuance of a Short Term Special Use Permit for the use of a specific tract, parcel or section of the City for such temporary uses as:

1. Trade shows.
2. Street fairs.
3. Expositions such As art fairs, boat shows, etc.
4. Promotional ventures.
5. Entertainment and recreation, including carnivals and circuses.
6. Sidewalk, truckload sales.

Such activities may be a non-profit, profit making, civic or public agency and may be on private or public property. A Short Term Special Use Permit may be approved by the Board of Aldermen upon public hearing and without referral to the Planning Commission provided the following conditions are met:

1. The applicant shall submit in written form a complete description for the proposed activity, hours of operation, ability to accommodate Fire and Police services and access, need for special protection and other characteristics that may affect the public safety, convenience and welfare.

2. In the case of use of a public street or sidewalk, care shall be exercised in maintaining safe and convenient circulation for both vehicular and pedestrian traffic.

SECTION 210: ADULT ENTERTAINMENT ESTABLISHMENTS

A. *Purpose and Intent.*

1. Adult entertainment establishments are hereby acknowledged to have special characteristics and impacts upon their surroundings, and upon the use and enjoyment of adjacent properties.
2. It is the purpose and intent of these regulations to provide for the confinement of adult entertainment establishments to those commercial areas within which the special characteristics and impacts are deemed to be the least disruptive to the use and enjoyment of adjacent properties and neighborhoods.
3. These regulations are further intended to require that adult entertainment establishments shall not be permitted to locate in such concentration that their operational features may establish the dominant character of any commercial area or to be a blighting influence on the surrounding neighborhood(s).
4. The special regulations of adult entertainment establishments is deemed to be necessary to ensure that the special characteristics and impacts of such uses will not contribute to the blighting or degradation of surrounding neighborhoods, whether residential or non-residential by location or concentrations and is to ensure the stability of such neighborhoods.
5. These regulations are further intended to protect and balance the lawful rights of expression with the lawful rights to the enjoyment and use of property.
6. These regulations are necessary to protect the health, safety, morals and general welfare of the residents of the City of Wood Heights, Missouri.

B. *Definitions.* The following words and phrases when used in this Section, shall have the meaning set out herein:

ADULT BOOKSTORE: An establishment having as a ten percent (10%) portion of its stock in trade or more of books, photographs, magazines, films for sale, films for viewing on the premises by use of motion picture devices or other coin operated means, or similar periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities.

ADULT ENTERTAINMENT FACILITY: Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including those used for live presentations, video tapes or films or similar devices, predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities. Additionally, any facility where the patrons wither:

1. Engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the primal interests of the patrons.
2. Observe any live presentations, video tape or film presentation or similar, or persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent covering, or in the case of female persons with the

areola and nipple of the breast exposed or covered with only transparent covering or to observe sexual activities.

MODELING STUDIOS: An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, or similar means. This definition is not intended to include or apply to schools whenever there are persons enrolled in a class for the purpose of developing their artistic skills.

SPECIFIED SEXUAL ACTIVITIES: Sexual conduct, being actual or simulated, acts of human masturbation, sexual intercourse, gratification with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

ADULT ENTERTAINMENT ESTABLISHMENTS: Any of the establishments, businesses, building structures or facilities defined in this Section.

C. *Special Use Permit Required.* A Special Use Permit shall be obtained in accordance with the regulations and requirements set forth in Section 200: Special Use Permits.

D. *Conditions.*

1. A Special Use Permit may be obtained for an adult entertainment establishment only in a "C-3" Service Business District. This Special Use Permit shall be valid for a period not to exceed two (2) years, but may be renewed after a full and complete review by the Planning & Zoning Commission.
2. No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet of any religious institutions, school, public building, cemetery, park, hospital, youth center, or licensed day-care facility. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the religious institution, school, public building, cemetery, park, hospital, or licensed day-care facility.
3. No adult entertainment establishment shall be permitted to locate within seven hundred fifty (750) feet of any single-family residential zoning district. Such distance shall he measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the single-family residential zoning district.
4. No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet of another lawfully existing adult entertainment establishment. Such distance shall be measured in a sight line without regard to intervening properties from the closest exterior wall of the adult entertainment establishment to the closest property line of the other adult entertainment establishment.
5. All access to and from the adult entertainment establishment shall be provided from a street classified as either a collector or arterial street.
6. The property upon which the adult entertainment establishment is located shall have a minimum of one hundred (100) feet of street frontage.
7. The property upon which the adult entertainment establishment is located shall be screened by a solid masonry wall, at least six (6) feet in height along all interior property lines.

8. The property upon which the adult entertainment establishment is located shall have a front yard setback of fifteen (15) feet, a side yard setback of fifteen (15) feet, and a rear yard setback of twenty-five (25) feet.
9. Off-street parking shall be provided for a ratio of one (1) parking space per three (3) seats, one (1) parking space for each two (2) employees, and/or one (1) parking space per each seventy-five (75) square feet of floor area to be determined by the Planning Commission and subject to the review of the Planning & Zoning Commission and the Board of Aldermen.
10. The facility within which the adult entertainment use is located shall be designed in such a manner that all openings, entries, exits, and windows prevent view into such facility.
11. No adult entertainment activity shall take place outside of the establishment either wholly or partially.
12. The adult entertainment establishment shall be limited to one (1) wall mounted sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of fifty (50) square feet; said sign shall not flash, blink or move by mechanical means, and shall not extend above the roof line of the building.
13. No merchandise or pictures of products may be displayed in any area where it may be viewed from outside of the establishment.
14. Each application for a Special Use Permit for an adult entertainment establishment shall include a site plan, The site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger and shall include, as a minimum, the following information:
    a. The site plan shall delineate the property lines of the proposed project, and shall indicate the Zoning District classification and present use of the proposed project site and for abutting properties.
    b. The site plan shall delineate existing rights of way and easements.
    c. The site plan shall delineate the general location and width of all proposed streets and public right-of-ways and easements.
    d. The site plan shall delineate the solid masonry screening wall as required in subsection (D) (7) above.
    e. The site plan shall delineate the proposed building layout with the required setbacks as required in subsection (D) (8) above.
    f. The site plan shall characterize the proposed usage of the building and description of the proposed use by type, character and intensity.
    g. The site plan shall delineate the location and number of parking spaces required in subsection (D) (9) above.
    h. The site plan shall present in tabular form the proposed net density of the use provided, including the number of seats, employees, or other applicable units of measure.
    i. The site plan shall delineate the gross floor area of the building or structure.
    j. The site plan shall describe all the landscaping to be provided.
    k. The site plan shall indicate the signage in accordance with subsection (D) (12) above.

l. The site plan shall set forth any other information necessary for determination of the suitability of the proposed use for the site.

m. The site plan shall show that the measurements from the building to surrounding structures and property lines to comply with this section.

SECTION 220: DETACHED ACCESSORY USES AND STRUCTURES

A. *General Provisions*:

1. *Scope*. The provisions of this section shall apply to the construction, installation, re-installation, alteration, replacement, repair, location, maintenance, and removal of detached accessory structures.

2. *Intent*. The purpose of this section is to provide minimum requirements to safeguard life, health, property, and public welfare, by regulating and controlling the construction and location of detached accessory structures to provide aesthetically compatible and pleasing urban environment, and solidify the City of Wood Heights' position as a livable suburban community.

B. *Permit Required; Application*:

1. *Required*. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of an detached accessory structure, which is regulated by this chapter, or to cause any such work to be done, shall first make application to the building official and obtain the required building, electrical, mechanical, plumbing and land disturbance permits.

2. *Work exempt from permit*. Exemption from the permit requirements of this section shall not be deemed to grant authorization of any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

a. Cosmetic repairs to existing detached accessory structures.

b. Swings and other playground equipment.

c. Accessory structures of the size exempted from the city building code.

C. Detached Accessory Structures; Requirements:

1. *General requirements*. The following apply to all residentially zoned districts.

a. Detached accessory structure shall be prohibited from being placed in front of the principal building and shall be placed in the rear yard, except that a detached garage may be located in front of a principal residence provided that it does not encroach into the required front

and side yard setbacks.

b. The minimum required side setback for the principal building shall be observed for accessory structures.

c Accessory structures adjacent to a side street shall have a side yard not less than that of the primary structure.

d The maximum square footage of a detached accessory garage shall not exceed five percent (5%) of the lot size.

e The maximum square footage of accessory structures other than the garage shall not exceed ten percent (10%) of the square footage of the primary structure that is above grade.

f The maximum square footage for all structures; including the primary structure, garage, decks, pool houses and detached accessory structures, shall not exceed thirty percent (30%) of lot size.

g The maximum height shall be twenty-five (25) feet, measured from the floor surface to the ridge peak.

h Detached accessory structures subject to a building permit shall be constructed of quality materials, including metal siding, and shall be compatible in design and character with the dwelling unit and other detached accessory structures in the city.

i Detached accessory structures shall not be established prior to the primary structure being present or under construction.

j Detached accessory structures shall not be located within an easement.

k A site plan shall be submitted indicating existing structures and locations of proposed detached accessory structures.

SECTION 230: FENCES

1. *Permit Required*. No fence shall be erected, replaced or altered unless an application has been made, and a permit issued by the Zoning Administrator or his/her authorized representative.

B *Fence Requirements*

1) *Fence in Front Yard* – Fences in the front yard must be decorative in nature, cannot exceed four (4) feet in height and have more than fifty (50%) percent (50%) visible density.

2) *Fences in Side and Rear Yards* – Fences in the side and rear yards cannot exceed six (6) feet in height and cannot be in front of the front building line of a house or building.

3) Fences cannot be in the line-of-sight of drivers at any driveway and street corner.

4) If side and rear lot lines are next to a street, fences must be back at least five (5) feet from the street right-of-way.

5) Fences cannot be on or across a street right-of-way, drainage easement or utility easement.

6) Fences shall be so installed so that the finished side shall face outward and all bracing shall be on the inside of the fence.

SECTION 240: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 250: This Ordinance shall take effect and be in full force from and after its passage and approval.

THIS ORDINANCE READ TWO TIMES, PASSED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 21st day of July, 2015.

Robert Pettegrew

Robert Pettegrew, Mayor

Attest:

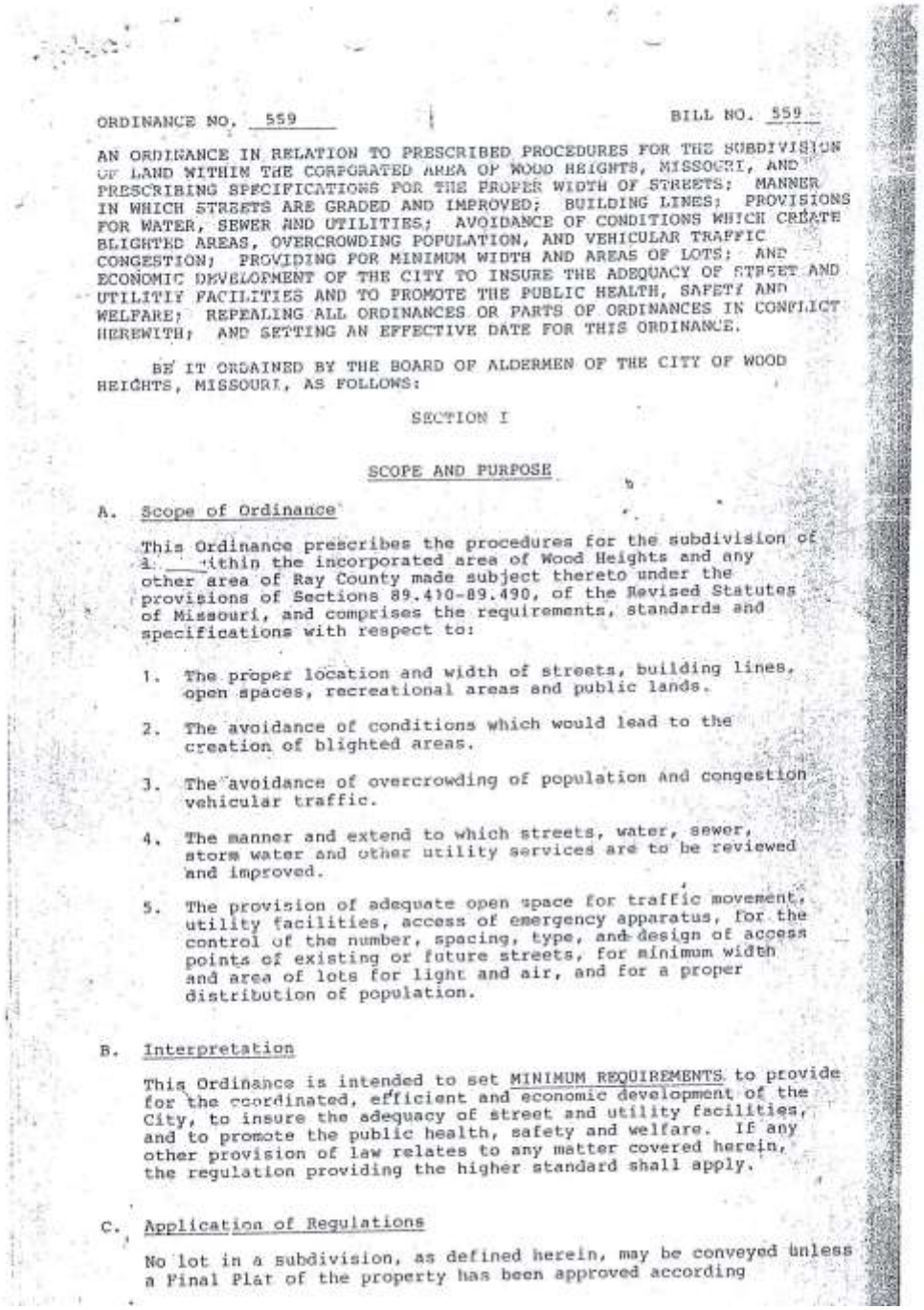
Sondra A. Kasserman

Sondra A. Kasserman, City Clerk, MRCC

SEAL

Section 2 Other

Section 2.1 Procedures for a subdivision (Ord. 559)



ORDINANCE NO. 559 BILL NO. 559

AN ORDINANCE IN RELATION TO PRESCRIBED PROCEDURES FOR THE SUBDIVISION OF LAND WITHIN THE CORPORATED AREA OF WOOD HEIGHTS, MISSOURI, AND PRESCRIBING SPECIFICATIONS FOR THE PROPER WIDTH OF STREETS; MANNER IN WHICH STREETS ARE GRADED AND IMPROVED; BUILDING LINES; PROVISIONS FOR WATER, SEWER AND UTILITIES; AVOIDANCE OF CONDITIONS WHICH CREATE BLIGHTED AREAS, OVERCROWDING POPULATION, AND VEHICULAR TRAFFIC CONGESTION; PROVIDING FOR MINIMUM WIDTH AND AREAS OF LOTS; AND ECONOMIC DEVELOPMENT OF THE CITY TO INSURE THE ADEQUACY OF STREET AND UTILITIY FACILITIES AND TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

SCOPE AND PURPOSE

A. Scope of Ordinance

This Ordinance prescribes the procedures for the subdivision of a ___within the incorporated area of Wood Heights and any other area of Ray County made subject thereto under the provisions of Sections 89.410-89.490, of the Revised Statutes of Missouri, and comprises the requirements, standards and specifications with respect to:

1. The proper location and width of streets, building lines, open spaces, recreational areas and public lands.
2. The avoidance of conditions which would lead to the creation of blighted areas.
3. The avoidance of overcrowding of population and congestion vehicular traffic.
4. The manner and extend to which streets, water, sewer, storm water and other utility services are to be reviewed and improved.
5. The provision of adequate open space for traffic movement, utility facilities, access of emergency apparatus, for the control of the number, spacing, type, and design of access points of existing or future streets, for minimum width and area of lots for light and air, and for a proper distribution of population.

B. Interpretation

This Ordinance is intended to set MINIMUM REQUIREMENTS to provide for the coordinated, efficient and economic development of the City, to insure the adequacy of street and utility facilities, and to promote the public health, safety and welfare. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

C. Application of Regulations

No lot in a subdivision, as defined herein, may be conveyed unless a Final Plat of the property has been approved according

to the requirements and provisions of this Ordinance. This is supplemental to and not in derrogation of the Revised Statutes of Missouri. Any plat of a subdivision of land in the incorporated areas of the City which has not been recorded in the Office of the Recorder of Deeds and which has not been accepted and approved, as herein provided, shall not be considered as a plat of any lawful subdivision. All plats shall be recorded in the Plat Book of Ray County, Missouri, according to requirements contained in Revised Statutes of Missouri.

D. Suitability of Land for Subdivision Development

Land unsuitable for subdivision development due to poor drainage, flooding, steep slope, extensive rock formation, lack of sanitary facilities, or any other conditions and prima facie constituting a danger to health, life or property shall not be approved for subdivision development unless the Subdivider presents evidence or data satisfactory to the Commission establishing that the methods proposed to meet any such condition are adequate to avoid any danger to health, life or property.

SECTION II

DEFINITIONS

A. General Statement

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory; the word "may" is permissive.

B. Definitions

For the purpose of this Ordinance, the terms used herein are defined as follows:

Alley: A permanent serviceway, dedicated to public use primarily for utility or vehicular service access to the rear or side of properties otherwise abutting on a street.

Barrier: (Natural or Artificial). Any street, highway, river, pond, canal, railroad, levee, embankment or screening by a fence or hedge.

Block: An area of land entirely bounded by streets, highways or ways, except alleys, pedestrian ways, or exterior boundaries of a subdivision unless such exterior boundary is a street, highway or way, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulk headlines or shorelines or waterways, or corporate boundary lines.

Building: Any structure, whether temporary, semi-permanent or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

Building Line: (See setback line).

Campground or Travel Trailer Park: Any plot of ground upon which a camper or travel trailer is located regardless of whether or not a charge is made for such accommodation. However, such definition shall not include storage of one personal camper or travel trailer upon the property of the owner.

City: As hereinafter referred shall mean Wood Heights, Missouri.

Commission: planning and Zoning Commission of Wood Heights, Missouri.

Comprehensive Plan: The plan or any portion thereof, adopted by the Commission for the coordinated physical development of Wood Heights including, among other things, plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings, schools, parks, forests, wildlife refuges, dams and projects affecting the conservation of natural resources.

Cul-De-Sac: A short street, having only one end open for vehicular traffic, and the other permanently terminated by a full turn around for vehicles.

Design: The arrangement of land for easements, lots and rights-of-way including materials, alignment, grade and width of these elements.

Easement: A grant by the property owner to a person, corporation or the public of the right to the use of designated land area for the specified purposes.

Flood Hazard Area: All land subject to periodic inundation from overflow of natural waterways when subjected to the maximum possible run-off from three (3") inches of rain per hour as calculated by approved engineering methods.

Hillside Area: An area with an average slope of twenty (20%) percent or more, and a cross slope from twenty (20%) percent to forty (40%) percent.

Hillside Street: A street in which the cross slope of the existing ground exceeds fifteen (15%) percent and the centerline slope exceeds fifteen (15%) percent.

Improvements: Refers to such street work, street light signs, and utilities, including water, sewer, electric, gas and storm water, to be installed or agreed to be installed, in total or in part, by the Subdivider on land to be used for public or private streets and easements, as are necessary for the general use of lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the Final Map thereof.

Improvement Plans: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed, both in or in conjunction with the plat.

Lot: A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

Lot Area: The total horizontal area within the boundaries of a lot, exclusive of any land designated for roadway purposes.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

Master Plan: The "comprehensive plan" made and adopted by the Planning Commission.

Mobile Home (Trailer): Any vehicle or structure so designed and constructed in such manner as will permit permanent occupancy thereof as living and sleeping quarters for one (1) or more persons, or the conduct of any business or profession, occupation or trade, or use as a selling or advertising device, and so designed that it is or may be mounted on wheels and conveyed on highways or streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

Note: A camper or travel trailer is defined as a vehicle or structure designed and constructed in such manner as will permit temporary occupancy as living and sleeping quarters as is primarily required during camping or vacation travels. Such facility has identical characteristids to a Mobile Home in that it can be conveyed on the streets, however, in no way is it intended to become a residence.

Mobile Home, Dependent: A mobile home which does not have a flush toilet and a bath or shower.

Mobile Home, Independent: A mobile home which has a flush toilet and a bath or shower.

Mobile Home Park: (Trailer Park). Any area, tract, site or plot of ground on which a mobile home occupied for dwelling or sleeping purposes is located or intended to be located regardless of whether or not a charge is made for such accommodation. Such definition includes all buildings used or intended to be used as a part of the equipment or facilities thereof.

Mobile Home Space: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Net Area: The entire area within the boundary lines of the site, less the area of any street right of way.

Parking Bay (or Parking Space): An area set aside, either on an individual lot or on any other portion of a subdivision, which is reserved for vehicular parking.

Parking Lane: An auxiliary lane of a roadway, used primarily for vehicular parking.

Plat: See Subdivision.

Pedestrian Way: A right of way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Person: Any individual, firm, association, partnership, or corporation.

Recreation or Playground Center: A usable parcel of land suitably drained, free of stagnant pools of water, with sufficient soil to support the growth of plant material and containing a variety of recreational facilities.

Roadbed: The graded portion of a street, upon which the base course, surface course, shoulders and medius are constructed.

Roadway: The portion of a street, including shoulders, for vehicular usage.

Setback Line: The line generally parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

Street: A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right of way; it shall also include such other designation for a street as: a highway, thoroughfare, parkway, thoroughway, road, pike, avenue, boulevard, lane, place, drive, court or as otherwise designated, but excluding an alley or a way for pedestrian use only.

Street Classifications:

Highways: A street or road of great continuity with either a single roadway or a dual roadway which serves or is intended to serve major traffic flow and is designated in the Master Plan or is otherwise designated as a limited access highway or freeway, highway boulevard, parkway or other equivalent term to identify those streets comprising the basic street system.

Thoroughfares: A street or road of considerable continuity which serves or is intended to serve principal traffic flow between separated areas or districts and which is the main means of access to the residential street or roadway system.

Street, Collector: A street which carries or is proposed to carry intermediate volumes of traffic from minor streets to major streets, and which may or may not be continued.

Street, Minor: A street of limited continuity used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

Slope: "Slope" means the degree of natural inclination of the existing ground which is used as the basis for determining the hillsides.

Structure: Anything constructed, which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground.

Subdivider: "Subdivider" means any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined. The term "subdivider" shall include any agent of any subdivider.

Subdivision: The division of land into two (2) or more lots or parcels for the purpose of either immediate or future sale, rental or building development. Excluded from this definition is: The division of land for agricultural purposes; division of land for cemetery usage; division and distribution of land pursuant to law or court order; and the conveyance of any tract of land constituting either one-half, one-fourth, one-eighth or one-sixteenth section of land as defined in

Section 60.210, 220, 230, 240 of R.S.Mo. The term "subdivision" shall also include all resubdivisions of land or lots.

Subdivision, Minor: A division of land into two (2) but not more than four (4) lots; a division of land in which each parcel is two (2) acres or more in area the subdivision of land held by a bona fide partnership in existence for two or more years upon dissolution thereof; a division of land among the immediate members of a family for personal use which does not include any new streets, improvements, easements, or rights of way.

Traveled Way: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Units: An area within a trailer or mobile home park, court or camp of not less than two thousand (2000) square feet of unoccupied space designated for the exclusive use of not more than one (1) automobile and one (1) trailer or mobile home.

Yard: Any open space located on the same lot with a building or structure, unoccupied and unobstructed from the ground up, except for any accessory buildings or projections as are permitted on the lot.

Yard, Front: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the front building line.

Yard, Rear: A yard extending along the rear of a lot between the side yard lines and being the minimum horizontal distance between the rear lot line and the rear building line.

Yard, Side: A yard extending along each side of a lot between the front yard line and the rear yard line and being the minimum horizontal distance between the side lot line and the side building line.

SECTION III

PRELIMINARY PLAT

A. Advisory Meeting with Commission and Other Agencies

Prior to the preparation of the Preliminary Plat, the Subdivider shall consult with the staff of the Health Department (State Division of Health, State Water Pollution Board), Zoning Administrator and the Commission, in order to familiarize himself with the standards established in these Regulations and the provisions of the Comprehensive Plan affecting the land proposed to be divided.

B. Procedure

The Subdivider, after the advisory meetings may then request the Commission to review his Preliminary Plat. Application forms may be obtained from the Zoning Administrator and after completing the required information, the subdivider may file the application, together with

sufficient copies, and a reproducible copy of the preliminary plat. The sheet size shall be limited to 18" x 26", unless extreme conditions require a larger size to clearly delineate the proposed subdivision. The application shall be accompanied by the fee hereinafter specified. The Plat shall be reviewed by the Commission at its first (1st) meeting following the expiration of fifteen (15) days after the filing of all of the material required in this Section. A person seeking to subdivide land as a "Minor Subdivision" shall file a written statement with the Commission indicating the nature of the transaction. If it is determined that such transaction qualifies as a "Minor Subdivision", the Subdivider may not be required to file the Preliminary Plat data and may proceed with the preparation of a Final Plat, as prescribed herein.

Upon the filing of the Preliminary Plat data, the Zoning Administrator shall transmit copies thereof, for review and recommendation to the Planning and Zoning Commission.

C. Information Required on Preliminary Plat

The Preliminary Plat shall be drawn to a horizontal scale of not greater than two hundred (200') feet to the inch and shall contain the following information:

1. The name of the proposed subdivision and the legal boundary description of the property to be subdivided.

2. The names and addresses of the owner, subdivider, surveyor landscape architect, engineer and any others who may have prepared the plat.

3. The location of all existing monuments of record.

4. The gross and net acreage of the proposed subdivision; the acreage of streets; and of any areas reserved for the common use of the property owners within the subdivision.

5. The boundary lines of the proposed subdivision, and their bearing and distances, with ties to existing section corners and/or corners or points of legally recorded Subdivisions of record within the corporate limits of the City.

6. All section lines, U.S. Survey and township lines, lines of incorporated areas, sewer districts, public water supply and drainage districts, school districts and all other legally established districts.

7. The location, purpose, type and dimension of all streets and easements, existing and/or platted in, and in the immediate adjacent bordering area(s) or subdivisions, of the proposed subdivision, the location of all existing underground utility installations in the proposed subdivision.

8. The proposed location and approximate dimensions of all lots, building lines, easements and improvements thereon and the proposed use of the lots.

9. The areas within the proposed subdivision subject to inundation or storm water overflow, the subsurface conditions of the property, including the results of

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4. The gross and net acreage of the proposed subdivision; the acreage of streets; and of any areas reserved for the common use of the property owners within the subdivision.

5. The boundary lines of the proposed subdivision, and their bearing and distances, with ties to existing section corners and/or corners or points of legally recorded Subdivisions of record within the corporate limits of the City.

6. All section lines, U.S. Survey and township lines, lines of incorporated areas, sewer districts, public water supply and drainage districts, school districts and all other legally established districts.

7. The location, purpose, type and dimension of all streets and easements, existing and/or platted in, and in the immediate adjacent bordering area(s) or subdivisions, of the proposed subdivision, the location of all existing underground utility installations in the proposed subdivision.

8. The proposed location and approximate dimensions of all lots, building lines, easements and improvements thereon and the proposed use of the lots.

9. The areas within the proposed subdivision subject to inundation or storm water overflow, the subsurface conditions of the property, including the results of

A. Streets

1. Relation to Adjoining Streets

The arrangement of rights of way in a subdivision shall provide for the continuation of the existing streets or rights of way in adjoining areas, unless the Commission deems such continuation undesirable for reasons of topography or design. Where subdivision streets or rights of way are continuations or extensions of existing streets or rights of way, the width thereof, where practical, shall be at the same or greater width or width sufficient to adequately serve the subdivision of the existing street or right of way, except that in no case shall the street or right of way in the subdivision be of less width than hereinafter provided in Section IV, Sub-Section 3.

2. Projection of Streets

Where, in the opinion of the Commission, it is desirable to provide future street access to adjoining areas, the streets and rights of way in the subdivision shall be extended by the provision of a right of way for street purposes from the end of the pavement to the property line of the subdivision. If deemed necessary by the Commission, any such dead-end street shall be provided with a temporary turn-around or "Y" intersection. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. However, except to avoid landlocking property, nothing herein shall be construed to require that private streets in one subdivision shall provide access to adjacent lands.

3. Classification of streets and Widths of Rights of Way

a. All streets shall be classified as either thoroughfare, collector, or minor, in accordance with their use and function, the standards of public safety, and topographic conditions. The classification of each street designated on a plat shall be reviewed by the Commission and revised as necessary to conform with the standards of these Regulations.

b. Streets shall have the following rights of way.

Street Type and Purpose	Right of Way Minimum Width
Thoroughfares, (Major Streets)	60 feet
Collector Streets and	50 feet
Minor Streets	20 feet
Alleys	

c. The surfaced area of any street shall not be less than 28 feet, measured from back of curb to back of curb.

d. Subdivision adjacent to existing deficient streets or roads shall provide additional right of way, to meet the minimum width requirements set forth.

e. A subdivision located on only one (1) side of an existing street or County Road shall provide one-half (½) of the required right of way width, measured from the center line of the existing roadway.

4. Intersections

a. Streets shall intersect, as nearly as possible at right angles.

b. Street curb intersections shall be rounded by radii of at least twenty-five feet (25'). When the smallest angle of street intersections is less than sixty degrees (60°), the Commission shall require curb radii of greater length.

5. Curves and Grade Changes in Streets - Horizontal

a. A tangent of at least one hundred feet (100') long shall be introduced between reversed curves on major and collector streets.

b. Where there is a deflection angle of more than ten degrees (10°) in the alignment of a street, not including intersection with any street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves shall be:

Street Types	Minimum Curve Radius
Thoroughfare	350 feet
Collector	250 feet
Minor	100 feet

6. Street Grades, Elevation and Construction

a. No street grade shall be in excess of: Thoroughfare, 7%; Collector, 10%; Minor, 12%; except as otherwise approved by the Commission because of adverse topographic conditions.

b. All curbing shall be of concrete construction and shall be 24 inch lazy back type curbing, measuring twelve (12) inches on the back side and six (6) inches on the front side. For minor subdivisions, see Section IV, Paragraph G hereof.

c. All streets shall be composed of concrete or asphaltic concrete constructed in accordance with all current and applicable American Public Works Association (APWA) standards relating thereto which are incorporated herein by reference.

d. The Commission shall not approve streets which will be subject to frequent or repeated inundation or flooding.

7. Street Jogs

Street jogs with centerline offsets of less than one hundred feet (100') are prohibited.

8. Cul-De-Sacs

Cul-de-sacs shall be no longer than six hundred feet (600') (unless topography indicates a need for a greater length), and shall terminate in a circular open space having a radius at the outside of the pavement of at least fifty feet (50') and a diameter at the outside of the right of way of at least one hundred feet (100').

9. Street Names

a. Proposed streets which are continuations of, or in alignment with, existing named streets shall bear the names of such existing streets, unless otherwise approved by the Commission.

b. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing or platted street.

c. All names of streets proposed by the Subdivider shall be approved or disapproved by the Commission in accordance with this Resolution.

10. Alleys

Alleys may be provided to give access to the rear of all lots used for commercial and industrial purposes. Alleys shall not be provided in residential subdivisions.

B. Blocks:

1. Length

Block lengths may not exceed one thousand four hundred feet (1,400') nor less than four hundred feet (400') unless topographic conditions justify a departure from this maximum.

2. Width

Blocks shall be wide enough to allow two (2) tiers of lots of minimum lot depth. The Commission may approve double frontage lots which would otherwise front on a thoroughfare or where topographic or other tract conditions prevent single frontage design. Where double frontage lots are permitted, a twenty foot landscaped buffer shall be provided and access from the "rear" street prohibited.

3. Pedestrian Way

Pedestrian ways may be required across blocks which exceed nine hundred feet (900') in length, to connect dead-end streets, or to provide access to parks, schools, shopping areas of similar facilities. If a pedestrian way is required, a ten (10') foot right of way shall be set aside with a four foot (4') pavement, and at a grade no steeper than fifteen percent (15%), unless steps of adequate design are provided.

C. Lots

1. Frontage - Minimum Width

The minimum width of a residential lot shall be sixty (60) feet at the front set back line.

2. Arrangement

Each lot shall be free from flooding. No lot shall be impractical of improvement due to steepness of terrain, dangerous soil conditions or other adverse natural physical conditions. Side lot lines shall be at right angles to street lines and radial to curved street lines, unless deemed impracticable.

3. Dimensions

a. The size, shape and orientation of lots shall be designed to provide desirable building sites, properly related to topography, natural features, streets and land uses.

b. Residential lots not served by a sewage disposal system shall have a lot area of not less than twenty one thousand seven hundred and eighty (21,780) square feet, or such area as may be determined to be necessary by the Commission.

c. Residential lots served by the City sewage disposal system shall have a lot area of not less than seven thousand (7,000) square feet.

d. The minimum lot area of residential lots proposed to be served by individual private wells shall be as determined by the Health Department, in accordance with the factors of soil conditions, and the proposed sewage disposal system.

e. Remnants of land, containing less area than herein required and not designated and accepted for utility or public purposes, shall not be permitted.

f. Where property is proposed for development for commercial uses, the subdivider should design a layout providing for an overall or unified development, and wherever possible, avoid the platting of individual lots for each business establishment.

g. When property is to be developed for industrial uses, consideration will be given to a flexible lot, street and utility arrangement in order to allow for the needs of particular industries.

h. All lots shall have a minimum set back line of twenty-five (25) feet from the front of the lot line and a minimum of twenty-five (25) feet from the rear of the lot line, except for minor subdivisions, as set forth in Section IV, paragraph G hereof.

i. All lots shall have a minimum side yard of seven (7) feet, except for corner lots which shall have minimum side yards of twenty-five (25) feet, and except for minor subdivisions, as set forth in Section IV, paragraph G hereof.

j. The total first floor living area of all single-family dwelling units shall not be less than eight hundred (800) square feet.

k. Two off-street parking spaces shall be provided for each single-family dwelling, at least one of which shall be in a garage.

D. Utility and Drainage Easements

1. Except where alleys are permitted, there shall be utility easements at least twelve feet (12') in width along front lot lines and 12' in back where the lots back up and 20' where single tier of lots. Where deemed appropriate, utility easements may be provided along the side lot line or across lots.

2. Storm easements and drainage rights of way may be required as deemed necessary. The subdivider shall provide an adequate easement and facilities to prevent flooding or erosion along each side of the stream. This easement shall be for any flood abatement purpose as determined by the Commission and any local or state agencies so concerned. The Subdivider may be required to enlarge, straighten or clear the existing drainage channel at time of construction.

3. All installations of water meters and water service lines must meet the following requirements, to-wit:

   (a) All water meters are to be installed in a manhole below freezing level and must be installed in that part of the lot designated for utility easements.

   (b) The water meter must be installed at the same time the water main is tapped and the manhole is installed.

   (c) All pipe, valves, fittings, labor and cost of installation of water main extensions, lines, attachments and hook-ups must be paid for by the person, firm or corporation causing said installation to be made and shall not be paid for by the city, even though a hookup or attachment permit may be in effect at the time of said installation, hook-up or attachment.

   (d) All water main extensions, hook-ups or attachments must be inspected and approved by the City prior to being covered or placed in use.

   (e) All water mains shall be a minimum of 4" in diameter and be steel or plastic pipe with a minimum of 160 per square inch.

   (f) All water service lines must be 3/4 inch I.D. copper or 3/4 inch I.D. galvanized steel or 3/4 inch I.D. plastic pipe with a 250 per square inch test.

E. Community Assets

Due regard shall be given to natural features such as large trees, unusual rock formations and water courses; for sites which have historical significance; and for similar assets, the preservation of which would add attractiveness and value to the subdivision.

F. Pulic Open Spaces and Areas

Sites which are mutually accepted by the subdivider and the appropriate public agencies for school, park, recreation, or other public improvements shall be reserved and designated for such uses on the plat of any subdivision in which such a parcel is located.

G. The information required on the Final Plat and the improvements to be installed for a Minor Subdivision shall be as designated by the Commission. The following minimum requirements shall be applicable, to-wit:

6. Location and description of monuments, referenced to United States Geological Survey Datum Plan.

7. The designation of all areas to be used for other than residential lots and their proposed use.

8. If the property is within or adjacent to areas subject to periodic inundation note overflow areas subject to periodic flooding.

9. Certification and seal of surveyor as to accuracy of survey and plat.

10. Acknowledgement of the owner and mortgagee regarding plat and all dedications, restrictions and conditions affecting property platted.

All documents, maps, surveys and plans shall contain the date, title, name and location of the subdivision, the names and addresses of the Subdivider, Owner, Landscape Architect, Surveyor and Engineer, the graphic scale and true north line.

All dimensions, angles, bearings and similar data shall be tied to primary control points designated by a registered surveyor. Locations and descriptions of said control points shall be given. Except where otherwise approved by the Commission, the control points shall be established section corners and quarter section corners. All contours, grades and elevations shall use the United States Geological Survey Datum Plan and shall be designated on the Plat.

C. Supplemental Information Required with Final Plat

The Subdivider shall file with the Final Plat the following:

1. Copies of the approved plans and profiles of all subdivision improvements, such as streets, sewers, storm drains and structures, including grading plans, if required.

2. A copy of any Indenture of Restrictions.

D. Review of Final Plat

The Zoning Administrator shall check the plat to determine the accuracy of computations and other items designated thereon. At its first regular meeting (not less than 10 days nor more than 30 days following submission) following submission of the Final Plat and supplemental data, the Commission shall approve or disapprove same, which action shall be noted on the Plat and signed by the Chairman of the Commission. If the Plat is disapproved, the grounds therefor shall be stated in the Commission minutes and furnished to the Subdivider.

Approval of the Plat by the Commission shall not constitute acceptance of any portion thereof designated for public use. Copies of any Final Plat containing any area proposed to be dedicated to public use shall be forwarded by the Commission to the Board of Aldermen for its consideration and action. When the Final Plat has been approved by the Commission. A permanent record copy of the Plat and any Indenture of Restrictions shall be filed with the City Clerk by the Commission. Recordation shall not take place until after appropriate fees are paid by the Subdivider. No building permits shall be issued until such recordation.

SECTION VI

VARIANCES

A. General Standards

The Commission may grant a variation from this Resolution when its strict application would result in extreme practical difficulties and undue hardships by reason of the unusual shape of a specific parcel or property or exceptional topographic conditions. In granting any variance or modification, the Commission may prescribe such conditions as will secure the objectives of this Resolution. No variance shall be granted unless the Commission finds that no detriment will be caused to the public welfare and no injury will be caused to other property in the area in which the property for which the variance is requested is situated, and that the variance will not substantially impair the intent and purpose of this Resolution.

B. Planned Group Developments

The Commission may approve a Comprehensive, Planned Group Development, including Residential Neighborhood Units, Clusters and Condominium types, if it finds that the variations from this Resolution will not adversely affect the health, welfare, safety and convenience of the individuals occupying said development. Such development plan must meet the requirements of the Zoning Regulations.

SECTION VII

REQUIRED IMPROVEMENTS

The following improvements shall be required of the subdivider in regular subdivisions:

A. Streets

The Subdivider shall install not less than 30 foot wide pavement and curb on all streets. No grading or other construction shall take place within a street right-of-way until the construction plans have been approved by the City Engineer. Street paving shall be located in the center of the right-of-way and shall conform to the specifications of the City and compliance therewith shall be confirmed by the City Engineer.

B. Walks

Sidewalks shall not be required except in commercial and industrial areas. Such walks to be approved by the Commission.

C. Storm Drainage

The Subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches and other improvements to adequately handle storm water. All improvements shall comply with the minimum standards of the City and shall be approved by the City Engineer prior to construction.

D. Sanitary Sewers and Other Utilities

a. The Subdivider shall be responsible for the proper installation of all utilities including sanitary sewers,

and connection to approved treatment facilities, and water supply (approved by the Missouri Board of Health), natural gas, electricity, and telephone service. Such utilities shall be installed according to the specifications and minimum standards of the controlling utility company or public agency. However, distribution lines, power, telephone, and others shall be installed underground and all gas meters must be located within three (3) feet of the building foundation if located within front yards in all subdivisions and which the final plat is approved by the Commission after the passage of these regulations.

b. All houses requiring self contained sewage systems shall meet the following minimum requirements, to-wit:

1. All filter beds must have at least 100 square feet per bedroom.

2. All filter beds must have at least a 4 inch diameter p.v.c. drain line.

3. The minimum size of the septic tank shall be no less than 800 gallons in size.

E. Street Signs:

The Subdivider shall install street signs at all intersections within the subdivision. Such street signs shall follow the street names designated on the approved final plat and shall comply with the specifications of the City.

F. Fire Hydrants:

Fire hydrants shall be installed by the Subdivider as part of the water distribution system. Installation of hydrants may be accomplished in such manner that each lot is within seven hundred (700) feet of a fire hydrant when measured along the edge of the right-of-way, using a 4 inch main. In minor subdivisions fire hydrants shall be 1200 feet a part.

SECTION VIII

IMPROVEMENTS SURETY

The proper installation of street pavement, curbs or curb and gutter, storm drainage facilities, and street signs shall be guaranteed by the furnishing by the Subdivider or his agent of surety in the form of bond. Such surety shall be to the favor of the City and shall be satisfactory at the time construction plans are submitted for approval. The amount of surety shall be for the full cost of improvements.

Such surety shall be properly executed prior to any grading or construction and shall be released in segments upon written approval of the City Engineer and by action of the Administrator. Except in the case of highways or thoroughfares, a building permit shall not be issued for a lot or tract in a residential subdivision which abuts a street for which surety has not been furnished.

SECTION IX

FEES

A. Filing Fees

Upon the filing of a Preliminary Plat of a subdivision or any portion thereof, the subdivider shall pay a filing fee of Ten Dollars ($10.00). Upon the filing of a Final Plat of the subdivision of any portion thereof, the subdivider shall pay a filing fee of Ten Dollars ($10.00). The fees shall be used to defray the cost of processing and reviewing such plans.

B. Construction Permit Fees

Prior to the installation of any and all subdivision improvements or facilities, the Subdivider shall obtain from the Zoning Administrator a Construction Permit. This permit authorizes the construction of only those subdivision improvements or facilities for which final plans have been submitted and formally approved. The charge for said permit shall be a maximum of Twenty Five Dollars ($25.00). Said payment shall be used to defray the cost of inspection of said improvements during the construction period.

In lieu of the above inspection fee, the Planning Commission may accept from a Registered Professional Engineer, a Certificate, which is affixed to the Final Plat, certifying that the Engineer has inspected all of the improvements installed and that the material contained therein meets the requirements contained in the plans and specifications as approved by the Commission.

SECTION X

EVENT OF INVALID PORTIONS

If any section, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION XI

PENALTY

Any person violating the provisions of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or confined in the county jail for not more than one year, or both.

SECTION XII

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

The ordinance shall take effect and be in full force from and after its date of passage and approval.

READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 7th DAY OF June, 1992.

MAYOR

ATTEST:

CITY CLERK

Section 2.1.1 amending Ord. 559(Ord. 616)

BILL NO. 616 ORDINANCE NO. 616

AN ORDINANCE AMENDING ORDINANCE NO. 559 IN RELATION TO PRESCRIBED PROCEDURES FOR THE SUBDIVISION OF LAND WITHIN THE CORPORATED AREA OF WOOD HEIGHTS, MISSOURI, AND PRESCRIBING SPECIFICATIONS FOR THE PROPER WIDTH OF STREETS; MANNER IN WHICH STREETS ARE GRADED AND IMPROVED; BUILDING LINES; PROVISIONS FOR WATER, SEWER AND UTILITIES; AVOIDANCE OF CONDITIONS WHICH CREATE BLIGHTED AREAS, OVERCROWDING POPULATION, AND VEHICULAR TRAFFIC CONGESTION; PROVIDING FOR MINIMUM WIDTH AND AREAS OF LOTS; AND ECONOMIC DEVELOPMENT OF THE CITY TO INSURE THE ADEQUACY OF STREET AND UTILITY FACILITIES AND TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, ORDINANCE 559 SHALL BE AMENDED AS FOLLOWS:

SECTION IV, PARAGRAPH D., SUBSECTION (e) - TO BE AMENDED AS FOLLOWS: ALL WATER MAINS SHALL BE A MINIMUM OF 6" IN DIAMETER AND BE STEEL OR PLASTIC PIPE WITH A MINIMUM OF 160 LBS PER SQUARE INCH, TEST. ALL PLASTIC PIPE MUST HAVE A MINIMUM OF 14 GAUGE COPPER WIRE ATTACHED, 8" TO 12" ABOVE PIPE.

SECTION IV, PARAGRAPH D., SUBSECTION (f) - TO BE AMENDED AS FOLLOWS: ALL WATER SERVICE LINES MUST BE 3/4 INCH I.D. COPPER OR 3/4 INCH I.D. GALVANIZED STEEL OR 3/4 INCH I.D. PLASTIC PIPE WITH A 250 LBS. PER SQUARE INCH TEST.

SECTION IV, PARAGRAPH D., SUBSECTION (g) - TO BE AMENDED AS FOLLOWS: ALL WATER MAINS AND SERVICE LINES INSTALLED WILL BE AT A MINIMUM INSTALLATION BELOW FREEZING LEVEL NOT TO EXCEED 48" IN DEPTH.

SECTION IV, PARAGRAPH G., SUBSECTION (5) - TO BE AMENDED AS FOLLOWS: ALL WATER MAINS SHALL BE 6" IN DIAMETER AND SERVICE LINES AND SEWER FACILITIES SHALL BE THE SAME MINIMUM REQUIREMENTS AS IN A REGULAR SUBDIVISION.

SECTION IX, PARAGRAPH A. - TO BE AMENDED AS FOLLOWS: UPON THE FILING OF A PRELIMINARY PLAT OF A SUBDIVISION OR ANY PORTION THEREOF, THE SUBDIVIDER SHALL PAY A FILING FEE OF 50.00. UPON THE FILING OF A FINAL PLAT OF THE SUBDIVISION OF ANY PORTION THEREOF, THE SUBDIVIDER SHALL PAY A FILING FEE OF 50.00. THE FEES SHALL BE USED TO DEFRAY THE COST OF PROCESSING AND REVIEWING SUCH PLANS.

SECTION IX, PARAGRAPH B. - TO BE AMENDED AS FOLLOWS: PRIOR TO THE INSTALLATION OF ANY AND ALL SUBDIVISION IMPROVEMENTS OR FACILITIES, THE SUBDIVIDER SHALL OBTAIN FROM THE BOARD OF ALDERMAN A CONSTRUCTION PERMIT. THIS PERMIT AUTHORIZES THE CONSTRUCTION OF ONLY THOSE SUBDIVISION IMPROVEMENTS OR FACILITIES FOR WHICH FINAL PLANS HAVE BEEN SUBMITTED AND FORMALLY APPROVED. THE CHARGE FOR SAID PERMIT SHALL BE A MAXIMUM OF 100.00. SAID PAYMENT SHALL BE USED DURING THE CONSTRUCTION PERIOD. IN LIEU OF THE ABOVE INSPECTION FEE, THE BOARD OF ALDERMAN MAY ACCEPT FROM A REGISTERED PROFESSIONAL ENGINEER, A CERTIFICATE, WHICH IS AFFIXED TO THE FINAL PLAT, CERTIFYING THAT THE ENGINEER HAS INSPECTED ALL OF THE IMPROVEMENTS INSTALLED AND THAT THE MATERIAL CONTAINED THEREIN MEETS THE REQUIREMENTS CONTAINED IN THE PLANS AND SPECIFICATIONS AS APPROVED BY THE BOARD OF ALDERMAN.

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER ITS DATE OF PASSAGE.

READ TWO TIMES AND PASSED THIS 19th DAY OF March, 1997.

Melvin Carmichael Jr
MAYOR

Lisa Vassar
ATTEST

CITY CLERK

SEAL

Section 2.2 Dangerous Buildings (Ord. 081118-03)

Bill No. 081118-02 Ordinance No. 081118-03

AN ORDINANCE OF THE CITY OF WOOD HEIGHTS MISSOURI, REGARDING DANGEROUS BUILDINGS AS NUISANCES AND THEIR REMOVAL OR RECONDITIONING, PROVIDING FOR THEIR DEMOLITION OR REPAIR BY THE CITY OF WOOD HEIGHTS AND PERTAINING TO INSURANCE PROCEEDS FROM DAMAGE OR LOSS TO BUILDINGS OR STRUCTURES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1. Purpose and scope.

It is the purpose of this ordinance 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 general public, and this ordinance shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Wood Heights, Missouri.

Section 2. Dangerous buildings defined.

All buildings that are detrimental to the health, safety or welfare of the residents of the City of Wood Heights and that have any or all of the following defects shall be deemed "dangerous buildings":

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.

Those that, exclusive of the foundation, show thirty-three (33) percent or more damage or deterioration of the supporting member or members or fifty (50) percent damage or deterioration of the non-supporting enclosing or outside walls or covering.

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 reasonability safe for the purpose used.

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.

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.

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.

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.

Those that have parts thereof that are so attached that they may fall and injure members of the public or property. 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 3. Dangerous buildings declared nuisance.

All dangerous buildings, as defined by Section 2, are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided.

Section 4. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building inspector and the building commissioner, in ordering repair, vacation or demolition of any dangerous building.

If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be ordered repaired.

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.

In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be demolished.

In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this city or statute of the State of Missouri, it shall be repaired or demolished.

Section 5. Building inspector.

All city police officers and all other City of Wood Heights employees so designated by the mayor shall be building inspectors within the meaning of this ordinance.

Section 6. Duties of building inspector: procedure and notice.

The building inspector shall have the duty under this ordinance to:

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 an conditions exist that render such places a dangerous building when he has reasonable grounds to believe that any such building is dangerous.

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 ordinance, and the building inspector determines that there are reasonable grounds to believe that such building is dangerous.

Inspect any building, wall or structure reported by the fire or police departments of this city as probably existing in violation of this ordinance.

Notify in writing, either the 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 Ray County, of any building found by him to be a dangerous building within the standards set forth in Section 2.

The notice required shall state that:

The owner must vacate, vacate and repair or vacate and demolish said building in accordance with the terms of the notice and this ordinance;

The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;

The mortgagee, agent or 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, may, at has own risk, repair, vacate or demolish or have such work done, provided that any person notified under this subsection to repair, vacate or demolish any building, shall be given such reasonable time not exceeding thirty (30) days to commence the required work;

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;

Report in writing to the city building commissioner the noncompliance with any notice to vacate, repair or demolish or upon the failure to proceed continuously with the work without unnecessary delay;

Appear at all hearings conducted by the building commissioner and testify as to the condition of dangerous buildings.

Immediately report to the building commissioner concerning any building found by him to be inherently dangerous and that he 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 until it is repaired, vacated or demolished in accordance wit the notice that has been given the owner, occupant, lessee, mortgagee or agent of his building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Ray 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 ordinance to the notice and hearing prescribed herein.

Section 7. Building Commissioner.

The mayor shall act as building commissioner under this ordinance.

Section 8. Duties of the building commissioner.

The building commissioner shall have the power pursuant to this ordinance to:

Supervise all inspections required by this ordinance, and cause the building inspector to make inspections and perform all the duties required of him by this ordinance. 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 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.

Upon receipt of a report from the building inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this ordinance 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 twenty-one (21) 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.

Make written findings of fact from the evidence offered at said hearing s to whether or not the building in question is a dangerous building within the terms of Section 2.

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 its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other person(s) having an interest in said building as shown by the land records of the county wherein the land is located, to repair, vacate or demolish any building found to be a dangerous building, provided that any person so notified, shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City of Wood Heights or the owner or any person having an interest in said building as shown by the land records of the county wherein the land is located, may vacate and demolish said dangerous building at his own risk to prevent the acquiring by the City of Wood Heights of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

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 as the facts may warrant; and the building commissioner shall certify the cost of the work borne by the City of Wood Heights for such repair, vacation or demolition to the Wood Heights 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 owner(s). Except as provided in subsection 6 of this section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of 18 **percent** per annum until paid.

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 a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to **twenty five (25) percent** 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 (50) percent of the face value of the policy covering a building or other structure:

The insurer shall withhold from the covered claim payment up to ten (10) percent of the covered claim payment, and shall pay such moneys 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.

The City of Wood Heights 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 receipt of such insurance moneys, unless the City of Wood Heights has instituted legal proceedings under the provisions or subsection (5) of this section. If the City of Wood Heights has proceeded under the provisions of subsection. If the City of Wood Heights has proceeded under the provisions of subsection (5) of this section, all moneys in excess of that necessary to comply with the provisions of subsection (5) of this section for the removal of the building or structure, less salvage value, shall be paid to the insured.

If there are no proceeds of any insurance policy as set forth in subsection (6) of this section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

Subsection (6) of this section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

Subsection (6) of this section does not make the City of Wood Heights 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.

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 9. Appeal.

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the recorder of deeds of 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 the county wherein the land is located, pursuant to the procedure established in Chapter 536 of the Revised Statues of Missouri.

Section 10. Emergencies.

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, the building inspector shall report such facts to the building commissioner and the building commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 7(5).

Section 11. Violations: disregarding notices or orders.

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the building commissioner shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section 12.

Any person removing any notices provided for in this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with section 12.

Section 12. Penalties.

Any person violating the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars ($500.00). Each day that a person fails to comply with an order of the building commissioner may be deemed a separate offense.

Section 13. This ordinance shall be in full force and effect from its date of passage.

Read two times and passed by the Board of Aldermen of the City of Wood Heights, Missouri this 18th of November, 2008

John D. Allen, Mayor

ATTEST:

Eileen McRorey, City Clerk

Missouri Revised Statutes

Chapter 67
Political Subdivisions, Miscellaneous Powers
Section *67.410*

August 28, 2008

Provisions required in ordinance.

67.410. 1. Except as provided in subsection 3 of this section, any ordinance enacted pursuant to section 67.400 shall:

(1) Set forth those conditions detrimental to the health, safety or welfare of the residents of the city, town, village, or county the existence of which constitutes a nuisance;

(2) Provide for duties of inspectors with regard to such buildings or structures and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such buildings or structures;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the property is to be vacated, if such be the case, reconditioned or removed, listing a reasonable time for commencement; and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds of the county wherein the land is located shall be made parties;

(4) Provide that upon failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, the building commissioner or designated officer or officers shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the residents of the city, town, village, or county and ordering the building or structure to be demolished and removed, or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, no order shall be issued;

(5) Provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the city collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the city, town, village, or county and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in sections 429.010 to 429.360, RSMo. Except as provided in subsection 3 of this section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. A city not within a

county or a city with a population of at least four hundred thousand located in more than one county, notwithstanding any charter provision to the contrary, may, by ordinance, provide that upon determination by the city that a public benefit will be gained the city may discharge the special tax bill, including the costs of tax collection, accrued interest and attorneys fees, if any.

2. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up to twenty-five percent of the insurance proceeds, as set forth in this subsection. The order or ordinance shall apply only to a covered claim payment which is in excess of fifty percent of the face value of the policy covering a building or other structure:

(1) The insurer shall withhold from the covered claim payment up to twenty-five percent of the covered claim payment, and shall pay such moneys 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 order or ordinance;

(2) The city or county shall release the proceeds and any interest which has accrued on such proceeds received under subdivision (1) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty days after receipt of such insurance moneys, unless the city or county has instituted legal proceedings under the provisions of subdivision (5) of subsection 1 of this section. If the city or county has proceeded under the provisions of subdivision (5) of subsection 1 of this section, all moneys in excess of that necessary to comply with the provisions of subdivision (5) of subsection 1 of this section for the removal, securing, repair and cleanup of the building or structure, and the lot on which it is located, less salvage value, shall be paid to the insured;

(3) If there are no proceeds of any insurance policy as set forth in this subsection, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be a lien on the property until paid;

(4) This subsection shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures;

(5) This subsection does not make the city or county 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.

3. The governing body of any city not within a county and the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county may enact their own ordinances pursuant to section 67.400 and are exempt from subsections 1 and 2 of this section.

4. Notwithstanding the provisions of section 82.300, RSMo, any city may prescribe and enforce and collect fines and penalties for a breach of any ordinance enacted pursuant to section 67.400 or this section and to punish the violation of such ordinance by a fine or imprisonment, or by both fine and imprisonment. Such fine may not exceed one thousand dollars, unless the owner of the property is not also a resident of the property, then such fine may not exceed two thousand dollars.

5. The ordinance may also provide that a city not within a county or a city with a population of at least three hundred fifty thousand located in more than one county may seek to recover the cost of demolition prior to the occurrence of demolition, as described in this subsection. The ordinance may provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is ordered to be demolished, secured or repaired, and the owner has been given an opportunity for a hearing to contest such order, then the building commissioner or other designated officer or officers may solicit no less than two independent bids for such demolition work. The amount of the lowest bid, including offset for salvage value, if any, plus reasonable anticipated costs of collection, including attorney's fees, shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill to be issued against the property owner to be prepared and collected by the city collector or other official collecting taxes. The municipal clerk or other officer in charge of finance shall discharge the special tax bill upon documentation by the property owner of the

completion of the ordered repair or demolition work. Upon determination by the municipal clerk or other officer in charge of finance that a public benefit is secured prior to payment of the special tax bill, the municipal clerk or other officer in charge of finance may discharge the special tax bill upon the transfer of the property. The payment of the special tax bill shall be held in an interest-bearing account. Upon full payment of the special tax bill, the building commissioner or other designated officer or officers shall, within one hundred twenty days thereafter, cause the ordered work to be completed, and certify the actual cost thereof, including the cost of tax bill collection and attorney's fees, to the city clerk or other officer in charge of finance who shall, if the actual cost differs from the paid amount by greater than two percent of the paid amount, refund the excess payment, if any, to the payor, or if the actual amount is greater, cause a special tax bill or assessment for the difference against the property to be prepared and collected by the city collector or other official collecting taxes. If the building commissioner or other designated officer or officers shall not, within one hundred twenty days after full payment, cause the ordered work to be completed, then the full amount of the payment, plus interest, shall be repaid to the payor. Except as provided in subsection 2 of this section, at the request of the taxpayer the tax bill for the difference may be paid in installments over a period of not more than ten years. The tax bill for the difference from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

(L. 1969 H.B. 60 § 2, A.L. 1984 S.B. 433, A.L. 1990 H.B. 1062, A.L. 1994 H.B. 1115, S.B. 513, A.L. 1995 H.B. 383, A.L. 2010 H.B. 1238)

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Missouri General Assembly

Section 2.3 Lights (Ord. 030415-1)

BILL NO. 030415-1 ORDINANCE NO. 030415-1

AN ORDINANCE BY THE BOARD OF ALDERMAN ESTABLISHING STANDARDS FOR STREET LIGHTING IN SUBDIVISIONS WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED by the Board of Alderman of the City of Wood Heights, Missouri, as follows:

SECTION 1. *Street lighting plan submission and review*. The developer shall submit to the city Planning & Zoning Board, for review and approval, four (4) copies of the approved preliminary plan indicating the location of light standards in compliance with the following:

A. *Illumination standards*. Each lighting source shall have a height of not less than fourteen (14) feet above grade. Fixtures shall be high-pressure sodium type, 100 watt, in all residential districts; twenty-five thousand five hundred (25,500) lumen in non-residential districts. Where determined necessary by the city Planning & Zoning Board for street illumination, twenty-five thousand five hundred (25,500) lumen lights shall be required in residential districts. The city Planning & Zoning Board may permit nine thousand five hundred (9,500) lumen lights in nonresidential districts on minor streets. Fixtures are to be compatible with other city streetlights and are to be approved by the city Planning & Zoning Board.

1. In a nonresidential subdivision, single family residential subdivision, or multiple family subdivision, street lights shall be provided at each intersection of a street within the subdivision, on street frontage between intersections, at each intersection of a street with a pedestrian-way, at each circular turnaround, along private streets or roadway easements which provide access to or through any lot or driveway connecting the subdivision to a public street, and within parking lot areas to comply with the provisions and regulations described herein.,

2. Residential subdivisions. The maximum distance between light standards on singular access, loop streets and multiple family access streets shall be three hundred (300) feet.

3. Nonresidential subdivision. For singular access streets and loop streets, the maximum distance between street lights shall be three hundred (300) feet.

4. Nonresidential parking area lighting plan:

i. Parking area lighting shall be designed and installed so as to achieve the illumination levels set forth in (iii) below. Lighting shall be maintained so as to achieve not less than eighty (80) percent of the minimum and average illumination levels set forth by the following table.

ii. The city Planning & Zoning Board may permit lighting arrangements exceeding the maximum initial level set forth in (iii) below to allow lighting designs which substantially exceed the required minimum and average illumination levels.

iii. Illumination standards in foot candles for structures and their parking areas:

Minimum initial level at any point on the parking area: residential – 0.07; commercial – 0.5; other – 0.3.

Average initial level: residential – 0.35; commercial – 1.0; other – 0.5

Maximum initial level five (5) feet from the base of a light standard: residential – 3.0; commercial – 8.0; other – 5.0.

For purposes of this subsection, "commercial" refers to parking areas for any land use, regardless of zoning designation, in which goods or services are offered to the general public on premises.

B. *Unnecessary illumination.* Lighting shall be designed and maintained to avoid unnecessary illumination of residential interiors.

C. *Energy source.* All energy sources supplying illumination shall be buried a minimum of eighteen (18) inches below grade. All piping and wiring to illumination sources shall be contained within the light standards or pole structure.

D. *Timing.* All electric lighting shall be controlled automatically by programmed time devices, photo electric cells, or the like. Street lighting shall be on from dusk to dawn.

E. *Location.* Light standards shall not be located within three (3) feet of the street pavement. Where sidewalks are required, street light standards shall be located between the sidewalk and street pavement. Exceptions to this section may be approved by the city Planning & Zoning Board.

F. *Maintenance and operation.* Upon satisfactory installation of lighting devices, the city will assume financial responsibilities for the ensuing monthly electric and lease charges for lights located on public rights-of-way; the developer shall submit a maintenance fee for 2 years of billing on said lights.

G. *Installation.* All lighting shall be installed and maintained in accordance with the approved lighting plan.

SECTION 2: *Existing ordinances*
All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: *Effective date*
This ordinance shall take effect and be in full force from and after it's passage and approval.

Read two times and passed, and approved by the Mayor this _____day of _____ 2003.

_____
Mayor

Attest:

_____
City Clerk

Section 2.4 mobile homes and modular homes (Ord. 050412-2)

BILL NO.050412-2 ORDINANCE NO. 050412-2

AN ORDINANCE TO REDEFINE THE DEFINITION OF MOBILE HOME AND TO ADD DEFINITIONS FOR MANUFACTURED AND MODULAR HOMES; TO DESIGNATE ZONING PLACEMENT AND BUILDING PERMIT REQUIREMENTS.

WHEREAS, the City has become aware of the ever increasing need to provide suitable and economical housing for the citizens of the City of Wood Heights, and

WHEREAS, great strides have been made in the manufacture of these type dwellings,

THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1. MOBILE HOME: A transportable, factory-built home more than eight (8) feet in width or more and more than thirty-six (36) feet in length, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards of 1974, which became effective June 15, 1976 and 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 without a permanent foundation.

SECTION 2. MANUFACTURED HOME: A factory-built structure that is manufactured or constructed under the authority of 42 United States Code Sec. 5401 and is to be used as a place for human habitation but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home.

SECTION 3. MODULAR HOME: Factory-built housing bearing the seal issued by the Missouri Public Service Commission indicating compliance with the State of Missouri Modular Standards and Regulations for Modular Homes.

SECTION 4. Except for any nonconforming manufactured homes/mobile homes and except for the storage of campers or other recreational vehicles on real property of the owner or lessee thereof, no person shall park or occupy any mobile home within the city limits of Wood Heights, Missouri on less than seven (7) acres.

SECTION 5. New manufactured homes may be placed on any individual residential or commercial zoned lot within an R-1, R-2, R-3, C-1, C-2 or C-3 zoning district with the following restrictions and regulations:

A. Manufactured/modular homes shall not be placed or occupied on an individual lot without a building permit issued under these regulations.

B. Each Manufactured home placed on an individual lot shall:

1. Be occupied only as a single family dwelling or business unit.
2. Be placed in conformance with all zoning and setback requirements established for the district in which located.
3. Accessory structures shall be placed in conformance with the setback and dimensional requirements, established for the district in which located. The exterior covering and roofing material of the accessory structure must be the same as that of the dwelling unit.
4. The minimum area of the dwelling unit shall be 1200 sq. ft.
5. The unit must be placed on a permanent foundation complying with all current standard uniform building codes.
6. Be served by a water supply and sewage disposal system meeting the established city requirements.
7. Property owner shall declare the manufactured/modular home as real property and must so record with the Ray County Assessor.

SECTION 6. Pre-owned manufactured homes may not be moved onto any individual lot.

SECTION 7. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect on and after its approval and passage.

Read two times and passed this 12th day of April, 2005.

Mayor John Allen

ATTEST:

City Clerk, Eileen McRorey

Chapter 4: Sewers and water works

Section 1 Sewer and water rates

Section 1.1 Current water rates (Ord. 20156)

BILL NO. 1416 **ORDINANCE NO. 20156**

AN ORDINANCE ESTABLISHING NEW WATER RATES FOR THE CITY OF WOOD HEIGHTS, MISSOURI, AND REPEALING ALL ORDINANCES, OR SECTIONS THEREOF REFERRING TO WATER RATES NOW IN EFFECT.

WHEREAS, the Mayor and Board of Aldermen of the City of Wood Heights have reviewed the actual water usage for the last twelve (12) months and have estimated the water rate(s) that need to be implemented to pay for the water loan, water purchase, water operation and water maintenance costs.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1: The monthly water charge per residence or business of the City of Wood Heights, Missouri for Fiscal Year 2015-2016 shall be a 3% ($0.75) across the board increase as follows:

First 1,000 Gallons (Base Rate):	$25.75
Charge for each 1,000 Gallons thereafter will be:	
Second 1,000 Gallons:	$10.25
Third 1,000 Gallons:	$11.25
Fourth 1,000 Gallons:	$12.25
Fifth 1,000 Gallons and up:	$13.25

Section 2: A $1.50 monthly water maintenance utility fee will be added to each water bill for replacement/upgrade of Connect 3 software for water billing, laptop system software upgrade and water meter replacement. This water maintenance utility fee will be placed in its own account.

Section 3: Any Ordinance or section of an Ordinance now in effect, with reference to water rates prior to the passage and approval of this Ordinance shall be hereby repealed, so that rates quoted in Section 1 of this Ordinance are in effect.

Section 4: Water rates will be reviewed on an annual basis each May/June and may be raised as necessary to meet the needs of the system.

Section 5: This Ordinance shall be in full force and effect from and after the date of its passage and approval, beginning with the water service billing for August 1st, 2015.

INTRODUCED, READ TWO TIMES, PASSED AND ADOPTED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 21st day of July, 2015.

_____
Mayor, Robert Pettegrew

Attest:

_____
Sondra A. Kasserman, City Clerk, MRCC **SEAL**

Section 2 Installation, hookup, and connection

Section 2.1 Instantiation and connection of building sewers (Ord. 411)

BILL NO. 411 ORDINANCE NO. 411

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION AND THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATION THEREOF; IN THE CITY OF WOOD HEIGHTS, COUNTY OF RAY, STATE OF MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

ARTICLE I

SECTION 1. The following Rules and Regulations are hereby adopted to govern the sewer services furnished by the municipality in a uniform manner for the benefit of the municipality and its sewer users. They are subject to change from time to time. If any portion of these Rules shall be declared invalid by competent authority, such voidance shall not affect the validity of the remaining portions.

ARTICLE II

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

SECTION 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

SECTION 2. "Building Drain" shall mean 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.

SECTION 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

SECTION 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

SECTION 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

SECTION 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

SECTION 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

SECTION 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

SECTION 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

SECTION 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

SECTION 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SECTION 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

SECTION 13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

SECTION 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

SECTION 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

SECTION 16. "Sewer" shall mean a pipe or conduit for carrying sewage.

SECTION 17. "Shall" is mandatory; "May" is permissive.

SECTION 18. "Slug" shall mean 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.

SECTION 19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SECTION 20. "Superintendent" shall mean the member of the Board of Aldermen duly designated to act as the Superintendent of Water and Sewerage works of the City, or his authorized deputy, agent or representative.

SECTION 21. "Suspended Solids" shall mean 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.

SECTION 22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 23. "Municipality" shall mean the City of Wood Heights, Missouri.

SECTION 24. "Applicant" shall mean any individual, firm, partnership, corporation or other agency owning land within the municipality applying for a sewer service.

SECTION 25. "Board" shall mean the Board of Aldermen or Sewer Board of the City of Wood Heights, Missouri.

SECTION 26. "Inspector" shall mean the person or persons duly authorized by the Board of Aldermen to inspect and approve the installation of building sewers and their connection to the public sewer system.

ARTICLE III

SECTION 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property with the City of Wood Heights, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

SECTION 2. It shall be unlawful to discharge to any natural outlet within the City of Wood Heights, 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 ordinance.

SECTION 3. 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.

SECTION 4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his 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 ordinance, 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 property line.

ARTICLE IV

SECTION 1. Where a public sanitary sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

SECTION 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Inspector. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Inspector. A permit and inspection fee of Ten Dollars ($10.00) shall be paid to the City at the time the application is filed.

SECTION 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Inspector.

SECTION 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No

permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 45,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

SECTION 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article IV, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

SECTION 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

SECTION 7. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer of the State or County.

SECTION 8. 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 bank-run gravel or dirt.

ARTICLE V

SECTION 1. 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 Inspector.

SECTION 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of Ten Dollars ($10.00) for a residential or commercial building sewer permit and Twenty Dollars ($20.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.

SECTION 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 4. 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, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

SECTION 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this ordinance.

SECTION 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in

excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplifications 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.

SECTION 7. 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.

SECTION 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

SECTION 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Inspector before installation.

SECTION 10. The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.

SECTION 11. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard, streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

ARTICLE VI

SECTION 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

SECTION 2. Stormwater 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 Inspector. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Inspector, to a storm sewer, combined sewer, or natural outlet.

SECTION 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or

or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewers.

(c) Any waters or wastes having (1) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent 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 expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and 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.

A surcharge will be provided for excess BOD and suspended solids. The user charge ordinance should be consulted.

(d) 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, milk containers, etc. either whole or ground by garbage grinders.

(e) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

SECTION 4. 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 Inspector 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 opinion as to the acceptability of these wastes, the Inspector will give consideration to such factors as the quantities of subject wastes 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:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) °F (65°C).

(b) 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 (32) and one hundred fifty (150)°F (0 and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Inspector.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) 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 Inspector for such materials.

(f) Any waters or wastes containing phenols or other taste -- or odor -- producing substances, in such concentrations exceeding limits which may be established by the Inspector as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Inspector in compliance with applicable State or Federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2. Excessive discoloration (such as, but not limited to, dye wastes, and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

SECTION 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Inspector, 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 Inspector may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) 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 Section 10 of this Article.

If the Inspector 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 Inspector, and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 6. Grease, oil, and sand Interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Inspector, and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 7. 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 expense.

SECTION 8. When required by the Inspector, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Inspector. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

SECTION 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular 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 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

SECTION 10. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby any industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

ARTICLE VII

SECTION 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VIII

SECTION 1. The Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Inspector or his 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.

SECTION 2. While performing the necessary work on private properties referred to in Article VIII, Section 1 above, the Inspector or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 8.

SECTION 3. The Inspector 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 purposes 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.

ARTICLE IX

SECTION 1. Any person found to be violating any provision of this ordinance except Article VII 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. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 2. Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding One Hundred ($100.00) Dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

ARTICLE X

SECTION 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XI

SECTION 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as by law provided.

Read three times and PASSED by the Board of Aldermen and approved by the Mayor this 7 day of December, 1982, by the following vote.

AYES: Four; Namely [signatures]

NAYS: None; Namely _____

[signature]
MAYOR

ATTEST:

[signature]
CITY CLERK

APPROVED by the Mayor this 7 day of December, 1982.

[signature]
MAYOR

ATTEST:

[signature]
CITY CLERK

Section 2.1.1 Amending Ord. 411 (Ord. 615)

BILL NO. 615 ORDINANCE NO. 615

AN ORDINANCE AMENDING ORDINANCE NUMBER 411 ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATION THEREOF; IN THE CITY OF WOOD HEIGHTS, COUNTY OF RAY, STATE OF MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, ORDINANCE 411 SHALL BE AMENDED AS FOLLOWS:

ARTICLE IV, SECTION 2, TO BE AMENDED AS FOLLOWS: BEFORE COMMENCEMENT OF CONSTRUCTION OF A PRIVATE SEWAGE DISPOSAL SYSTEM THE OWNER SHALL FIRST OBTAIN A WRITTEN PERMIT SIGNED BY THE INSPECTOR. THE APPLICATION FOR SUCH PERMIT SHALL BE MADE ON A FORM FURNISHED BY THE CITY, WHICH THE APPLICANT SHALL SUPPLEMENT BY ANY PLANS, SPECIFICATIONS, AND OTHER INFORMATION AS ARE DEEMED NECESSARY BY THE INSPECTOR. A PERMIT AND INSPECTION FEE OF 90.00 SHALL BE PAID TO THE CITY AT THE TIME THE APPLICATION IS FILED.

ARTICLE V, SECTION 2, TO BE AMENDED AS FOLLOWS: THERE SHALL BE TWO (2) CLASSES OF BUILDING SEWER PERMITS: (A) FOR RESIDENTIAL AND COMMERCIAL SERVICE, AND (B) FOR SERVICE TO ESTABLISHMENTS PRODUCING INDUSTRIAL WASTES. IN EITHER CASE, THE OWNER OR HIS AGENT SHALL MAKE APPLICATION ON A SPECIAL FORM FURNISHED BY THE CITY. THE PERMIT APPLICATION SHALL BE SUPPLEMENTED BY ANY PLANS, SPECIFICATIONS, OR OTHER INFORMATION CONSIDERED PERTINENT IN THE JUDGMENT OF THE INSPECTOR. A PERMIT AND INSPECTION FEE OF 90.00 FOR A RESIDENTIAL OR COMMERCIAL BUILDING SEWER PERMIT ~~SHALL~~ AND 90.00 FOR AN INDUSTRIAL BUILDING SEWER PERMIT SHALL BE PAID TO THE CITY AT THE TIME AND APPLICATION IS FILED.

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED ON THE EFFECTIVE DATE HEREOF.

THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER ITS DATE OF PASSAGE.

READ TWO TIMES AND PASSED THIS 19th DAY OF March, 1997

Melvin Carmichael Jr
MAYOR

Lisa Vasser
ATTEST
CITY CLERK
SEAL

Section 2.2 Septic tank, sewer main, hook-up and attachment regulations (Ord. 20)

BILL NO. 20

ORDINANCE NO. 20

AN ORDINANCE ESTABLISHING MINIMUM SEWER MAIN EXTENSIONS, HOOK-UP OR ATTACHMENT REQUIREMENTS, SEPTIC TANK MINIMUM REQUIREMENTS, AND PROVIDING A PENALTY FOR A VIOLATION HEREOF, FOR THE VILLAGE OF WOOD HEIGHTS, MISSOURI.

Be It Ordained By The Board of Trustees of the Village of Wood Heights, Missouri, as follows:

Section 1. It appearing to the Board of Trustees of the Village of Wood Heights, Missouri, that the regulation of the installation of sewer main extensions, hook-up or attachments thereto, and the installation of individual sanitary dewage disposal systems(commonly known as septic tanks) is required to protect the health and welfare of the inhabitants of said village, the following are declared to be minimum requirements:

(a) All new sewer main extensions shall be installed with eight inch vitrified clay pipe, said eight inches being the diameter diminsion, and any connection to service more than one dwelling or enterprise is hereby defined as being a sewer main extension.

(b) All connections or attachments from any presently installed or future installed sewer mains to service one dwelling or enterprise shall be at least four inches in diameter vitrified clay pipe, the same being known as hook-ups.

(c). All sewer main extensions and connections thereto, must be installed in that part of the dedicated street right of way which shall be known as parkway and shall be at least two feet removed from the surfaced or contemplated surfaced portion of said street.

(d) Any individual sanitary disposal system, commonly known as septic tanks, must be constructed in accordance with the then existing minimum FHA requirements,

(e) All sewer main extensions, hook-ups or attachments and individual sanitary di

bepaid for by the person, firm or corporation causing said installation to be made, and shall not be paid for by the city, even though a hook-up or attachment permit fee may be hereafter established.

Section 3. Any person, firm or corporation upon being found guilty of having violated any of the provisions hereof, by the Municipal Court of the Village of Wood Heights, Missouri, shall be fined not less that $25 00 and not more that $200.00 provided however, that any such conviction shall not abate the right of the city to redress in the Courts for the removal of said violating installation or installations.

Section 4. This ordinance is intended to be severable and if any part or parts thereof shall be held to be unconstitutional then the remaining part or parts shall still be operative.

Read three times and passed and approved this 26 day of December, 1961.

Harry F. Young
Mayor and Chairman of the
Board of Trustees of the
Village of Wood Heights, Missouri.

Attest:

Mary Ardworth
City Clerk

Section 2.2.1 Amend Ord. 22 (Ord. 159)

BILL NO. 159
ORDINANCE NO. 159

AN ORDINANCE TO AMEND SECTION 1. OF ORDINANCE 22, TO AMEND ALL OF ORDINANCE 21, TO AMEND SECTION 1 PARAGRAPH (d) OF ORDINANCE 20, TO AMEND SECTION 1 PARAGRAPH (a) AND (b) AND SECTION 2 OF ORDINANCE 19.

Be it ordained by the Council of the ~~Village~~ City of Wood Heights, Missouri, as follows:

Section 1. Adoption of Building Code: There is hereby adopted by the Village of Wood Heights, Missouri, for the purpose of establishing rules and regulations for the construction, alterations, removal, demolition, equipment, use and occupancy, locations and maintenance of buildings and structures, including permits and penalties, that certain building code known as the F. H. A. Building Code, saving only such deletions, modifications, alterations as herein or hereafter set forth, is hereby adopted by the ~~Village~~ City of Wood Heights, Missouri, and same shall take effect as to the provisions thereof at the effective date hereinafter set forth and shall be controlling in the construction of all buildings and structures within the corporate limits of the ~~Village~~ City of Woods Heights, Missouri. It shall be sufficient designation to refer to the current F. H. A. minimum building code, at the time of said construction, without further reference that same is a part of Section 1, of this Ordinance.

Section 2. No street will be accepted as a part of the municipal street system which do not meet the following minimum requirements to-wit:

a. All roadways and streets shall have a minimum of 40 feet of right of way width.

b. The surface area of said street shall be at least 30 feet in width measured from back of curb to back of curb, and shall said surface area shall be the middle of 30 feet of the right of way as nearly as practical.

c. The curbing shall be of concrete construction and shall be 18 inch lazy back type curbing measuring 12 inches on the back side and 6 inches on the front side with at least 2 reinforcing bars of not less than 1/2 inch in diameter running the full length of said curbing.

d. All streets shall have at least 6 inches of crushed rock known as AB3 for a base, 1 application of penetrating oil, 1 application of sealer oil and 1 application of rock chips.

e. All streets shall be subject to the inspection of the building inspecter during construction and must be finally approved by said building inspecter prior to acceptance by the municipality.

Section 3. There shall be a 5 foot utility easement on both front and back of all lots before any plat of any said subdivision shall be approved and accepted by the municipality.

a. All water, gas and, sewer mains must be installed in the utility easements and shall be at least two feet removed from the surfaced or contemplated surfaced portion of said street or in the back 5 foot utility easement.

Section 4. All houses requiring self contained sewage systems shall meet the following minimum requirements to-wit:

a. All filter beds must have at least 100 square feet per bedroom.

b. All filter beds must have at least a 4 inches in diameter pvc drain line.

c. The minimum size of septic tank shall be no less than 800 gallons in size.

Section 5. All installations of water meters and water service lines must meet the following requirements to-wit:

a. All water meters are to be installed in a manhole below freezing level and must be installed in that part of the dedicated street right of way which shall be known as the parkway and shall be at least two feet removed from the surfaced or contemplated surfaced portion of said street or in the back 5 foot utility easement.

b. The water meter must be installed at the same time the water is tapped and the manhole is installed.

c. All pipe, valves, fittings, labor and cost of installation of water main extentions, lines, attachments and hook-ups must be paid for by the person, firm orcorporation causing said installation to be made and shall not be paid for by the City, even though a hookup or attachment permit may be in effect at the time of said installation, hook-ups or, attachment.

d. All water main extensions hook-ups or attachments must be inspected and approved by the City Building Inspecter prior to being covered or placed in use.

e. Water service lines must be 3/4 inch I. D. copper or 3/4 I. D. galvanized steel or 3/4 inch I. D. 250 pounds per square inch plastic pipe.

Section 6. Building permit applications must be completed and filed with the City Clerk and all permit fees paid before any person, firm, or coroporation starts any type of construction.

Section 7. This Ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this 10th. day of August, 1970.

Signed James K. Crowley
James K. Crowley
Mayor

Attest: Don Flanigan
City Clerk

(Seal of City)

Section 2.3 Cross connection control (Ord.573)

ORDINANCE NO. 573 Bill No. 573

AN ORDINANCE ADOPTING CROSS CONNECTION CONTROL.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, AS FOLLOWS:

SECTION I

Cross Connection Control -- General Policy

A. Purpose. The purpose of this ordinance is:

1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.

2. To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water system and non potable water systems, plumbing fixtures, and industrial process systems.

3. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Application. This ordinance shall apply to all premises served by the public potable water system of the City of Wood Heights.

C. Policy. This ordinance 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.

If, in the judgment of the water purveyor or his

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 own expenses; 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 II

Definitions

A. The following definitions shall apply in the interpretation and enforcement of this ordinance:

1. "Air gap separation" means 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 inch.

2. "Auxiliary water supply" means any water source or system, other than the public water supply, that may be available in the building or premises.

3. "Backflow" means 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.

4. "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into the distribution system of a public water supply.

5. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.

6. "Containment" means 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.

7. "Contamination" means 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 of through spread of disease by exposure.

8. "Cross connection" means any physical link between a potable water supply and any other substance, fluid, or

device, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

9. "Hazard, Degree of" means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

a. 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.

b. 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.

c. 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 an nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

d. 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.

10. "Industrial process system" means any system containing a fluid or solution, which may be chemically, biologically, 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.

11. "Isolation" means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance, or system.

12. "Pollution" means 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.

13. "Public potable water system" means any publicly or

privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

14. "Service connection" means 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.

15. "Water purveyor" means the owner, operator, or individual in responsible charge of a public water system.

SECTION III

Cross Connections Prohibited

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 IV

Survey and Investigations

A. The consumer's premises shall be open at all reasonable times to the water purveyor, or his 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 authorized representative, the consumer shall furnish information on

water use practices within his premises.

C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system.

SECTION V

Type of Protection Required

A. The type of protection required by this ordinance 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 VI

Where Protection is Required

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 inspection 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 reestablished.

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.

SECTION VII

Backflow Prevention Devices

A. Any backflow prevention device required by this ordinance shall be of a model or construction approved by the water purveyor and the Missouri Department of Natural Resources.

1. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one 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 ordinance 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 ordinance.

SECTION VIII

Installation

A. Backflow prevention devices required by this ordinance 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 IX

Inspection and Maintenance

A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this ordinance are installed to have inspection, 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 months thereafter.

2. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty 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 months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five

tests.

B. Inspections and tests of backflow prevention devices shall be performed by a State of Missouri certified backflow prevention device tester.

C. Whenever backflow prevention devices required by this ordinance are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay by a State of Missouri certified backflow device tester.

D. The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the water purveyor upon request.

E. Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the water purveyor.

SECTION X

Violations

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 ordinance is not installed, tested, and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists on the premises.

B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this ordinance to the satisfaction of the water purveyor.

SECTION XI

All existing ordinances or parts of ordinances in conflict herewith are hereby repealed on the effective date hereof.

SECTION XII

This Ordinance shall take effect from and after its date of passage.

READ TWO TIMES AND PASSED THIS 9TH DAY OF FEBRUARY, 1993.

Melvin Carmichael Jr
Mayor and Chairman of the
Board of Aldermen, City of
Wood Heights, Missouri

ATTEST:

City Clerk

Section 3 Penalties

Section 3.1 Penalties for water and sewer rates (Ord. 27)

BILL NO. 27
ORDINANCE NO. 27

AN ORDINANCE ESTABLISHING PENALTIES FOR NON-PAYMENT OF WATER AND SEWER RATES.

Be it ordained by the Board of Trustees of the Village of Wood Heights, Missouri, as follows:

Section 1: Non-payment of water and sewer rates for a period of three months will result in such water and sewer services being disconnected and/or discontinued.

Section 2: In order to have such water and sewer services resumed, payment of the water hook-up fee of $40.00 and the payment of delinquent water and sewer rates in full will be required.

Read three times and passed and approved this 20th day of February, 1962.

(S) Harry F. Young
Mayor

Attest: Mary Ashworth
City Clerk

Section 3.2 delinquent payment penalty (Ord. 532)

ORDINANCE NO. 532 BILL NO. 532

AN ORDINANCE RELATING TO WATER AND SEWERAGE BILLINGS FROM THE CITY OF WOOD HEIGHTS, MISSOURI, ESTABLISHMENT OF A PENALTY FOR DELINQUENT PAYMENTS, AND DISCONNECTION FOR NON-PAYMENT AND CHARGES THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

If any bill for water and sewerage services from the City of Wood Heights, Missouri, shall be and remain due and unpaid after the twentieth (20th) day following the date of the rendition thereof, an additional charge of ten per cent (10%) thereof shall be added thereto.

SECTION II

If any customer receiving water or sanitary sewerage services from the City of Wood Heights, Missouri, shall fail to pay his bill for a period of thirty (30) days after the date of the rendition thereof, such customer shall not be permitted or entitled to receive water or sewerage services from the City of Wood Heights and the water services to such premises shall be disconnected and shall not be reconnected until all past due bills for both water services and sewerage services are paid in full, together with a water reconnection charge of One Hundred Dollars ($100.00). It shall be the duty of the City Clerk or other representative of the city charged with the responsibility of receiving payment for water and sewerage services to notify the superintendent of utilities of any delinquency in the payment of a bill, and the superintendent shall proceed immediately to disconnect the water service to the premises.

SECTION III

All ordinances or parts of ordinances which conflict with this ordinance are hereby repealed. Ordinance No. 156 is hereby repealed.

This ordinance shall take effect from and after its date of passage and approval.

READ THREE TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 9th DAY OF May, 1988.

MAYOR

ATTEST:

CITY CLERK

Section 3.2.1 Amend Ord. 532 (Ord. 971007)

ORDINANCE NO. 971007

AN ORDINANCE AMENDING ORDINANCE NO. 532: AN ORDINANCE RELATING TO WATER AND SEWERAGE BILLINGS FROM THE CITY OF WOOD HEIGHTS, MISSOURI, ESTABLISHMENT OF A PENALTY FOR DELINQUENT PAYMENTS, AND DISCONNECTION FOR NON-PAYMENT AND CHARGES THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1.

ALL WATER AND SEWERAGE BILLINGS FROM THE CITY OF WOOD HEIGHTS, MISSOURI SHALL BE SENT TO CUSTOMERS NO LATER THAN THE FIFTH (5TH) DAY OF EACH MONTH.

SECTION 2.

ALL WATER AND SEWERAGE BILLINGS FROM THE CITY OF WOOD HEIGHTS, MISSOURI ARE DUE UPON RECEIPT.

SECTION 3.

IF ANY BILL FOR WATER AND SEWERAGE SERVICES FROM THE CITY OF WOOD HEIGHTS, MISSOURI, SHALL BE AND REMAIN DUE AND UNPAID AFTER THE (20TH) DAY OF EACH MONTH, AN ADDITIONAL CHARGE OF TEN PER CENT (10%) THEREOF SHALL BE ADDED THERETO.

SECTION 4.

IF ANY CUSTOMER RECEIVING WATER OR SANITARY SEWERAGE SERVICES FROM THE CITY OF WOOD HEIGHTS, MISSOURI, SHALL FAIL TO PAY HIS BILL BY THE (30TH) DAY OF EACH MONTH, SUCH CUSTOMER SHALL NOT BE PERMITTED OR ENTITLED TO RECEIVE WATER OR SEWERAGE SERVICES FROM THE CITY OF WOOD HEIGHTS AND THE WATER SERVICE TO SUCH PREMISES SHALL BE DISCONNECTED AND SHALL NOT BE RECONNECTED UNTIL ALL PAST DUE BILLS FOR BOTH WATER SERVICES AND SEWERAGE SERVICES ARE PAID IN FULL, TOGETHER WITH A WATER RECONNECTION CHARGE OF ONE HUNDRED DOLLARS ($100.00). IT SHALL BE THE DUTY OF THE CITY CLERK OR OTHER REPRESENTATIVE OF THE CITY CHARGED WITH THE RESPONSIBILITY OF RECEIVING PAYMENT FOR WATER SEWERAGE SERVICES TO NOTIFY THE UTILITY DEPARTMENT OF ANY DELINQUENCY IN THE PAYMENT OF A BILL, AND UTILITY DEPARTMENT SHALL PROCEED IMMEDIATELY TO DISCONNECT THE WATER SERVICE TO THE PREMISES.

SECTION 5.

ALL ORDINANCES OR PARTS OF ORDINANCES WHICH CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

SECTION 6.

THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER ITS DATE OF PASSAGE AND APPROVAL. READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR THIS 7th DAY OF May, 1997.

Melvin Carmichael Jr.
MAYOR

ATTEST:

Lisa Vassar
CITY CLERK

SEAL

Section 3.3 Lack of payment penalty (Ord. 081608-1)

BILL NO. 081608-0 ORDINANCE NO. 081608-1

AN ORDINANCE RELATING TO WATER AND SEWERAGE BILLINGS FROM THE CITY OF WOOD HEIGHTS, MISSOURI, ESTABLISHING A PENALTY FOR THE DISCONNECTION OF WATER SERVICES FOR LACK OF PAYMENT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1: Utility billings from the City of Wood Heights to the users of the utility are produced and mailed to the users by the 4th day of each month.

Section 2: Utility billings are due and payable by the 20th of each month.

Section 3: Utility billings shall impose a ten percent (10%) late fee on all payments received after the 20th of each month.

Section 4: Utility billings not paid prior to 9 a.m. on the 28th of each month will be subject to disconnection of said utility. If the 28th falls on a weekend, the users will have until 9 a.m. the following Monday to pay the billing.

Section 5: A reconnection fee shall be as follows: $50.00 per occurrence.

Section 6: No utility shall be reconnected without payment of this fee.

Section 7: All ordinances or parts of ordinances which conflict with this ordinance are hereby repealed.

Section 8: This ordinance shall take effect from and after its date of passage and approval.

Read two times and passed, and approved by the mayor this 16th day of August, 2008.

Mayor, John D. Allen

ATTEST:

City Clerk, Eileen McRorey

Section 3.4 Unpaid taxes cuts off service (Ord. 011127-01)

BILL NO. 011127-01 ORDINANCE NO. 011127-01

AN ORDINANCE BY THE BOARD OF ALDERMAN TO AMEND OR REPEAL SPECIFIC ORDINANCES OF THE CITY OF WOOD HEIGHTS AND TO ALLOW FOR THE REFUSAL OR DISCONTINUATION OF UTILITY SERVICE TO THOSE PERSONS WHO HAVE DELINQUENT TAXES.

WHEREAS, the City uses property tax revenue to support the General Fund, Bond Obligations, and to provide water, sewer and/or trash services to it's residents, and

WHEREAS, history has proven that at times the City has experienced bad debt losses of both tax revenue and utility services from these persons, and

WHEREAS, it is believed that the ability to refuse service for non-payment of delinquent taxes would enhance tax collections, thereby being in the best interest of the City as a whole.

BE IT ORDAINED by the Board of Alderman of the City of Wood Heights, Missouri, as follows:

SECTION 1: Termination for non-compliance with provisions

The City shall have the right to disconnect or refuse to connect or reconnect any utility service (1) to any person who fails to comply with the provisions of State laws or City ordinances, or rules and regulations, concerning the payment of property taxes; (2) to any property which does not meet the provisions of State law or City ordinances, rules and regulations, or (3) which utility does not meet the provisions of State law or City ordinances, rules or regulations.

SECTION 2: When personal property taxes delinquent

Tangible personal property taxes and all personal taxes assessed by the City after January first (1st) of each year shall constitute a debt in favor of the City, and when unpaid and delinquent, a personal judgment may be recovered against the party or parties assessed with such taxes before any Court of this State having jurisdiction; provided, however, the taking of such judgment shall in no way limit the City from pursuing any other available remedy.

SECTION 3: Interest penalty on delinquent taxes

In addition to any other penalty, if any taxpayer shall fail, refuse or neglect to pay the City Clerk his/her taxes prior to the time that they become delinquent, then it shall be the duty of the City Clerk after said taxes become delinquent to collect an additional sum of interest, of one percent (1%) per month or fraction thereof, not to exceed ten percent (10%) per year and to thereafter pay all such sums to the City as in other cases provided.

SECTION 4: Remedies cumulative

No remedy is intended to be exclusive of any other remedy, but each remedy now or hereafter available shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other available remedy.

SECTION 5: City sticker ordinances

The City shall discontinue the use of city stickers as a remedy for collection of delinquent personal property taxes. Ordinance 97, Ordinance 512, and any other previous ordinances or sections of ordinances in conflict are hereby repealed and shall no longer be in effect.

SECTION 6: Effective date

This ordinance shall take effect and be in force after it's passage and approval.

Read two times and passed this 27 th day of NOVEMBER, 2001

Melvin Carmichael Jr
Mayor Pro Tem

ATTEST:

Ellen McCarey
City Clerk

Seal:

Section 3.5 Landlord liability for bills (Ord. 061011)

BILL NO. 061011 ORDINANCE NO. 061011

AN ORDINANCE OF THE CITY OF WOOD HEIGHTS, MISSOURI, ESTABLISHING LANDLORD LIABILITY FOR UNPAID UTILITY BILLS OF TENANTS.

WHEREAS, the City of Wood Heights has significant losses in unpaid utility bills, and

WHEREAS, Missouri statute specifically allows the city to provide utility service to landowners only, or to impose liability on landlords for bills incurred by their tenants,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALERMENT OF THE CITY WOOD HEIGHTS MISSOURI, AS FOLLOWS:

SECTION 1: Landlords Responsible for Utility Bills. Every property owner shall be responsible for any utility charges or fees left unpaid by any tenant of the premises served by the water, sewer, and trash utility. However, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service. Further, where the landlord or property owner fails to pay the utility charges, the city may refuse to provide any water to the property with the delinquent charge even in the name of a subsequent tenant or new owner of the property.

SECTION 2: Delinquent Accounts. When a tenant is delinquent in payment for thirty days, the city shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service. When an occupant is delinquent more than ninety days, the owner shall be not liable for sums due more than ninety days of service.

SECTION 3: Penalty; Severability; Effective Date. This ordinance shall be in full force and effect from and after its passage and approval, except that landlords will not be liable for unpaid delinquent utility bills incurred before the effective date of this ordinance, unless the utility customer remains a tenant of the landlord for 90 days past the effective date of this ordinance. The provisions of this ordinance are severable, as provided in Section 1.140 of the Revised Statutes of Missouri. Those provisions provided by law, that is a penalty of $0 to $500 or 0 to 90 days in jail or both a fine and a jail sentence.

Passed this 11 day of Oct., 2007

Mayor Pro-Tem

Attested By:

C. Duane Teegarden

City Clerk

Section 3.6 Letters to delinquent water customers (Ord. 156)

BILL NO. 156
ORDINANCE NO. 156

AN ORDINANCE TO HAVE A REGISTER LETTER SENT TO WATER CUSTOMERS WHO HAVE DELINQUENT WATER BILLS. TO ADEMD ANY PRECEEDING ORDINANCE OR PART OF ORDINANCE PERTAINING TO THE TIME LIMIT A WATER BILL CAN BE DELINQUENT WITHOUT HAVING WATER SERVICE CUT OFF.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows:

Section 1: Registered letters shall be sent to water customers with delinquent water bills. The letter shall state the amount due and the cut off date if not paid.

a. The letter shall be sent the fifteenth day of the month that the water is due.

b. The letter shall state that the cut off date is the twenty fifth day of the month that the water bill is due.

Section 2: The delinquent bills to be payed in full including any and all penalties due by the twenty fifth of the month they are due.

Section 3: This Ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this 7th. day of July, 1970.

Signed James K. Crowley
James K. Crowley
Mayor

Attest: Don Flanigan
City Clerk

Section 4 Other

Section 4.1 Solid waste disposal (Ord. 529)

ORDINANCE NO. 529 BILL NO. 529

AN ORDINANCE: PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI:

SECTION 1. DEFINITIONS

For the purposes of this ordinance 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, State, and Federal 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 Wood Heights, Missouri.

COLLECTION - removal of solid waste from the designated pickup location to the transportation vehicle.

DEMOLITION AND CONSTRUCTION WASTE - waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR - the director of the Solid Waste Management Program of the City or his authorized representative as designated by the Board of Aldermen.

DISPOSABLE SOLID WASTE CONTAINER - disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

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

HAZARDOUS WASTE - any waste or combination of wastes, as determined by the Missouri Hazardous Waste Management 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 other living organisms (subsection 260.360(9) of the Missouri Hazardous Waste Management Law).

MULTIPLE HOUSING FACILITY - a housing facility containing more than one dwelling unit under one 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, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

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

RESIDENTIAL COLLECTION UNIT - an individual or single family dwelling place located in a housing facility containing two or fewer such single family dwelling places.

SINGLE FAMILY DWELLING PLACE - a building or portion thereof designed for and occupied by any number of individuals living together as a single housing unit, as distinguished from a group occupying a boarding house, lodging house or hotel.

SOLID WASTE - unwanted or discarded waste materials in a solid or semisolid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

(a) Commercial solid waste - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(b) Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units.

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 deposition of solid waste by man.

SOLID WASTE MANAGEMENT - the entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE - keeping, maintaining or storing solid waste from 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 WASTES - grass clippings, leaves, tree trimmings.

SECTION 2. SOLID WASTE STORAGE

SECTION 2.1 - The occupant or owner 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 2.2 - The occupant or owner 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 2.3 - Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 20 gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. 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 light weight and sturdy construction. The weight of any individual container and contents

shall not exceed 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. The use of plastic refuse bags is permitted.

SECTION 2.4 - Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof.

SECTION 2.5 - Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds.

SECTION 2.6 - Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 75 pounds.

SECTION 2.7 - Solid waste containers which are not approved will be collected together with their contents and disposed of.

SECTION 3. COLLECTION OF SOLID WASTE

SECTION 3.1 - The Board of Aldermen shall, by Motion duly passed, be authorized to make provisions of the collection of all solid waste from all residential collection units in the City, provided, however, that the Board of Aldermen may provide the collection service by contracting with a person, county, or other city or combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City. It is further provided that the portions hereof dealing with the transportation and disposal of solid waste, permits, rules and regulations, prohibited practices, service charges, and penalties, shall not come into force and effect until such time as the City shall provide for such collection, or shall enter into a contract for the provision of such collection and shall publish five (5) days notice of said fact.

SECTION 3.2 - Upon provision for the collection of solid waste by employees of the City, or upon the entering of a Contract with a person, county, or other city or combination thereof, for the collection of solid waste, all solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein, provided however, that bulky rubbish would be collected if tied securely in bundles not exceeding reasonable limitations or weight and bulk to be fixed by regulations to be made and promulgated by the Director as hereinafter provided. All solid waste collected shall, upon being loaded into transportation equipment, become the property of the collection agency.

SECTION 3.3 - Upon the implementation of collection services by employees of the City, or through a contractor with the City, tree limbs and yard wastes, as described in Section 2.5 and 2.6 respectively, shall be placed at the curb or alley for collection. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the curb or alley for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this ordinance to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day.

SECTION 3.4 - Upon provision for the collection of solid waste by employees of the City, or upon the entering of a Contract with a

person, county, or other city or combination thereof, for the collection of solid waste, bulky rubbish shall be collected by request to the Director, or to his contractual agent. The Director shall establish the procedure for collecting bulky rubbish.

SECTION 3.5 - Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this ordinance.

SECTION 3.6 - All residential or commercial solid waste shall be collected or disposed of as herein provided at least once weekly.

SECTION 3.7 - Residential solid waste containers shall be stored upon the residential premises until collected or disposed of. Commercial solid waste containers shall be stored upon private property until collected or disposed of, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

SECTION 3.8 - Solid waste collectors operating within the City, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this ordinance. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

SECTION 4. TRANSPORTATION OF SOLID WASTE

SECTION 4.1 - All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

SECTION 4.2 - Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.

SECTION 4.3 - Demolition and construction wastes shall be transported to a disposal area as provided in Section 5.1. A permit shall not be required for the hauling of demolition and construction waste, however, all such material shall be conveyed in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.

SECTION 5. DISPOSAL OF SOLID WASTE

SECTION 5.1 - Solid wastes shall be deposited at a processing facility or disposal area approved by the Missouri Division of Health/Missouri Department of Natural Resources and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 and 260.245, R.S.Mo., and the rules and regulations adopted thereunder.

SECTION 5.2 - Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by State regulations.

SECTION 6. PERMITS

SECTION 6.1 - 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 6.2 - 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 City 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 $150,000.00 for each person injured or killed, and in the amount of not less than $300,000.00 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than $50,000.00 for damage to property. Should any such policy be cancelled, the City shall be notified of such cancellation by the insurance carrier in writing not less than (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 6.3 - Each applicant for any such permit shall state in his application therefor; (a) the nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof; (b) the characteristics of solid waste to be collected, transported, processed, or disposed; (c) the number of solid waste transportation vehicles to be operated thereunder; (d) the precise location or locations of solid waste processing or disposal facilities to be used; (e) boundaries of the collection area; and (f) such other information as required by the Director.

SECTION 6.4 - 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 ordinance, the Director may issue the permit authorized by this ordinance. The permit shall be issued for a period of one year, and each applicant shall pay therefor a fee of five dollars ($5.00) for each solid waste processing or disposal facility to be operated and a fee of five dollars ($5.00) for each transportation vehicle to be used. If 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 ordinance, the City shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

SECTION 6.5 - If the applicant does not make the modifications pursuant to the notice in 6.4 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 City, 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 application provided that all aspects of the reapplication comply with the provisions of this

ordinance. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

SECTION 6.6 - The annual permit may be renewed upon payment of the fee or fees as designated herein if the business has not been modified, the collection vehicles meet the requirements of Section 4 of this ordinance, and the renewal is approved by the Director. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 6.2 and 6.3 No permits authorized by this ordinance shall be transferrable from person to person.

SECTION 6.7 - In order to insure compliance with the laws of this State, this ordinance and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the City of Wood Heights, Missouri. 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 ordinance, 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 such 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 6.8 - 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 extension of time not to exceed the original time period may be given.

SECTION 6.9 - In the event a permit is revoked and the person continues to operate, the Director may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder. In any such action, the court may grant to the City such prohibitory or mandatory injunctive relief as the facts may warrant.

SECTION 6.10 - 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 Court of Ray County in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

SECTION 6.11 - All motor vehicles operating under any permit required by this ordinance 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. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

SECTION 7. RULES AND REGULATIONS

The Director shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

(a) Preparation, drainage and wrapping of garbage deposited in solid waste containers.

(b) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.

(c) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.

(d) 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.

(e) Storage of solid waste in solid waste containers.

(f) Sanitation, maintenance and replacement of solid waste containers.

(g) Schedules of and routes for collection and transportation of solid waste.

(h) Collection points of solid waste containers.

(i) Collection, transportation, processing and disposal of solid waste.

(j) Processing facilities and fees for the use thereof.

(k) Disposal facilities and fees for the use thereof.

(l) Records of quantity and type of wastes received at processing and/or disposal facilities.

(m) Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

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 billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

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

SECTION 8. PROHIBITED PRACTICES

It shall be unlawful for any person to: (1) deposit solid waste in any solid waste container other than his 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 have solid waste collected as provided in this ordinance; (3) interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the City; (4) burn solid waste unless an approved incinerator is provided or unless a variance has been obtained

(d) 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.

(e) Storage of solid waste in solid waste containers.

(f) Sanitation, maintenance and replacement of solid waste containers.

(g) Schedules of and routes for collection and transportation of solid waste.

(h) Collection points of solid waste containers.

(i) Collection, transportation, processing and disposal of solid waste.

(j) Processing facilities and fees for the use thereof.

(k) Disposal facilities and fees for the use thereof.

(l) Records of quantity and type of wastes received at processing and/or disposal facilities.

(m) Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

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 billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

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

SECTION 8. PROHIBITED PRACTICES

It shall be unlawful for any person to: (1) deposit solid waste in any solid waste container other than his 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 have solid waste collected as provided in this ordinance; (3) interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the City; (4) burn solid waste unless an approved incinerator is provided or unless a variance has been obtained

made to the owner. Service charges shall be payable to the department empowered to collect service charges imposed by the City.

SECTION 10. PENALTIES

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated thereto, upon conviction, shall be punished by a fine of not less than five dollars ($5.00) nor more than five hundred dollars ($500.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

SECTION 11. REPEALS

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12. SEVERABILITY CLAUSE

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

READ THREE TIMES AND PASSED THIS 3rd DAY OF May, 1988.

Dan E Wendt
MAYOR

ATTEST:
Terry L. Hauck
CITY CLERK

APPROVED BY THE MAYOR THIS 3rd DAY OF May, 1988.

Dan E Wendt
MAYOR

ATTEST:
Terry L. Hauck
CITY CLERK

Section 4.2 Storage, Transportation, and Disposal of sewerage Ord. 517)

ORDINANCE NO. 517

AN ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

SECTION 1: DEFINITIONS

For the purposes of this ordinance 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, state and federal 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 Wood Heights, Missouri.

Collection: Removal of solid waste from the designated pickup location to the transportation vehicle.

Demolition and construction waste: Waste materials from the construction or destruction of residential, industrial or commercial structures.

Director: The director of the Solid Waste Management Program of the city or his authorized representative as designated by the board of aldermen.

Disposable solid waste container: Disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

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

Hazardous waste: Any waste or combination of wastes, as determined by the Missouri Hazardous Waste Management 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 other living organisms (Subsection 260.360(9) or the Missouri Hazardous Waste Management Law).

Multiple housing facility: A housing facility containing more than one dwelling unit under one 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, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

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

Solid waste: Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

A. Commercial solid waste: Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

B. Residential solid waste: Solid waste resulting from the maintenance and operation of dwelling units.

Solid waste container: Receptacle used by any person to store solid waste during the interval between solid waste collections.

Solid waste disposal: The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

Solid waste management: The entire solid waste system of storage, collection, tansportation, processing and disposal.

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 solid waste processing facility or solid waste disposal area.

Yard wastes: Grass clippings, leaves, tree trimmings.

SECTION 2: SOLID WASTE STORAGE

Section 2.1: The occupant or owner 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 2.2: The occupant or owner 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 2.3: Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 20 gallons in nominal capacity. Containers shall be leak proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. 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. The shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 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. The use of plastic refuse bags is permitted.

Section 2.4: Commercial solid waste shall be stored in solid waste containers as approved by the director. The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof.

Section 2.5: Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than forty-eight inches long and eighteen inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five pounds.

Section 2.6: Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public right-of-ways. The weight of any individual container and contents shall not exceed seventy-five pounds.

SECTION 3: COLLECTION OF SOLID WASTE

Section 3.1: Residential solid waste containers shall be stored upon the residential premises until collected or disposed of. commercial solid waste containers shall be stored upon private property until collected or disposed of, unless the owner shall have been granted written permission from the city to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

Section 3.2: Solid waste collectors operating within the city, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this ordinance. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.
Section 3.3: All residential or commercial solid waste shall be collected or disposed of as herein provided at least once weekly.

SECTION 4: TRANSPORTATION OF SOLID WASTE
Section 4.1: All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.
Section 4.2: Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public right-of-ways.
Section 4.3: Demolition and construction wastes shall be transported to a disposal area as provided in Section 5.1. A permit shall not be required for the hauling of demolition and construction waste, however, all such material shall be conveyed in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public right-of-ways.

SECTION 5: DISPOSAL OF SOLID WASTE
Section 5.1: Solid wastes shall be deposited at a processing facility or disposal area approved by the Missouri Division of Health/Missouri Department of Natural Resources and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 and 260.245, RSMo., and the rules and regulations adopted thereunder.
Section 5.2: Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by state regulations.

SECTION 6: PERMITS
Section 6.1: 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 6.2: 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 city 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 $150,000.00 for each person injured or killed, and in the amount of not less than $300,000.00 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than $50,000.00 for damage to property. Should any such policy be canceled, the city shall be notified of such cancellation by the insurance carrier in writing not less than ten 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 6.3: Each applicant for any such permit shall state in his application therefor:

A. The nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof;

B. The characteristics of solid waste to be collected, transported, processed, or disposed;

C. The number of solid waste transportation vehicles to be operated thereunder;

D. The precise location or locations of solid waste processing or disposal facilities to be used;

E. Boundaries of the collection area; and

F. Such other information as required by the director.

Section 6.4: 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 ordinance, the director may issue the permit authorized by this ordinance. The permit shall be issued for a period of one year and each applicant shall pay therefor a fee of five dollars for each solid waste processing or disposal facility to be operated and a fee of five dollars for each transportation vehicle to be used. If 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 ordinance, the city shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

Section 6.5: If the applicant does not make the modifications pursuant to the notice in Section 6.4, 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 city, 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 application provided that all aspects of the reapplication comply with the provisions of this ordinance. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

Section 6.6: The annual permit may be renewed upon payment of the fee or fees as designed herein if the business has not been modified, the collection vehicles meet the requirements of Section 4 of this ordinance, and the renewal is approved by the director. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 6.2 and 6.3. No permits authorized by this ordinance shall be transferable from person to person.

Section 6.7: In order to insure compliance with the laws of this state, this ordinance and the rules and regulations authorized herein, the director is authorized to inspect all phases of solid waste management within the city of Wood Heights, Missouri. 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 ordinance, 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 such 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 6.8: 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 extension of time not to exceed the original time period may be given.

Section 6.9: In the event a permit is revoked and the person continues to operate, the director may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder. In any such action, the court may grant to the city such prohibitory or mandatory injunctive relief as the facts may warrant.

Section 6.10: Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the director may, within ten days of the act for which redress is sought, appeal directly to the court of Ray County in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

Section 6.11: All motor vehicles operating under any permit required by this ordinance 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 inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

SECTION 7: RULES AND REGULATIONS

The director shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

A. Preparation, drainage and wrapping of garbage deposited in solid waste containers.

B. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.

C. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.

D. 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.

E. Storage of solid waste in solid waste containers.

F. Sanitation, maintenance and replacement of solid waste containers.

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

SECTION 8: PROHIBITED PRACTICES

It shall be unlawful for any person to:

1, Deposit solid waste in any solid waste container other than his 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 have solid waste collected as provided in this ordinance;

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

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;

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;

7. Violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 7.

SECTION 9: PENALTIES

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated thereto, upon conviction, shall be punished by a fine of not less than $5.00, nor more than $500.00; provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

SECTION 10: REPEALS

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11: SEVERABILITY CLAUSE

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or

impair the remaining provisions of this ordinance.

Read three times and passed on December 1, 1987.

Section 4.3 Combining waterworks and sewerage system (Ord. 344)

sewerage system and all future improvements or extensions thereto shall thenceforth be operated and maintained as a combined waterworks and werage system;

NOW THEREFORE, BE IT ORDAINED by the board of aldermen of the city of Wood Heights, Missouri, as follows:

SECTION 1

It is hereby found, determined and declared to be necessary for the public health, safety, welfare and benefit of the city of Wood Heights, Missouri, and its inhabitants, that the waterworks system of said city and the proposed sewerage system and all future improvements and extensions thereto, be combined and that they shall thenceforth be operated and maintained as a combined waterworks and sewerage system.

SECTION 2

Thenceforth, from and after the final passage of this ordinance, the waterworks system of the city of Wood Heights, Missouri, and the proposed sewerage system and all future improvements nd 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, thenceforth be operated and maintained as a combined waterworks and sewerage system.

SECTION 3

That this ordinance shall be in full force and effect from and after its final passage and approval.

ORDIN

ORDINANCE NO. 344

AN ORDINANCE COMBINING THE WATERWORKS SYSTEM OF THE CITY OF WOOD HEIGHTS, MISSOURI, AND THE PROPOSED SEWERAGE SYSTEM OF SAID CITY AND ALL FUTURE IMPROVEMENTS AND EXTENSIONS THERETO, AND PROVIDING FOR THE OPERATION AND MAINTENANCE THEREOF AS A COMBINED WATERWORKS AND SEWERAGE SYSTEM.

WHEREAS, the city of Wood Heights, Missouri, now owns and operates its waterworks system and proposes to construct a sewerage system and may hereafter make or construct improvements or extensions to said waterworks, to said sewerage system, or to both; and

WHEREAS, the board of aldermen of the city of Wood Heights, Missouri, deems it to be necessary for the public health, safety, welfare and benefit of said city and its inhabitants that the waterworks system and the proposed

Section 4.4 Minimum water main extensions (Ord.19)

BILL NO. _____

ORDINANCE NO. 19

AN ORDINANCE ESTABLISHING MINIMUM WATER MAIN EXTENSIONS, HOOK-UP OR ATTACHMENT REQUIREMENTS, AND PROVIDING A PENALTY FOR A VIOLATION HEREOF, FOR THE VILLAGE OF WOOD HEIGHTS

Be It Ordained By The Board Of Trustees Of The Village of Wood Heights, as follows:

Section 1. It appearing to the Board of Trustees of the Village of Wood Heights, Missouri, that the regulation of the installation of water mains and attachments or hook-ups thereto is required to protect the health and welfare of the inhabitants of said village, the following are declared to be minimum requirements:

Sec 1 amended see Ord #159

(a) All new water main extensions shall be installed with steel pipe having a diameter of at least four inches, provided however, existing lines may be replaced with lines of the same size that are being replaced.

(b) All connections or attachments from water mains to dwellings or services of any type shall be installed with steel pipe having a diameter of at least three-fourths of an inch.

(c) All water mains, lines and attachments must be covered with at least forty-two inches of dirt, and all water main extensions must be installed in that part of the dedicated street right of way which shall be known as parkway and shall be at least two feet removed from the surfaced or contemplated surfaced portion of said street.

(d) All water mains, lines and attachments must be inspected and approved by city Building Official prior to being covered.

Section 2 amended see Ord 159

Section 2. All pipe, valves, fittings, labor and cost of installation ~~must be paid for by~~ of water main extensions, lines, attachments and hook-ups must be paid for by the person, firm or corporation causing said installation to be made

Section 3. Any person ,firm or corporation upon being found guilty of having violated any of the provisions hereof, by the Municipal Court of the Village of Wood Heights,Missouri, shall be fined not less than $25.00 and not more than $200.00, provided however that any such conviction shall not abate the right of the city to redress in the Courts for the removal of said violating installation or installations.

Section 4. This ordinance is intended to be severable and if any part or parts thereof shall be held to be unconstitutional then the remaining part or parts shall still be operative.

Read three times and passed and approved this 26 day of December ,1961.

Harry F. Young
Mayor and/Chairman of the
Board of Trustees of the
Village of Wood Heights, Missouri

Attest:

Mary Ashworth
City Clerk

Section 4.4.1 Amend Ord. 19 (Ord. 159)

BILL NO. 159
ORDINANCE NO. 159

AN ORDINANCE TO AMEND SECTION 1. OF ORDINANCE 22, TO AMEND ALL OF ORDINANCE 21, TO AMEND SECTION 1 PARAGRAPH (d) OF ORDINANCE 20, TO AMEND SECTION 1 PARAGRAPH (a) AND (b) AND SECTION 2 OF ORDINANCE 19.

Be it ordained by the Council of the ~~Village~~ City of Wood Heights, Missouri, as follows:

Section 1. Adoption of Building Code: There is hereby adopted by the Village of Wood Heights, Missouri, for the purpose of establishing rules and regulations for the construction, alterations, removal, demolition, equipment, use and occupancy, locations and maintenance of buildings and structures, including permits and penalties, that certain building code known as the F. H. A. Building Code, saving only such deletions, modifications, alterations as herein or hereafter set forth, is hereby adopted by the ~~Village~~ City of Wood Heights, Missouri, and same shall take effect as to the provisions thereof at the effective date hereinafter set forth and shall be controlling in the construction of all buildings and structures within the corporate limits of the ~~Village~~ City of Woods Heights, Missouri. It shall be sufficient designation to refer to the current F. H. A. minimum building code, at the time of said construction. without further reference that same is a part of Section 1, of this Ordinance.

Section 2. No street will be accepted as a part of the municipal street system which do not meet the following minimum requirements to-wit:

a. All roadways and streets shall have a minimum of 40 feet of right of way width.

b. The surface area of said street shall be at least 30 feet in width measured from back of curb to back of curb, and shall said surface area shall be the middle of 30 feet of the right of way as nearly as practical.

c. The curbing shall be of concrete construction and shall be 18 inch lazy back type curbing measuring 12 inches on the back side and 6 inches on the front side with at least 2 reinforcing bars of not less than 1/2 inch in diameter running the full length of said curbing.

d. All streets shall have at least 6 inches of crushed rock known as AB3 for a base, 1 application of penetrating oil, 1 application of sealer oil and 1 application of rock chips.

e. All streets shall be subject to the inspection of the building inspecter during construction and must be finally approved by said building inspecter prior to acceptance by the municipality.

Section 3. There shall be a 5 foot utility easement on both front and back of all lots before any plat of any said subdivision shall be approved and accepted by the municipality.

a. All water, gas and, sewer mains must be installed in the utility easements and shall be at least two feet removed from the surfaced or contemplated surfaced portion of said street or in the back 5 foot utility easement.

Section 4. All houses requiring self contained sewage systems shall meet the following minimum requirements to-wit:

a. All filter beds must have at least 100 square feet per bedroom.

b. All filter beds must have at least a 4 inches in diameter pvc drain line.

c. The minimum size of septic tank shall be no less than 800 gallons in size.

Section 5. All installations of water meters and water service lines must meet the following requirements to-wit:

a. All water meters are to be installed in a manhole below freezing level and must be installed in that part of the dedicated street right of way which shall be known as the parkway and shall be at least two feet removed from the surfaced or contemplated surfaced portion of said street or in the back 5 foot utility easement.

b. The water meter must be installed at the same time the water is tapped and the manhole is installed.

c. All pipe, valves, fittings, labor and cost of installation of water main extentions, lines, attachments and hook-ups must be paid for by the person, firm orcorporation causing said installation to be made and shall not be paid for by the City, even though a hookup or attachment permit may be in effect at the time of said installation, hook-ups or, attachment.

d. All water main extensions hook-ups or attachments must be inspected and approved by the City Building Inspecter prior to being covered or placed in use.

e. Water service lines must be 3/4 inch I. D. copper or 3/4 I. D. galvanized steel or 3/4 inch I. D. 250 pounds per square inch plastic pipe.

Section 6. Building permit applications must be completed and filed with the City Clerk and all permit fees paid before any person, firm, or corporation starts any type of construction.

Section 7. This Ordinance shall take effect and be in force from and after its passage and approval.

Passed and approved this 10th. day of August, 1970.

Signed James K. Crowley
James K. Crowley
Mayor

Attest: Don Flanigan
City Clerk

(Seal of City)

Section 4.5 Checking water meters O#A-125

BILL NO. A-125
ORDINANCE NO. A-125

AN ORDINANCE TO CHARGE A $10.00 FEE FOR CHECKING WATERS FOR ACCURACY. TO PURCHASE 12 SHUT OFF VALVES FOR RESIDENTIAL WATER SERVICE LINES.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows:

Section 1: A $10.00 fee to be charged a water user for checking the accuracy of the user's water meter.

Section 2: To allow 12 shut off valves for residential water service lines to be purchased.

Read three times, signed and approved this 7th day of October, 1969.

Signed
Joe Cox
Mayor

Attest: Don Flanigan
City Clerk

(Seal of City)

Section 4.6 Agreement with hickory hills mobile home park (Ord. 225)

BILL NO. 225 ORDINANCE NO. 225

AN ORDINANCE REGARDING THE VILLAGE OF WOOD HEIGHTS, MISSOURI ENTERING INTO AN AGREEMENT WITH HICKORY HILLS MOBILE HOME PARK LTD. CONCERNING SEWAGE DISPOSAL IN WOOD HEIGHTS AND THE AREA ADJACENT TO WOOD HEIGHTS, AND AUTHORIZING THE CHAIRMAN OF THE BOARD AND VILLAGE CLERK TO EXECUTE SAID AGREEMENT.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1. That the Village of Wood Heights, Missouri, enter into an Agreement with Hickory Hills Mobile Home Park, Ltd. concerning sewage disposal in Wood Heights and the area adjacent to it, a true copy of which Agreement is attached hereto, and the Chairman of the Board of Trustees of the Village and the Village Clerk are hereby authorized and directed to execute said Agreement in behalf of the Village.

SECTION 2. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed by the Board of Trustees and approved by the Chairman this 22nd day of March, 1973.

CHAIRMAN OF THE BOARD

ATTEST: CLERK

COOPERATIVE AGREEMENT FOR
EXPANSION OF SEWAGE TREATMENT
AND INTERCEPTOR FACILITIES
IN VILLAGE OF WOOD HEIGHTS, MISSOURI

THIS AGREEMENT OF COOPERATION, made and entered into this 22nd day of March, 1973, pursuant to the power and authority of Section 70.220, Revised Statutes of Missouri, 1959, as amended, by and between the VILLAGE OF WOOD HEIGHTS, a municipal corporation of the State of Missouri, party of the first part, (hereinafter referred to as "Village") and HICKORY HILLS MOBILE HOME PARK, LTD., a partnership, party of the second part (hereinafter referred to as "Hickory").

WITNESSETH:

WHEREAS, Hickory is owner of the land outlined on Exhibit "A", adjacent to the easterly boundary of the Village now being developed as a mobile home park, said land being hereinafter referred to as the "Park", and

WHEREAS, the Environmental Protection Agency and Clean Water Commission require, in most cases, that adjacent sewage systems be combined, if possible, to provide the minimum of separate sewage treatment facilities, and

WHEREAS, the Mid America Regional Council requires that planning of all facilities including sewerage in the metropolitan area be coordinated with the area's Masterplans, if developed. If not developed, a Masterplan must be developed for consideration with any interim or immediate plans proposed, and

WHEREAS, Hickory is willing to cooperate with the Village in the development of the required Masterplan for sewage disposal, and

WHEREAS, the Village is willing to accept the sewage from the Park and to cooperate with Hickory in the development of a plan meeting the requirements of the Federal and State Agencies and MARC for sewage disposal in the area, providing that such acceptance and cooperation does not impose additional expense upon the Village.

NOW THEREFORE, in consideration of the premises, of the performance of the covenants hereinafter set out, it is mutually agreed,

(a) The llage, at Hickory's exper , shall enter into an agreement with a reputable consulting engineering firm whose services shall include the preparation of a Masterplan study and Report for the Village and surrounding areas for sewage disposal as required by Federal and State Governments and the Mid Amercica Regional Council. The agreement shall also include engineering services for (1) preparation of Drawings and specifications for construction of facilities approved by the City and Hickory, (2) engineering services during construction and (3) additional engineering services during and following construction as approved by the City and Hickory.

(b) The Village shall review the plan or plans proposed by the Consulting Engineers and within a reasonable time adopt a plan for development which includes the acceptance of the sewage from the Park.

(c) The Village at Hickory's expense, shall prepare and file with the Clean Water Commission of Missouri an application for State and Federal funds as provided for in the laws and regulations in effect at the time for the construction of the improvements to the Village's system required to serve the Park's projected sewage flow.

(d) The Village shall advertise for Bids and cause to be constructed the improvements required in accordance with the plans, specifications and other contract documents.

(e) Construction costs of the required improvements including eligible overhead costs shall be paid by the Village from funds made available to the Village by the Missouri Clean Water Commisaion, the Environmental Protection Agency in the form of State and Federal grants respectively, and by Hickory. Said construction shall be commenced only after the plans and specifications and other contract documents have received the approval of the Missouri Clean Water Commission and Hickory; and all funds have been committed for its completion.

(f) The Village shall be responsible for acquiring new easements and landsrequired for the project at the expense of Hickory. All such acquisitions shall be obtained as required by law for projects involving federal grants and by the regulations of the Environmental Protection Agency.

SECTION II

(a) It is mutually agreed by all parties hereto that Exchange Bank of Richmond, Mo (hereinafter called "Trustee") will be designated as Trustee of this Agreement and that the said Trustee shall use their facilities as depository under this agreement, and that said Trustee will hold all deposits subject to and to be governed by the terms and conditions of this agreement. No fee of the Trustee for its services hereunder shall be payable by, or charged to, the Village. Any interest earned on money deposited with the Trustee under this agreement shall be deemed to be the property of Hickory.

(b) The Village will set up a separate fund and an accounting system entitled "Planning and Construction Account for Sewerage Project". To this fund shall be deposited all monies received for funding this project and out of this fund shall be drawn all monies paid for the planning, designing, legal and engineering consultation, acquisition of land and easements, construction and other related expenses of the project. The records for this fund shall be available at all times to Hickory or its authorized representative during regular office hours of the Village Hall throughout the construction period up to the final closing of the account.

(c) Financial obligation of Hickory for this project shall be the total cost thereof minus any federal and state grants, and shall be further limited to sewage facilities of capacity for the present waste flows from that part of the existing Village located in the drainage basin which is also proposed to serve the Park plus flow from the Park when fully developed plus 25 percent of the total of the above determined Village and Park requirements.

(d) The Village and other developers shall have the option to participate in the cost of further expanded facilities for future growth, if desired, by sharing in the cost of such facilities in proportion to the capacity desired.

SECTION III

IT IS UNDERSTOOD AND AGREED between the City and Hickory that upon execution of this agreement there shall be deposited by Hickory with Exchange Bank of Richmond, Mo as Trustee, the

escrow account, her established, shall be returned to Hickory. In lieu of the payment into the Trust fund by Hickory of the aforesaid amount of money, the Village will accept such security as may be satisfactory to the Village that the total of said funds will be available when and as needed for completion of the project.

SECTION V

IT IS UNDERSTOOD AND AGREED that all sewerage facilities constructed with grants in aid from Federal and State funds will be the property of the Village, and that these facilities shall be operated and maintained by the Village. Equitable rates and charges shall be assessed against Hickory for all annual costs as determined by a competent consulting firm.

SECTION VI

IT IS UNDERSTOOD AND AGREED that if Hickory shall not have deposited the money into the escrow account as provided by Section III supra within six months from the date hereof, then this agreement shall be null and void.

SECTION VII

IT IS AGREED that this agreement shall be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed by their duly authorized representatives the day and year first above mentioned.

VILLAGE OF WOOD HEIGHTS, MISSOURI

By _____
Chairman

ATTEST:

_____
Clerk

HICKORY HILL MOBILE HOME PARK, LTD.

By _____

ATTEST:

_____
Secretary

Chapter 5: Businesses and licenses

Section 1 Business, Merchant and occupational license

Section 1.1 business license (Ord. 090519)

Bill No. 090519 Ordinance No. 090519

AN ORDINANCE OF THE CITY OF WOOD HEIGHTS, MO IMPOSING A BUSINESS LICENSE TO BE REQUIRED AND ISSUED TO ALL SELLERS FOR THE PRIVELEDGE OF ENGAGING IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERY OR RENDERING TAXABLE SERVICES AT RETAIL.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1. IMPOSING A BUSINESS LICENSE TO BE REQUIRED AND ISSUED TO ALL APPROVED SELLERS FOR THE PRIVELEDGE OF ENGAGING IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY OR RENDERING TAXABLE SERVICES AT RETAIL..

SECTION 2. THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, HEREBY DECLARES THIS ORDINANCE TO BE IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE, OF THE CITIZENS OF WOOD HEIGHTS, MISSOURI.

SECTION 3. ANY AND ALL BUSINESS ARE HEREBY REQUIRED TO OBTAIN A BUSINESS LICENSE FROM THE CITY OF WOOD HEIGHTS, MISSOURI.

SECTION 4. ANY AND ALL BUSINESSES ARE HEREBY REQUIRED TO FORWARD COPIES OF THE FOLLOWING TO THE CITY OF WOOD HEIGHTS, CITY CLERK, IN ORDER TO OBTAIN A BUSINESS LICENSE WITHIN THE CORPORATE CITY LIMITS.

A. COPY OF BUSINESS LICENSE ISSUED BY RAY COUNTY, MISSOURI.
B. COPY OF MISSOURI RETAIL SALES LICENSE ISSUED BY THE DIRECTOR OF REVENUE.
C. COPY OF EXEMPTION FROM MISSOURI SALES AND USE TAX ON PURCHASE. (IF APPLICABLE)
D. COPY OF FIRST OR CURRENT QUARTER'S SALES TAX RETURN FOR THE SATE OF MISSOURI.

SECTION 5. ANY AND ALL BUSINESS ARE HEREBY REQUIRED TO PAY THE CITY OF WOOD HEIGHTS SALES TAX AT THE RATE OF ONE PER CENT (1%) ON THE RECEIPTS FROM THE SALE AT RETAIL OF ALL TANGIBLE PERSONAL PROPERTY OR TAXABLE SERVICES AT RETAIL WITHIN SAID CITY LIMITS, AS IN ACCORDANCE WITH 502 OF THE CITY OF WOOD HEIGHTS, AND PURSUANT TO THE AUTHORITY GRANTED BY AND SUBJECT TO THE PROVISIONS OF SECTION 94.500 THROUGH 94.570 RSMo.

SECTION 6. ANY AND ALL BUSINESS OPERATING WITHIN THE CORPORATE CITY LIMITS PRIOR TO THE PASSAGE AND APPROVAL OF THIS ORDINANCE SHALL HAVE THIRTY (30) DAYS TO COMPLY WITH SECTIONS I, II, III, AND IV. THE CITY CLERK SHALL NOTIFY IN WRITING ALL BUSINESS CURRENTLY OPERATING WITHIN THE CORPORATE CITY LIMITS.

SECTION 7. ANY AND ALL BUSINESS SHALL OBTAIN A BUSINESS LICENSE FROM THE CITY OF WOOD HEIGHTS ANNUALLY. SAID BUSINESS LICENSE SHALL BE RENEWABLE UPON APPROVAL BY THE BOARD OF ALDERMEN AND OR THE PLANNING AND ZONING BOARD.

SECTION 8. NO BUSINESS SHALL OPERATE IN THE COPORATE CITY LIMITS OF WOOD HEIGHTS, MISSOURI WITHOUT OBTAINING A BUSINESS LICENSE.

SECTION 9. ANY AND ALL BUSINESS SHALL OBTAIN A BUSINESS LICENSE FROM THE CITY OF WOOD HEIGHTS PROR TO THE COMMENCEMENT OF OPERATING A BUSINESS WITHIN THE CORPORATE CITY LIMITS.

SECTION 10. ANY AND ALL BUSINESS LOCATED IN THE COROPORATE CITY LIMITS SHALL HAVE THEIR BUSINESS ADDRESS LISTED AS "WOOD HEIGHTS, MO 64024" ON ALL APPLICABLE PAPERWORK.

SECTION 11. LICENSE FEE. THE BUSINESS LICENSE SHALL BE AT NO COST TO THE BUSINESS UNLESS APPROVED BY THE QUALIFIED VOTERS OF THE CITY OF WOOD HEIGHTS, MISSOURI AS REQUIRED.

SECTION 12. ANY PERSON. FIRM, OR CORPORATION VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL, UPON CONVICTION, BE FINED IN AN AMOUNT OF NOT MORE THAN FIVE HUNDRED DOLLARS ($500.00) OR BY IMPRISIONMENT FOR A TERM NOT TO EXCEED NINETY (90) DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT FOR EACH VIOLATION. EACH DAY IN WHICH ANY SUCH VIOLATION SHALL CONTINUE SHALL BE DEEMED A SEPARATE OFFENSE.

SECTION 13. ANY PERSON, FIRM, OR CORPORATION WHO SHALL CONTINUE ANY VIOLATION BEYOND THE TIME LIMIT PROVIDED FOR, SHALL BE GUILTY OF A MISDEMEANOR, AND ON CONVICTION THEREOF SHALL BE FINED IN THE AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS ($500.00) FOR EACH VIOLATION OR BY IMPRISONMENT FOR A TERM NOT TO EXCEED NINETY (90) DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT FOR EACH VIOLATION. EACH DAY IN WHICH ANY SUCH VIOLATION SHALL CONTINUE SHALL BE DEEMED A SEPARATE OFFENSE.

SECTION 14. NO LICENSE ISSUED UNDER THESE PROVISIONS SHALL BE ASSIGNABLE OR TRANSFERABLE, BUT SHALL APPLY ONLY TO THE PERSON TO WHOM SAME IS ISSUED. IN THE EVENT ANY LICENSEE, AS PROVIDED FOR HEREIN SHALL MOVE HIS/HER PLACE OF BUSINESS FROM ONE LOCATION TO ANOTHER LOCATION WITHIN THE CITY, SAID LICENSEE SHALL SUBMIT A STATEMENT OF THE FACT OF SUCH CHANGE TO THE CITY CLERK, WHO MAY TRANSFER SUCH LICENSE AS TO LOCATION ONLY. IN NO EVENT, HOWEVER, SHALL SUCH LICENSE BE TRANSFERRED FROM ONE PERSON TO ANOTHER OR FROM THE KIND OF BUSINESS OR OCCUPATION ORGINALLY LICENSED TO ANOTHER TYPE OF BUSINESS OR OCCUPATION.

SECTION 15. EACH LICENSE ISSUED BY THE CITY UNDER THE PROVISIONS OF THIS ORDINANCE SHALL BE CAREFULLY PRESERVED AND SHALL BE DISPLAYED IN A CONSPICUOUS PLACE IN THE PLACE OF BUSINESS AUTHORIZED TO BE CONDUCTED BY SAID

LICENSEE. IF THERE IS NO PLACE OF BUSINESS SAID LICENSE SHALL BE CARRIED ON THE LICENSEE'S PERSON.

SECTION 16. ANY LICENSE ISSUED BY THE CITY PUSUANT TO THE PROVISIONS OF THIS ORDINANCE MAY BE REVOKED BY THE BOARD OF ALDERMEN AND OR THE PLANNING AND ZONING BOARD FOR ANY OF THE FOLLOWING REASONS, AS WELL AS FOR ANY OTHER REASON SPECIFIED IN THIS ORDINANCE.

A. ANY FAILURE TO COMPLY WITH, OR ANY VIOLATION OF ANY PROVISIONS OF THIS ORDINANCE, OR ANY OTHER ORDINANCE OF THE CITY REGULATING THE BUSINESS, OCCUPATION, OR ACTIVITY LICENSED, OR THE STATUES OF THE STATE OF MISSOURI BY ANY LICENSEE.
B. VIOLATION OF THE TERMS AND CONDITIONS UPON WHICH THE LICENSE WAS ISSUED.
C. FAILURE OF THE LICENSEE TO PAY ANY TAX OR OBLIGATION DUE TO THE CITY.
D. ANY MISREPRESENTATION OR FALSE STATEMENT IN THE APPLICATION FOR A LICENSE REQUIRED HEREIN.
E. FAILURE TO DISPLAY THE LICENSE REQUIRED HEREIN.

SECTION 17. REVOCATION OF AY LICENSE SHALL BE IN ADDITION TO ANY OTHER PENALTY OR PENALTIES WHICH MAY BE IMPOSED PURSUANT TO THESE PROVISIONS.

SECTION 18. IN ANY CASE IN WHICH A COMPLAINT HAS BEEN MADE TO THE BOARD OF ALDERMEN AND OR THE PLANNING AND ZONING BOARD, OR IN WHICH THE BOARD OF ALDERMEN HAVE ON THEIR OWN DETERMINED THAT CAUSE MAY EXIST FOR THE REVOCATION OF A LICENSE UNDER THE PROVISIONS OF THIS ORDINANCE, THE FOLLOWING PROCEDURES SHALL BE FOLLOWED:

I. THE BOARD OF ALDERMEN AND OR PLANNING AND ZONING BOARD SHALL SET A DATE FOR A HEARING TO CONSIDER THE QUESTION OF REVOCATION.
II. AT LEAST TEN (10) DAYS PRIOR TO SAID HEARING, WRITTEN NOTICE SHALL BE MAILED TO THE LICENSEE, BY REGISTERED MAIL, RETURN RECEIPT REQUESTED, TO HIS/HER LAST KNOWN ADDRESS AS SHOWN IN THE RECORDS OF THE CITY CLERK, ADVSING HE LICESEE OF THE TIME, DATE, AND PLACE OF THE HEARING AND OF THE REASON FOR CONSIDERING THE REVOCATION OF HIS/HER LICENSE.
III. DURING THE PENDENCY OF THIS HEARING BEFORE THE BOARD OF ALDERMEN AND OR PLANNING AND ZONING BOARD, THE LICENSEE SHALL BE PERMITTED TO CONTINUE THE OPERATION OF HIS/HER BUSINESS.
IV. AT THE HEARINGSET BY THE BOARD OF ALDERMEN AND OR THE PLANNING AND ZONING BOARD, THE BOARD SHALL HEAR ALL

RELEVANT AND MATERIAL EVIDENCE JUSTIFYING THE RETENTION OF THE LICENSE.

V. THE LICENSEE MAY BE PRESENT IN PERSON AND OR BY HIS/HER ATTORNEY AND MAY PRESENT EVIDENCE.

VI. AFTER HEARING THE EVIDENCE PRESENTED, THE BOARD SHALL VOTE ON THE ISSUE OF WHETHER THE SUBJECT LICENSE SHALL BE REVOKED.

VII. THE AFFIRMATIVE VOTE OF A MAJORITY OF THE BOARD OF ALDERMEN SHALL BE NECESSARY TO REVOKE ANY LICENSE.

SECTION 19. THAT IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, OR PHRASE OF THIS ORDINACE IS, FOR ANY REASON, HELD TO BE INVALID OR UNCONSTITUTIONAL, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OR CONSTITUTIONALITY OF THE REMAINING PORTIONS OF THIS ORDINANCE. THE CITY OF WOOD HEIGHTS, MISSOURI HEREBY DECLARES THAT IT WOULD HAVE PASSED THIS OPRDINANCE AND EACH SECTION, SUBSECTIONS, SENTENCES, CLAUSES, AND PHRASES BE DECLARED UNCONSTITUTIONAL.

SECTION 20. ALL ORDINANCES OR PARTS OF ORDINANCES THAT CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI THIS 19TH DAY OF MAY, 2009.

_____
John D. Allen, Mayor

ATTEST:

_____
Kimberly Easley, City Clerk

Section 1.2 Peddlers, Solicitors, and Iterant merchants (Ord. 990907-3)

Ordinance No. 990907-3

An ordinance established to preserve and promote the public health, safety and welfare of the citizens of Wood Heights. Establishing regulations, fees and settings penalties for failure to comply.

Section 1. Board of Alderman of the City of Wood Heights hereby adopts "Model Peddlers, Solicitors, Itenerant Merchants" Ordinance for cities.

Section 2. Board of Alderman hereby determines that this Model Ordinance is not intended for enforcement of Girl Scouts, Brownies, local school programs, or local non-for profit groups.

Section 3. It hereby is declared to be the intention of the Board of Alderman that each and every part, portion and subportion of this Ordinance shall be separate and severable from each and every other part, portion or subportion hereof and that the Board of Alderman intends to adopt each said part, portion or subportion separately and independently of any other part, portion or subportion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and subportions shall be remain in full force and effect.

Section 4. Any person, firm, corporation or their representatives found to be guilty of the offense of Violating any section of this ordinance shall be punished by a fine not to exceed five hundred dollars or imprisonment for a term not to exceed ninety days or by both such fine and imprisonment.

Section 5. Any other Ordinances of the City of Wood Heights that shall be in conflict with any provision of this Ordinances is hereby repealed as of the date of the passage and adoption thereof.

Passed and approved this 7 day of Sept, 1999.

Mayor

Attest:

DIVISION 1. GENERALLY

Sec. 24-11. Definitions.

For the purposes of this article, a "transient merchant", "itinerant merchant" or "itinerant vendor" is defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar or boat, public room in hotels, lodging houses, apartments or shops, or any street, alley or other place within the city for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided, that this definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of association temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer.

Sec. 24-12. Loud noises prohibited.

No licensee under this article, nor anyone in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any other sound device, including any loud speaking radio or amplifying system, upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

Sec. 24-13. Enforcement; records and reports.

A. It shall be the duty of the police officers or the finance director of the city to examine all places of business and persons in their respective territories subject to the provisions of this article, to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating same.

B. T[illegible] department shall deposit the record of any fingerprints taken of a licensee under this article, together with a license number, with the chief of police; the chief of police shall report to the finance department any complaints against any person licensed under the provisions of this article; and the finance department shall keep a record of all such licenses and of such complaints and violations.

Secs. 24-14 - 24-28. Reserved.

DIVISION 2. LICENSE

Sec. 24-29. Required.

It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor to engage in such business within the city without first obtaining a license therefor in compliance with the provisions of this article.

Sec. 24-30. Application.

Each applicant for a license under this article shall file a written, sworn application, signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the finance department, showing:

A. The names of the persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the city; the local addresses of such persons while engaged in such business; the permanent addresses of such persons; the capacity in which such persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the name is incorporated.

B. Evidence of his fitness to carry on the business for which the license is sought.

C. The places in the city where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that such business shall be conducted.

D. The places, other than the permanent place of business of the applicant, where the applicant, within the six (6) months next preceding the date of such application, conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.

E. A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant in the city; the invoice value and quality of such goods, wares and merchandise; whether the same are proposed to be sold from stock in possession or from stock in possession and by sample, at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where such goods or products are located at the time such application is filed.

F. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers; if required by the finance director, copies of all such advertising, whether by handbills, circular, newspaper advertising or otherwise, shall be attached to such application as exhibits thereto.

G. Whether or not the persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor.

H. Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative.

I. Such other reasonable information as to the identity or character of the persons having the management or supervision of the applicant's business or the method or plan of doing such business as the finance department may deem proper to fulfill the purposes of this article in the protection of the public good.

Sec. 24-31. Investigation; issuance or denial; contents.

Upon receipt of an application for a license under this article the finance department shall investigate the applicant. If it finds that the applicant has been convicted within the past five (5) years of a crime or ordinance which relates to his fitness to carry on the proposed business, the application shall be denied. Otherwise, the license shall be issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of such license, the place where such business may be carried on under the license and the names of the persons authorized to carry on the same.

Sec. 24-32. Bond prerequisite to issuance.

Before any license as provided by this article shall be issued for engaging in a transient or itinerant business in the city, such applicant shall file with the finance department a bond running to the city in the sum of one thousand dollars ($1,000.00), executed by the applicant, as principal, and two (2) sureties upon which service of process may be made in the state; such bond shall be approved by the city counselor and shall be conditioned that the applicant shall comply fully with all of the provisions of this Code and other ordinances of the city and state law regulating and concerning the sale of goods, wares and merchandise and will pay all judgments rendered against such applicant for any violation of such Code, ordinances or statutes, together with all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentation or deception was made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement, or any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold, or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person. Such bond must be approved by the city counselor both as to form and as to the responsibility of the sureties thereon.

Sec. 24-33. Service of process.

Before any license as provided by this article shall be issued for engaging in business as an itinerant merchant in the city, such applicant shall file with the finance department an instrument nominating and appointing the director of finance, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of such applicant in respect to any matters connected with or arising out of the business

transacted under such license and the bond given as required by this article, or for the performance of the conditions of such bond or for any breach thereof, which instrument shall also contain recitals to the effect that the applicant for the license consents and agrees that service of any notice or process may be made upon such agent, and when so made shall be taken and held to be as valid as if personally served upon the person applying for the license under this article, according to the law of this or any other state, and waiving all claim or right of error by reason of acknowledgment of service or manner of service. Immediately upon service of process upon the director of finance, as herein provided, the director of finance shall send to the licensee at his last known address by registered mail a copy of such process.

Sec. 24-34. Fee.

A. Licensees under this article shall pay to the city a fee based upon the gross amount of sales by such persons, which fee shall be at the minimum rate of one hundred dollars ($100.00) per day or five (5) percent, whichever is greater.

B. Every person conducting a business licensed under this article shall, on the first business day of each week, and upon discontinuance of business in the city, present to the finance department, at its office, a verified statement showing the total sales made during the preceding week and shall pay to the finance department the amount of license fee provided for by this section, for sales made during the previous week. The director of finance and any other officer designated by him, shall have power and authority to enter any store, building or any other place in which such temporary business may be conducted at any place during the business hours, for ascertaining the amount of sales made, and shall at all times have access to the books of such business.

Sec. 24-35. Expiration.

All licenses issued under the provisions of this article shall expire ninety (90) days after the date of issuance thereof, unless a prior date is fixed therein.

Sec. 24-36. Transfer.

No license issued pursuant to this article shall in any case be transferred or assigned.

Sec. 24-37. Posting.

The license issued under this article shall be posted conspicuously in the place of business named therein. In the event that such person applying for the license shall desire to do business in more than one place within the city, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

Sec. 24-38. Revocation.

A. Licenses issued pursuant to this article may be revoked by the mayor, after notice and hearing, for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for license.

2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise.

3. Any violation of this article.

4. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.

5. Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address, at least five (5) days prior to the date set for the hearing.

Sec. 24-39. Appeals.

Any person aggrieved by the decision of the finance department in regard to the denial of application for license as provided for in this article, or in connection with the revocation of a license as provided for in this article, shall have the right to appeal to the city council. Such appeal shall be taken by filing with the council, within fourteen (14) days after notice of the decision by the finance department has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The council shall set the time and place for a hearing on such appeal, and notice of such hearing shall be given to such person in the same manner as provided in this article for notice of hearing on revocation. The order of the council on such appeal shall be final.

Secs. 24-40 - 24-50. Reserved.

ARTICLE III. PEDDLERS, SOLICITORS, ETC.

DIVISION 1. GENERALLY

Sec. 24-51. Definitions.

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

Canvasser/solicitor. Any individual, whether a resident of the city or not, traveling by foot, wagon, automobile, motor truck or other type of conveyance, from street to street, from house to house or from place to place, taking or attempting to take orders for sale of goods, wares or merchandise, or personal property of any nature whatsoever, for some future delivery or for services to be performed or to be furnished in the future, whether or not such individual has, carries or exposes for sale a sample of the subject matter of such sales or whether he is collecting advance payments on such sales or not; provided, that this definition shall include any person who, for himself or another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. A "canvasser or solicitor" is further defined as any individual, whether resident of the city or not, who, for himself or any other person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the purpose of taking or attempting to take orders for the sale of goods, wares or merchandise, or personal property of any nature whatsoever, for future delivery or for services to be performed or furnished in the future, by the use of a telephone and the placing of telephone calls to persons living or residing within the city; provided, that it shall not make any difference that any order taken by a telephone call shall be subsequently reduced to writing and executed by the person ordering and purchasing such goods, wares or merchandise.

Peddler. Any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance; provided, that one who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."

Sec. 24-52. Loud noises.

No peddler, nor any person in his behalf, shall shout, make any cry out, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, alleys, parks or other public places, for the purposes of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

Sec. 24-53. Use of streets.

No peddler shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested where his operations might impede or inconvenience the public. For the purposes of this section, the judgement of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Sec. 24-54. Enforcement.

It shall be the duty of any police officer, or the finance department to require any person seen peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his peddler's, solicitor's or canvasser's license, and it shall be the duty of such department or officers to enforce the provisions of this article against any person found to be violating the same. The chief of police shall report to the finance department all convictions for violations of this article, and the finance department shall maintain a record for each license issued and record the reports of violations therein.

Secs. 24-55 - 24-65. Reserved.

DIVISION 2. LICENSE

Sec. 24-66. Required.

It shall be unlawful for any person to engage in the business of peddler, solicitor or canvasser within the corporate limits without first obtaining a license therefor as provided in this article.

Sec. 24-67. Application.

A. Each applicant for a license under this article must file with the finance department a sworn application in writing, in duplicate, on a form to be furnished by the finance department, which shall give the following information:

1. Name and description of the applicant.

2. Permanent home address and full location address of the applicant.

3. A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.

4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.

5. The length of time for which the right to do business is desired.

6. Evidence of his fitness to carry on the business or activity for which the license is sought.

7. In the case of peddlers who will use a vehicle, a description of same, together with license number or other means of identification.

8. In the case of solicitors and canvassers, the name of the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery.

9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any provision of this Code or other municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

B. The applicant shall file with his application a statement by a reputable physician of the city, dated not more than ten (10) days prior to the submission of the application, certifying the applicant to be free of infectious, contagious or communicable disease. At the time of filing the application, a fee of one dollar ($1.00) shall be paid to the finance department to cover the cost of investigation.

Sec. 24-68. Investigation; issuance or denial; contents.

A. Upon receipt of an application under this article, the original shall be referred to the chief of police, who, with the finance department, shall cause an investigation of the applicant. If it is found that the applicant has been convicted within the past five (5) years of a crime or ordinance which relates to his fitness to carry on the proposed business or activity, the chief of police shall endorse on such application his disapproval, and his reasons for the same, and return the application to the finance department, which shall notify the applicant that his application is disapproved and that no license will be issued.

B. If, as a result of such investigation, the applicant is found not to be ineligible for the license, the chief of police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return such permit, along with the application, to the finance department, which upon payment of the prescribed license fee, issues the license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of such licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling, soliciting or canvassing.

Sec. 24-69. Fees for peddlers.

A. The amounts of peddlers' license taxes which shall be paid to the city under this article shall be computed as follows:

1. Three dollars ($3.00) per day, thirty dollars ($30.00) per month or seventy-five dollars ($75.00) per year, for each person proposing to peddle on foot.

2. Three dollars ($3.00) per day, thirty dollars ($30.00) per month or seventy-five dollars ($75.00) per year, for each person proposing to peddle by using a handcart or pushcart.

3. Five dollars ($5.00) per day, thirty dollars ($30.00) per month or seventy-five dollars ($75.00) per year, for each person proposing to peddle from a wagon, motor vehicle, railroad car or other conveyance.

4. No fee shall be required of one selling products of the farm or orchard, or other products actually produced by the seller.

B. For the purposes of this article, any period of seven (7) calendar days or less shall be considered one week, any period of more than seven (7) calendar days and not more than thirty (30) calendar days shall be considered one month and any period of more than thirty (30) calendar days and not more than one calendar year shall be treated as a year. The annual fees herein provided for shall be assessed on a calendar year basis, and on and after July 1 the amount of the fee for such annual licensees shall be one-half the amount stipulated for the remainder of the year.

Sec. 24-70. Fees for canvassers or solicitors.

A. The license fee which shall be charged by the finance department for a license to conduct business as a canvasser or solicitor shall be three dollars ($3.00) per day, thirty dollars ($30.00) per month or seventy-five dollars ($75.00) per year. If the person seeking to conduct a business as a solicitor or canvasser leases any office or other place within the city for a minimum period of one year, using such office to keep business records in connection with all canvassing and soliciting done within the city, the license fee which shall be charged by the finance department for a license to conduct such business as a canvasser or solicitor shall be as follows:

1. One solicitor, thirty dollars ($30.00) per year;

2. Two (2) solicitors, fifty dollars ($50.00) per year;

3. Three (3) solicitors, sixty dollars ($60.00) per year;

4. Four (4) solicitors, sixty-five dollars ($65.00) per year;

5. Five (5) solicitors, seventy dollars ($70.00) per year; and

6. Six (6) solicitors or more, seventy-five dollars ($75.00) per year.

B. The license fee to be charged for a license to conduct business as a canvasser or solicitor shall be one dollar ($1.00) per day, fifteen dollars ($15.00) per month or fifty dollars ($50.00) per year.

C. The annual fees herein provided shall be assessed on a calendar year basis, and on or after July 1 the amount of such fee for annual licenses shall be one-half the amount stipulated above for the

remainder of the year.

D. None of the license fees provided for by this section shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the mayor for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at the time of or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the mayor may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The mayor shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and shall make findings of fact from which he shall determine whether the fee fixed by this section is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the mayor shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsections (a) and (b) of this section. Should the mayor determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of the applicant's business in the city or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor; provided, that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license as prescribed in subsections (a) and (b) of this section.

Sec. 24-71. Bond.

Every applicant for a solicitor's or canvasser's license, not a resident of the city, or who being a resident of the city, represents a firm whose principal place of business is located outside the state, shall file with the finance department a surety bond, running to the city in the amount of one thousand dollars ($1,000.00), with surety acceptable to and approved by the mayor, conditioned that such applicant shall comply fully with all the provisions of this Code and other ordinances of the city and state law regulating and concerning the business of solicitor and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor, and further guaranteeing to any citizen of the city doing business with such solicitor that the property purchased will be delivered according to the representations of such solicitor. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person.

Sec. 24-72. Expiration.

All annual licenses issued under the provisions of this article shall expire on December 31 in the year when issued. Licenses other than annual licenses shall expire on the date specified in the license.

Sec. 24-73. Transfer.

No peddler's license or badge issued under the provisions of this article shall be used or worn at any time by any person other than the one to whom it was issued.

Sec. 24-74. Exhibition.

Peddlers, solicitors and canvassers shall exhibit their license in an open and prominent manner upon their approach to any citizen or resident and at the request of any citizen.

Sec. 24-75. Revocation.

A. Licenses issued under the provisions of this article may be revoked by the finance department after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license.

2. Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler, solicitor of canvasser.

3. Any violation of this article.

4. Conviction of any crime or misdemeanor or ordinance involving moral turpitude.

5. Conducting the business of peddling, soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

Sec. 24-76. Appeals.

A. Any person aggrieved by the action of the chief of police or the finance department in the denial of an application for a license as provided in this article, or in the decision with reference to the revocation of a license as provided in this article, shall have the right of appeal to the council.

B. Any person aggrieved by the action of the chief of police or the finance department in the denial of a license as provided in this article, or the action of the mayor in the assessing of the fee as provided in this article, shall have the right of appeal to the city council.

C. Such appeals shall be taken by filing with the council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in this article for notice of hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive.

NOTES

State law reference - Authority to license, regulate, etc., peddlers, solicitors, etc., RSMo. § 94.110.

Section 2 Building code

Section 2.1 Adopt 2012 international building code (Ord. 20150)

BILL NO. 1408 **ORDINANCE NO. 20150**

AN ORDINANCE BY THE CITY OF WOOD HEIGHTS BOARD OF ALDERMEN ADOPTING THE 2012 INTERNATIONAL BUILDING CODE, EXISTING BUILDING CODE, RESIDENTIAL CODE, MECHANICAL CODE, PLUMBING CODE, FUEL GAS CODE AND THE 2011 NATIONAL ELECTRICAL CODE WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS MISSOURI AS FOLLOWS:

Section 1-1. DEFINITIONS.

The City of Wood Heights Building Official shall mean the individual, or organization appointed by the City of Wood Heights to serve as the building official for the City of Wood Heights and to serve as building codes enforcement officer for the City of Wood Heights.

Section 1-2. CREATION OF ENFORCEMENT AGENCY.

The City of Wood Heights Building Department is hereby created and the official in charge thereof shall be known as the Building Official.

(A) **Deputies.** In accordance with the prescribed procedures of this City of Wood Heights Building Department and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other Jurisdiction employees or contract agents. Such deputies shall have powers as delegated by the building official.

(B) **Enforcement.** Enforcement procedures by the code enforcement officers such as the building official, deputies, or third-party providers acting in the capacity of a code enforcement officer shall include examination or review of plans, drawings, or specifications; the conducting of inspections; and the issuance, denial, or revocation of permits.

(C) **Appointment.** The City of Wood Heights hereby appoints the Institute for Building Technology and Safety to provide an International Code Council Certified Building Official to serve in the capacity as Building Official.

Section 1-3. ADOPTION OF BUILDING CODE

The following construction codes (hereinafter sometimes referred to as "code") are hereby adopted as the regulations governing construction of buildings and other structures in Wood Heights. Unless specified, all standards contained in a referenced code are adopted and included for purposes of this Section. Unless referenced by name or letter designation, no appendix or appendices to the codes specified herein are adopted.

(A) International Building Code, 2012 Edition, as published by the International Code Council, excluding Section 1, including any standards referenced therein, but not including any appendices thereto;

(B) International Existing Building Code, 2012 Edition, as published by the International Code Council, excluding Section 1, including any standards referenced therein, but not including any appendices thereto;

(C) International Residential Code (IRC), 2012 Edition, as published by the International Code Council, excluding Section 1, excluding Section R313 Automatic Fire Sprinkler Systems and any references to sprinkler systems, excluding Appendix J, including any standards referenced therein; for residential electrical, the adopted edition of the National Electrical Code shall be used.

(D) The International Mechanical Code (IMC), 2012 Edition, as published by the International Code Council, excluding Section 1, including any standards referenced therein, but not including any appendices thereto;

(E) The International Plumbing Code (IPC), 2012 Edition, as published by the International Code Council, excluding Section 1, including any standards referenced therein, but not including any appendices thereto;

(F) The International Fuel Gas Code (IFGC), 2012 Edition, as published by the International Code Council, excluding Section 1, including any standards referenced therein, but not including any appendices thereto;

(G) The National Electrical Code (NEC), 2011 Edition, as published by the National Fire Protection Association.

(H) Nothing in this Ordinance shall conflict with the Federal Department of Housing and Urban Development's regulations regarding manufactured housing construction or the state's provisions as it relates to manufactured housing installation. Further, it is the intent of the Jurisdiction that any service, renovation, repair, or warranty work performed on a manufactured home shall be handled under the appropriate federal standards governing manufactured housing construction or state standards governing installation, and all such work shall be under the jurisdiction of the State.

For the purposes of this Ordinance, steps, decks, ramps, porches, garages, or other similar accessory structures or work, attached to or detached are included. Any additions to the manufactured home shall meet the currently adopted codes.

Section 1-4. DUTIES AND POWERS OF THE BUILDING OFFICIAL

The building official is hereby authorized and directed to enforce the provisions of the code. The building official shall have the authority to render interpretations of the code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of the code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the code.

Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the code.

Inspections. The building official is authorized to make all of the required inspections. Reports of such inspections shall be in writing and be completed by an individual certified to conduct those inspections. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Right of entry. Where it is necessary to make an inspection to enforce the provisions of the code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

Liability. The building official, member of the board of appeals or employee charged with the enforcement of the code, while acting for the City of Wood Heights Building Department in good faith and without malice in the discharge of the duties required by the code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of the code shall be defended by legal representative of the City of Wood Heights Building Department until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of the code.

Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

Used materials and equipment. Used materials, equipment and devices shall not be reused unless approved by the building official.

Modifications. Wherever there are practical difficulties involved in carrying out the provisions of the code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of the code impractical and the modification is in compliance with the intent and purpose of the code and that such modification does not lessen health, life and fire safety requirements or structural soundness. The details of action granting modifications shall be recorded and entered in the files of the City of Wood Heights Building Department.

Alternative materials, design and methods of construction and equipment. The provisions of the code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of the code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the code. Compliance with the specific performance-based provisions of the Codes in lieu of specific requirements of the code shall also be permitted as an alternate.

Tests. Whenever there is insufficient evidence of compliance with the provisions of the code, or evidence that a material or method does not conform to the requirements of the code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the City of Wood Heights Building Department. Test methods shall be as specified in the code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

Cooperation of Other Officials and Officers. The Building official may request and shall receive the assistance and cooperation of other city and jurisdiction officials so far as is required in the discharge of the duties required by the code or other pertinent law or ordinance.

Section 1-5. PERMITS

Required. It shall be unlawful to construct, enlarge, alter, extensively alter, repair, move, demolish, or change the occupancy of any building or structure, or to erect, install, enlarge, alter, extensively alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes adopted in section 1-3, or to cause any such work to be done, without obtaining a properly issued permit from the City of Wood Heights Building Official for that work.

Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of Wood Heights.

Exempt Building:

1. One-story detached accessory structures without utilities used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 100 square feet (11.15 m2).
2. Fences not over 6 feet (1829 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 1,000 gallons (3.785 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools with plug-in electrical devices and or less than 36 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Exempt Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Exempt Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Exempt Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

If an existing home was permitted before the effective date of this ordinance and construction of additions, alterations, extensive alterations and or repairs increases the structure's square footage by less than 30%, or the working being done affects less than 50% of the existing square footage, that work is exempt from permitting.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Public Service Agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right. All public service agencies shall require a permit issued by the City of Wood Heights before utilities can be turned on for the construction project.

Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the City of Wood Heights Building Department for that purpose.

Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by the building official.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

The specific information shall, at a minimum, include the following information:

(a) Name, address, and daytime telephone number of owner;
(b) Name, address, and daytime telephone number of any and all contractors;
(c) Location of the construction;
(d) Description of the construction, including but not limited to square footage, type of construction, intended occupancy, and whether any work will involve following types;
    (1) Electrical;
    (2) Concrete or masonry;
    (3) Plumbing;
    (4) Structural;
    (5) Natural gas, liquefied gas, or other gas fuel;
(e) Anticipated completion of construction; and

Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of the code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the code or of any other ordinance of the City of Wood Heights Building Department. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the City of Wood Heights Building Department shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of the code or of any other ordinances of Wood Heights.

Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of the code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of the code.

Placement of permit. The building permit or copy thereof shall be kept on the site of the work, located or visible at the front exterior of the structure, until the completion of the project.

Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which the code is applicable, to comply with the code.

Section 1-6. CONSTRUCTION DOCUMENTS

Submittal documents. Construction documents, special inspection and structural observation programs and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of City of Wood Heightsin which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with the code.

Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the code and relevant laws, ordinances, rules and regulations, as determined by the building official.

Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

Examination of documents. The building official shall examine or cause to be examined construction documents for code compliance.

Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by a stamp which states "APPROVED PLANS." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant,

shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative.

Previous approvals. The code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of the code and has not been abandoned.

Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

Section 1-7. TEMPORARY STRUCTURES AND USES

General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 90 days. The building official is authorized to grant extensions for demonstrated cause.

Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of the code as necessary to ensure the public health, safety and general welfare.

Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the applicable electric code.

Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

Section 1-8. FEES

Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

Building permit valuations. Generally, building permit fees shall be calculated based on the square footage under beam as prescribed in the agreements.

Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

Refunds. All refunds will be assessed an $125 administrative fee. Permit Fees are non-refundable. Plan Review fees are 100% refundable provided the plan reviews have not been conducted. If the plan reviews have been started, the fees are not refundable. Inspection fees are refundable at 100% provided construction has not begun. Inspection fees are non-refundable if construction has begun.

Section 1-9. INSPECTIONS.

A. RESIDENTIAL

General. Construction or work for which a permit is required and shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the code or of other ordinances of the City of Wood Heights Building Department. Inspections presuming to give authority to violate or cancel the provisions of the code or of other ordinances of the City of Wood Heights Building Department shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the City of Wood

Heights Building Department shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

Types of inspections. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with the code.

(i) Foundation inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

(ii) Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

Exception: Back-filling of ground-source heat pump loop systems tested prior to inspection shall be permitted.

(iii) Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

(iv) Other inspections. In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with the code and other laws enforced by the building official.

(v) Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

(vi) Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection. Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls located in Seismic Design Categories D0, D1, D2, and E shall be inspected after plumbing, mechanical, and electrical systems embedded within the walls, and reinforcing steel are in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing, and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of the code.

(vii) Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

Inspection requests. It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by the code to provide access to and means for inspection of such work.

Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

B. NON-RESIDENTIAL

General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the code or of other ordinances of the City of Wood Heights Building Department. Inspections presuming to give authority to violate or cancel the provisions of the code or of other ordinances of the City of Wood Heights Building Department shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the City of Wood Heights Building Department shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

Types of inspections. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with the code.

(i) Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

(ii) Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

(iii) Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

(iv) Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance- rated assembly or a shear assembly.

(v) Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

(vi) Energy efficiency inspections. Inspections shall be made to determine compliance with Section 13 and shall include, but not be limited to, inspections for: envelope insulation *R* and *U*values, fenestration *U*value, duct system *R* value, and HVAC and water-heating equipment efficiency.

(vii) Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the code and other laws that are enforced by the department of building safety.

(viii) Final inspection. The final inspection shall be made after all work required by the building permit is completed.

Inspection requests. It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by the code to provide access to and means for inspection of such work.

Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify

the permit holder or an agent of the permit holder wherein the same fails to comply with the code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Section 1-10. CERTIFICATE OF OCCUPANCY

Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the code or of other ordinances of the City of Wood Heights Building Department.

Exceptions:
1. Certificates of occupancy are not required for work exempt from permits under Section 1-5.
2. Accessory buildings or structures.

Change in use. Changes in the character or use of an existing structure shall not be made except as specified in the *International Building Code*.

Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of the code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name, phone number and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of the code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. Name, address, and daytime telephone number of any and all contractors
7. The name of the building official.
8. The edition of the code under which the permit was issued.
9. The use and occupancy of the structure.
10. The type of construction.
11. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The temporary Certificate of Occupancy will be valid for 28 days.

Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of the code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of the code.

Section 1-11. SERVICE UTILITIES

Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the code for which a permit is required, until approved by the building official.

Temporary connection. The building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility, source of energy, fuel or power.

Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the code and the referenced codes and

standards in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Section 1-12. VIOLATIONS

Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the code, or cause same to be done, in conflict with or in violation of any of the provisions of the code.

Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of the code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, The Building Official of City of Wood Heights may, through the jurisdiction attorney, seek to enjoin further construction or work which is required to be permitted under this Section and which construction or work does not have a validly issued permit. Further, the building official may seek to enjoin the occupancy or use of any building or structure which has, without compliance with this Section, been, in whole or in part, constructed, enlarged, altered, repaired, moved, demolished, or the occupancy changed or for which the electrical, gas, mechanical or plumbing system has been erected, installed, enlarged, altered, repaired, removed, converted or replaced in any fashion.

Violation penalties. Any person who violates a provision of the code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the code, shall be subject to penalties.

Penalties. In addition to any legal costs incurred, violators will be required to pay any fees that would have been generated by legal permitting including plan review fees, permitting fees and inspection fees. Payment of these fees is required regardless of the stage of construction. In addition to the aforementioned fees, all permit fees, plan review fees, inspection fees and other fees associated with processing the permit application shall be doubled as a penalty in addition to a $250 administrative fee. Penalty fees and related administrative fees may not exceed the maximum as provided by State Statutes.

Other Remedies. The imposition of penalties prescribed in this Section shall not preclude the city counselor from instituting appropriate action, including equitable and extraordinary remedies, to prevent any unlawful erection, construction, reconstruction, alteration, repair conversion, maintenance or use or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct of business or use in or about the premises.

Section 1-13. STOP WORK ORDER

Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of the code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

Unlawful continuance. 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 subject to penalties as prescribed by law.

Penalties. In addition to any legal costs incurred, any person, partnership, or corporation who violates any of the provisions of this Section or aids or abets in the violation of any of the provisions of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of not exceeding $500.00, nor less than $250.00 for each offense.

Section 1-14. BOARD OF APPEALS

General. The Board of Aldermen shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the code. The board shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

Limitations on authority. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Administration. The Board of Aldermen shall modify or reverse the Decision of the building official by a concurring vote of a majority of the members present. The building official shall take immediate action in accordance with the decision of the board.

Appeals Process. Except in emergencies, any decision of the building official in the enforcement of the code may be appealed to the Board of Aldermen by any person aggrieved by any decision of the building official. Such appeal must be taken within 30 days from the date of the order by filing with the building official a written notice of appeal setting forth the grounds therefore. The appellant shall pay a fee in the amount of $75 payable to the City of Wood Heights. The building official shall then transmit to the board all papers constituting the record upon which action appealed Is taken. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

SECTION 1-15: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 1-16: This ordinance shall take effect and be in full force from and after its passage and approval.

THIS ORDINANCE READ TWO TIMES, PASSED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 19th day of August, 2014.

John D. Allen, Mayor

Attest:

Sondra A. Kasserman, City Clerk, MRCC

SEAL

Section 2.1.1 amend Ord. 20150 (Ord. 20162)

BILL NO. 1426 **ORDINANCE NO. 20162**

AN ORDINANCE AMENDING ORDINANCE NO. 20150 OF THE CITY OF WOOD HEIGHTS, MISSOURI, BY REPEALING 1. UNDER EXEMPT BUILDING: OF SECTION 1-5. PERMITS THEREOF, AND IN LIEU THEREOF ENACTING A NEW 1. UNDER EXEMPT BUILDING: OF SECTION 1-5. PERMITS.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of Wood Heights, Missouri, that 1. under Exempt Building: of Section 1-5. Permits of Ordinance No. 20150 of the Ordinances of the City of Wood Heights, Missouri, is hereby amended by repealing 1. under Exempt Building: of Section 1-5. Permits thereof, and in lieu of said 1. under Exempt Building: of Section 1-5. Permits a new 1. under Exempt Building: of Section 1-5. Permits is hereby enacted as follows:

Section 1-5. PERMITS

Exempt Building:

1. One-story detached accessory structures without utilities used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 400 square feet.

This Ordinance shall be in full force and effect from and after the date of its passage and approval.

INTRODUCED, READ TWO TIMES, PASSED AND ADOPTED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 16th day of February, 2016.

_____
Robert Pettegrew, Mayor

Attest:

_____
Sondra A. Kasserman, City Clerk, MRCC

SEAL

Section 2.2 Dilapidated buildings (Ord. 20151)

BILL NO. 1407 **ORDINANCE NO. 20151**

AN ORDINANCE SPECIFYING THAT ALL RESIDENCES INSIDE THE CITY LIMITS OF WOOD HEIGHTS, MISSOURI BE PROPERLY MAINTAINED AND IN A NON DILAPIDATED CONDITION.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

Section 1. That all residences, whether a single family home, multi family home (duplex) or multiple unit housing, such as apartments, be kept in good physical shape and not be a nuisance.

Section 2. A house in disrepair includes any of the following:

1. Any attached fixtures such as: shutters, gutters or railings not securely attached to the residence.
2. Any window panes or glass that is broken and any doors that will not securely shut.
3. Dead, or dying diseased trees or landscaping causing imminent danger to the inhabitants of the house or any other citizen.
4. Structural problems, including but not limited to: sagging roofs, sunken or broken driveways and sidewalks, holes in exterior walls or roof.
5. Aesthetics, including but not limited to: peeling paint, missing roofing shingles, no yard (dead grass or plain dirt).

Section 3. It shall be unlawful for any person, firm or corporation who is owning, occupying, renting or leasing any real estate to cause, create or maintain a nuisance as defined by this Ordinance within the City of Wood Heights.

Section 4. Notice to abate nuisance.

1. If a residence is found to be in violation of this Ordinance, a written notice will be mailed to the residence giving the resident thirty (30) days to correct the nuisance stated in the violation letter. The Code Enforcement Officer may authorize a deadline or extension in excess of thirty (30) days if warranted due to the cost and/or time required to abate the nuisance. If the nuisance creates a dangerous situation that is imminent, the Code Enforcement Officer may set a deadline that is less than thirty (30) days. If a mailing address for the resident (out of town owners etc.) is unable to be located, a copy of the notice will be prominently posted on the premises.

Section 5. Unlawful to comply with the nuisance violation letter.

1. Any property owner, or person occupying or in possession of real estate, whether he be the owner or not, who fails to correct the nuisance within the deadline in the written or posted notice shall be deemed guilty of this Ordinance.

Section 6. Penalty.

1. Any person violating any provision of this Ordinance shall upon conviction thereof, be fined in an amount not less than one dollar ($1) and not more than five hundred dollars ($500) or by imprisonment for not more than thirty (30) days. Each day the violation is not corrected after the specified timeframe, shall constitute a separate offense and shall be punishable as such hereunder.

Section 7. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

THIS ORDINANCE READ TWO TIMES, PASSED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 19th day of August, 2014.

John D. Allen, Mayor

Attest:

Sondra A. Kasserman, City Clerk, MRCC

SEAL

Section 3 fireworks

Section 3.1 Regulating sale of fireworks in city limits (Ord. 561)

ORDINANCE NO. 561 BILL NO. S 61

AN ORDINANCE REGULATING THE SALE OF FIREWORKS WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE; SETTING A PENALTY FOR VIOLATION OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

The sale of fireworks within the City limits of the City of Wood Heights, Missouri, is hereby prohibited except during the following periods of each year, to-wit: from 9:00 a.m. to 9:00 p.m. from June 26 to and including July 3; and from 9:00 a.m. to 11:00 p.m. on July 4.

SECTION II

No person, firm, partnership, or corporation shall sell fireworks within the City of Wood Heights, Missouri, without first obtaining a permit from the City of Wood Heights, Missouri. All permits may be obtained at the office of City Clerk at Wood Heights City Hall during normal business hours. A fee of $100.00 for each permit shall be paid by each person, firm, partnership or corporation before any such permit shall be issued.

SECTION III

It shall be unlawful to attempt to sell or to sell any fireworks to children under the age of fourteen (14) years except when such child is in the presence of a parent or guardian.

SECTION IV

Sellers of all fireworks shall be responsible to post a notice on the premises where such fireworks are sold informing the public of the hours of business and conditions under which all sales will be made.

SECTION V

It shall be unlawful for any person under the age of sixteen (16) to sell fireworks or work in a facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.

SECTION VI

It shall be unlawful to shoot or discharge fireworks within the City limits of Wood Heights, Missouri, except during the hours of 1:00 p.m. to 10:00 p.m. from June 26 to and including July 3; and from 9:00 a.m. to midnight on July 4 of each year.

It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, or public School, or within one hundred (100) feet of the place where fireworks are stored, sold, or offered for sale.

SECTION VIII

It shall be unlawful for any person to ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

SECTION IX

Any person found in violation of this ordinance, upon conviction thereof, shall be fined in the sum not to exceed Five Hundred Dollars ($500.00) or imprisonment for a term of not to exceed ninety (90) days, or by both such fine and imprisonment.

SECTION X

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect upon its date of passage and approval.

READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 7th DAY OF April, 1992.

Newton Vanderford
MAYOR

561.

ATTEST:
Diane Carrel
CITY CLERK

Section 3.1.1 Amend Ord. 561 (Ord. 579)

BILL NO. 579 ORDINANCE NO. 579

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 561 OF THE ORDINANCES OF THE CITY OF WOOD HEIGHTS, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

SECTION 1

Section 1 of Ordinance No. 561 of the City of Wood Heights, Missouri, is hereby amended to read as follows:

The sale of fireworks within the city limits of the City of Wood Heights, Missouri, is here by prohibited except during the following periods of each year, to-wit: From 9:00 a.m. to 11:00 p.m. from June 26, to and including July 3; and from 9:00 a.m. to 12:00 a.m. on July 4.

SECTION 2

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3

This ordinance shall take effect and be in full force from and after its passage and approval.

READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 1st DAY OF JUNE, 1993.

Melvin Carmichael Jr
MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI

ATTEST:

CITY CLERK
WOOD HEIGHTS, MISSOURI

passed 6-1-93

Section 4 alcohol

Section 4.1 Alcohol license (Ord. 388)

BILL NO. 388 ORDINANCE NO. 388

AN ORDINANCE ENACTING A LIQUOR CONTROL ORDINANCE; PROVIDING FOR LICENSE REQUIREMENTS, FEES, CLASSIFICATIONS, AND LIMITS FOR RETAILERS OF INTOXICATING LIQUOR, MALT LIQUOR, AND NONINTOXICATING BEER; PROVIDING FOR THE REGULATION THEREOF; SETTING FORTH VIOLATIONS AND PROVIDING FOR THE ENFORCEMENT AND PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. Title. This ordinance may be cited as the "Liquor Control Ordinance," of the City of Wood Heights, Missouri.

Section 2. Definitions

(a) Intoxicating Liquor. The term intoxicating liquor as used in this ordinance, shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors, or combinations of liquors, a part of which is spirituous, vinous, fermented, and all preparations or mixtures for beverage purposes, containing in excess of three and two-tenths, (3.2%) per cent of alcohol by weight.

(b) Malt Liquor: Liquor, including any beer manufactured from pure hops, or pure extract of hops, and pure barley malt, or other wholesome grains or cereals, and wholesome yeast and pure water, free from all harmful substances, preservatives and adulterants, and having an alcoholic content in excess of three and two-tenths (3.2%) per cent by weight, and not in excess of five (5%) per cent by weight.

(c) Nonintoxicating Beer: Any beer made from pure hops, or pure extract of hops, and pure barley malt, or other wholesome grains or cereals, and wholesome yeast and pure water, free from all harmful substances, adulterations and preservatives, and having

(d) Original Package: At least one (1) container of not less than eight (8) ounces of any intoxicating liquor containing in excess of five (5%) per cent alcohol by volume, or three (3) or more standard containers of malt liquor or nonintoxicating beer.

Section 3. Other definitions. For the purpose of this ordinance, the following terms are defined as follows:

(a) Person. The term "person" as seen and used in this ordinance shall mean and include an individual, partnership, firm, association or corporation, unless the context requires a contrary interpretation.

(b) Church. The term "church" shall mean and include any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not such building or structure was originally designed and constructed for such purpose.

Section 4. Intoxicating liquor not to be sold within three hundred feet of school or church. No license shall be granted for the sale of intoxicating liquor as defined in this ordinance, within three hundred (300) feet of the premises of any school or church, unless the applicant for such license shall first obtain the consent in writing of the majority of the Board of Directors of such school, or the consent in writing of such church.

Section 5. License required, and period of time. It is hereby declared to be unlawful for any person, firm, copartnership, association or corporation, whether by itself or through the use of agents or servants, to engage in the sale or distribution of intoxicating liquors, malt liquor, or nonintoxicating beer, as

(a) Said license to be issued for a period of one year from June 30 of each year, and where a license is applied for and issued after December 31st of any year, then the licensee shall pay a license fee equal to one-half of the annual fee, and thereafter all renewals of licenses shall be issued on June 30th of each year.

(b) If any licensee shall discontinue or abandon the operation of the liquor establishment for which liquor license was issued for a period of ninety (90) days or more the Board of Aldermen may declare such license abandoned or forfeited; provided that five days notice has been given by the City in writing of such action, and served by the Chief of Police at the last known address of the licensee or the address shown on the licensee's application for a liquor license.

Section 6. Qualifications of applicant.

No person shall be granted a license under this ordinance unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the United States and the State of Missouri; nor shall any corporation be granted a license hereunder unless the managing officer of such corporation has the above-mentioned qualifications; 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 business as such dealer any person whose license has been revoked or who has been convicted of violating the provisions of any such law since the date aforesaid.

state specifically the class of license applied for as classified in Section 12 hereof, shall state the alcoholic content of the liquor and/or nonintoxicating beer to be sold under the license and whether the license applied for is for consumption on or off the premises where sold. All such applications shall state the name and address of the applicant or, if the applicant is a firm, partnership or association, all of the names and addresses of each member of the firm, partnership or association; or if the applicant is a corporation, the names and addresses of all the officers, the board of directors and all of the stockholders of the corporation. The application shall also describe the premises for which the license applied for shall cover and, after an inventory and valuation at cost, prices of goods other than intoxicating liquor at the proposed place of business shall accompany the application when required by this ordinance.

(b) Every applicant must submit a copy of his tax receipt for the year immediately preceding the date of the application of the county, town, city or village where he resides in the state; or, if the applicant is a corporation, a copy of the tax receipt for the year immediately preceding the date of the application of the managing officer of such corporation of the county, town, city or village in the state where such managing officer resides, or in lieu thereof, an affidavit of the county or city assessor wherein such applicant resides; or, if the applicant is a corporation, where the managing officer of such corporation resides, stating therein that the applicant or managing officer of such corporation, if a corporation, owns property for which he is legally subject and liable to taxation in the county, town, city or village where the applicant, or if a corporation, the managing officer of such

state specifically the class of license applied for as classified in Section 12 hereof, shall state the alcoholic content of the liquor and/or nonintoxicating beer to be sold under the license and whether the license applied for is for consumption on or off the premises where sold. All such applications shall state the name and address of the applicant or, if the applicant is a firm, partnership or association, all of the names and addresses of each member of the firm, partnership or association; or if the applicant is a corporation, the names and addresses of all the officers, the board of directors and all of the stockholders of the corporation. The application shall also describe the premises for which the license applied for shall cover and, after an inventory and valuation at cost, prices of goods other than intoxicating liquor at the proposed place of business shall accompany the application when required by this ordinance.

(b) Every applicant must submit a copy of his tax receipt for the year immediately preceding the date of the application of the county, town, city or village where he resides in the state; or, if the applicant is a corporation, a copy of the tax receipt for the year immediately preceding the date of the application of the managing officer of such corporation of the county, town, city or village in the state where such managing officer resides, or in lieu thereof, an affidavit of the county or city assessor wherein such applicant resides; or, if the applicant is a corporation, where the managing officer of such corporation resides, stating therein that the applicant or managing officer of such corporation, if a corporation, owns property for which he is legally subject and liable to taxation in the county, town, city or village where the applicant, or if a corporation, the managing officer of such

Section 8. Granting of License.

(a) On approval of an application by the board of aldermen and payment of the license fee herein provided, the board of aldermen shall direct the city clerk to issue the applicant a license to conduct business at the specified location in the city for a period set forth in said license certificate. Every license issued under the provisions of this ordinance shall set forth the type of license granted, and shall particularly describe the premises at which alcoholic liquor may be sold thereunder; and such license shall not be deemed to authorize or permit the sale of alcoholic liquor at any place other than that described therein. No licensee under the provisions of this ordinance shall be permitted to move the location of said establishment as pertains to the subject of this ordinance unless said applicant has complied with the provisions of sections 9 through 10, and secured the express approval of the board of aldermen, nor shall any license be issued unless the licensee is in present possession of the premises described in his application, at the time the applicant's application is presented to the city clerk.

(b) The chief of police or any city policeman may inspect the premises of any licensee at a reasonable time, without warrant, and the acceptance of the license under this ordinance shall be construed as a waiver by the licensee of any constitutional provisions concerning search and seizure.

(c) Licenses granted under this ordinance shall be signed by the mayor of the board of aldermen and the city clerk, and the seal of the city shall be affixed by the city clerk.

Section 9. Transfer of License - Generally.

No license under this ordinance shall be transferred from

Section 10. Removal of License to Other Location.

A license may, subject to the approval of the board of alderman, be transferred to any other premises or to any other part of the building containing the licensed premises if the premises sought to be licensed meet the requirements of this ordinance. The board of alderman must first approve such a transfer and the application for permission to transfer must be in writing and set forth:

(a) The name and address of the licensee.

(b) The address and legal description of the premises to which removal is sought, together with the name and address of the landlord.

Section 11. Suspension or Revocation of License; Public Hearing.

(a) The board of alderman may, in its reasonable discretion and for cause, which shall include, but not be limited to a dealer licensed hereunder failing to keep at all times an orderly place, or upon violation by a licensee of any of the provisions of this ordinance, suspend or revoke any license issued hereunder, first having given such licensee not less than ten (10) days' written notice of the application to suspend or revoke his license prior to the order of suspension or revocation issuing, which notice shall contain the ground or grounds for such suspension or revocation set out therein and shall command the licensee to be present at a hearing before the board of alderman and show cause, if any, why such license should not be suspended or revoked; provided that such licensee shall have full right to be represented by counsel at said hearing and that such notice of suspension or revocation hearing shall be served by a police officer or may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee

(3) or more standard beer bottles, direct to the consumer not to be opened or consumed on the premises where sold, and not for resale, twenty dollars ($20.00). The total number of licenses authorized under this classification shall not exceed two (2) until the total population of the city reaches two thousand (2000), and thereafter no license shall be issued when the granting thereof will increase the number of such licenses outstanding and in force to a greater number than one (1) for each one thousand (1000) people within the corporate limits of the City of Wood Heights, Missouri, or major fraction thereof as shown by the last decennial census.

(c) For a license authorizing the sale of malt liquor containing alcohol not in excess of five (5) per cent by weight, by the drink, for consumption on the premises where sold, the sum of fifty-two and 50/100 dollars ($52.50). The total number of licenses authorized for the sale of malt liquor under this classification shall not exceed two (2) until the total population of the city reaches two thousand (2000), and thereafter no license shall be issued when the granting thereof will increase the number of such licenses outstanding and in force to a greater number than one (1) for each one thousand (1000) people within the corporate limits of the City of Wood Heights, Missouri, or major fractions thereof as shown by the last decennial census.

(d) For a license authorizing the sale of all intoxicating liquor at retail in the original package, not to be consumed upon the premises where sold, the sum of seventy-five dollars ($75.00); provided that no license under this classification shall be issued except to a person engaged in, and to be used in connection with the operation of one or more of the following businesses: A drug

(b) Every licensee shall, in addition to the requirements of this ordinance, comply in every respect with all federal liquor laws and with the liquor control law of the state, and any violation thereof shall be a valid reason for the suspension or revocation of any license issued under this ordinance.

(c) No licensee who shall have had his license suspended by order of the board of alderman shall sell or give away any intoxicating liquor or nonintoxicating beer during the period of time such order of suspension is in effect. Any licensee desiring to keep his premises open for the sale of food or merchandise during such period of suspension shall display the order of suspension issued by the board of alderman in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

Section 12. License fees; Classification; Limit.

The license classifications, license fees to be paid and imposed annually, and the limit of number of licenses to be issued are as follows:

(a) For a license authorizing the sale of nonintoxicating beer for consumption on the premises where sold, thirty-seven dollars and fifty cents ($37.50). The total number of licenses authorized for the sale of nonintoxicating beer under this classification shall not exceed two (2) until the total population of the city reaches two thousand (2000), and thereafter no license shall be issued when the granting thereof will increase the number of such licenses outstanding and in force to a greater number than one (1) for each one thousand (1000) people within the corporate limits of the City of Wood Heights, Missouri, or major fraction

Section 4.1.1 Amend Ord. 388 (Ord. 459)

ORDINANCE NO. 459

AN ORDINANCE AMENDING ORDINANCE NUMBER 388 OF THE CITY OF WOOD HEIGHTS, MISSOURI, BY REPEALING SECTIONS 18 AND 19 THEREOF, AND IN LIEU THEREOF ENACTING NEW SECTIONS 18 AND 19.

SECTION 1: Ordinance Number 388 of the ordinances of the city of Wood Heights, Missouri, is hereby amended by repealing Sections 18 and 19 thereof, and in lieu of said sections two new sections, also designated Section 18 and Section 19, are hereby enacted as follows:

Section 18: Purchase or Possession by Minors; Sale or Supply to Minors

A. It shall be unlawful for any person under the age of twenty-one years to purchase or attempt to purchase, or have in his or her possession any intoxicating liquor, malt liquor, beer or non-intoxicating beer.

B. It shall be unlawful for any person to sell, vend, give away or otherwise supply an intoxicating liquor, malt liquor, beer, or non-intoxicating beer in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whosoever except his or her parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor, malt liquor, beer, or non-intoxicating beer to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to be a habitual drunkard, shall be guilty of a misdemeanor; provided, however, that this provision shall not apply to the supplying of intoxicating liquor, malt liquor, beer, or non-intoxicating beer to a person under the age of twenty-one years for medical purposes only, or to the administering of said intoxicating liquor, malt liquor, beer, or non-intoxicating beer to any person by a duly licensed physician.

Section 19: Sale, Possession, Consumption of Intoxicating Liquor and/or Non-intoxicating beer prohibited under Certain Circumstances

A. It shall be unlawful for any person to sell, offer for sale, give away, drink, consume, or expose to view (except in the original package properly wrapped) intoxicating liquor, malt liquor, beer, non-intoxicating beer, or any alcoholic beverage of any kind whatsoever, in or upon any public street, boulevard, avenue, alley or in any public conveyance, or in any automobile, truck or any motor vehicle, wagon, buggy or carriage in the city of Wood Heights, Missouri.

B. It shall be unlawful for any person in the city of Wood Heights, Missouri, to enter any school house, church house, city hall, city building, city park, or upon any property owned by the city of Wood Heights, Missouri, or to enter any place where there is an assemblage of people, met for a lawful purpose, in a drunken or intoxicated and disorderly condition.

C. It shall be unlawful for any person to drink or offer to drink any intoxicating liquor, malt liquor, beer, or non-intoxicating beer in the presence of any assembly of people, or at any school house, church house, city hall, city building, city park, or any property owned by the city of Wood Heights, Missouri.

SECTION 2: This ordinance shall be in full force and effect from and after the date of its passage and approval.

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Section 5 Building permit

Section 5.1 Building permit (Ord. 060627-1)

BILL NO. 060627-1 ORDINANCE NO: 060627-1

AN ORDINANCE OF THE CITY OF WOOD HEIGHTS, MISSOURI, TO AMEND SECTIONS OF ORDINANCE 020112-1

WHEREAS, ORDINANCE 020112-1 SECTION 3(A) PRESCRIBES PROCEDURES FOR BUILDING PERMITS AND SETTING INSPECTIONS FEES IN RELATIONS TO BUILDING PERMITS ISSUED.

Be it ordained by the Board of Alderman for the City of Wood Heights, Ray County, Missouri, as follows:

1. BUILDING Inspections (Exhibit A) Outbuilding – No Utilities at present reads as follows:

> "Building permits ($30) issued for structures without utilities may require no sections upon completion. If an inspection is required, a $50.00 fee will be assessed".

Shall be amended to read:

> "Building permits ($30) issued for 12'x12' structures, regardless of foundation, without utilities may require no sections upon completion. If an inspection is required, a $50.00 fee will be assessed".

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Read two times and passed by the board of alderman, and approved by the mayor this 11th day of July, 2006.

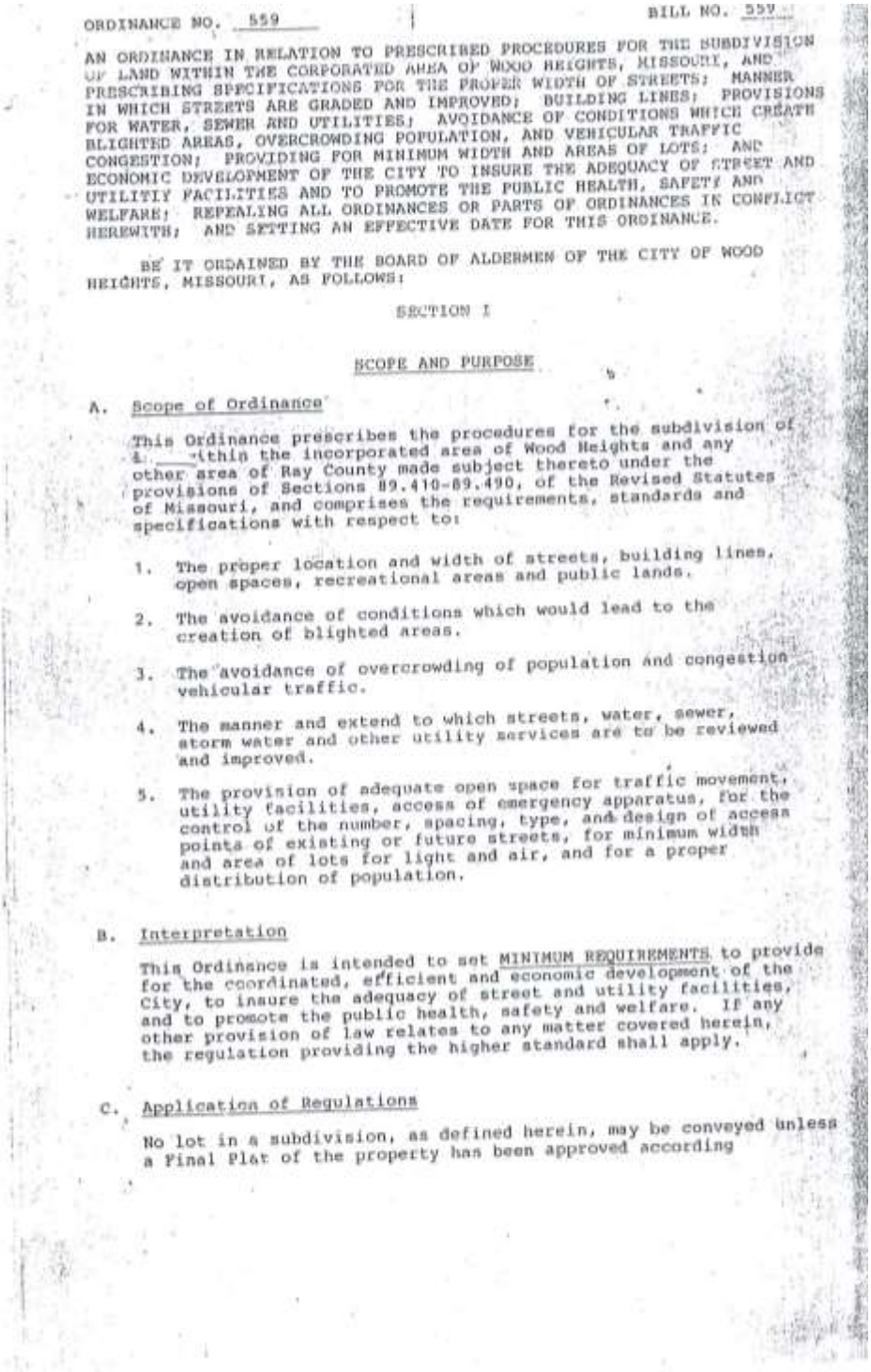
Mayor

Attest:

City Clerk

Section 6 Other

Section 6.1 Land procedures (Ord. 559)



ORDINANCE NO. 559 BILL NO. 559

AN ORDINANCE IN RELATION TO PRESCRIBED PROCEDURES FOR THE SUBDIVISION OF LAND WITHIN THE CORPORATED AREA OF WOOD HEIGHTS, MISSOURI, AND PRESCRIBING SPECIFICATIONS FOR THE PROPER WIDTH OF STREETS; MANNER IN WHICH STREETS ARE GRADED AND IMPROVED; BUILDING LINES; PROVISIONS FOR WATER, SEWER AND UTILITIES; AVOIDANCE OF CONDITIONS WHICH CREATE BLIGHTED AREAS, OVERCROWDING POPULATION, AND VEHICULAR TRAFFIC CONGESTION; PROVIDING FOR MINIMUM WIDTH AND AREAS OF LOTS; AND ECONOMIC DEVELOPMENT OF THE CITY TO INSURE THE ADEQUACY OF STREET AND UTILITIY FACILITIES AND TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

SCOPE AND PURPOSE

A. Scope of Ordinance

This Ordinance prescribes the procedures for the subdivision of [illegible]thin the incorporated area of Wood Heights and any other area of Ray County made subject thereto under the provisions of Sections 89.410-89.490, of the Revised Statutes of Missouri, and comprises the requirements, standards and specifications with respect to:

1. The proper location and width of streets, building lines, open spaces, recreational areas and public lands.
2. The avoidance of conditions which would lead to the creation of blighted areas.
3. The avoidance of overcrowding of population and congestion vehicular traffic.
4. The manner and extend to which streets, water, sewer, storm water and other utility services are to be reviewed and improved.
5. The provision of adequate open space for traffic movement, utility facilities, access of emergency apparatus, for the control of the number, spacing, type, and design of access points of existing or future streets, for minimum width and area of lots for light and air, and for a proper distribution of population.

B. Interpretation

This Ordinance is intended to set MINIMUM REQUIREMENTS to provide for the coordinated, efficient and economic development of the City, to insure the adequacy of street and utility facilities, and to promote the public health, safety and welfare. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

C. Application of Regulations

No lot in a subdivision, as defined herein, may be conveyed unless a Final Plat of the property has been approved according

to the requirements and provisions of this Ordinance. This is supplemental to and not in derrogation of the Revised Statutes of Missouri. Any plat of a subdivision of land in the incorporated areas of the City which has not been recorded in the Office of the Recorder of Deeds and which has not been accepted and approved, as herein provided, shall not be considered as a plat of any lawful subdivision. All plats shall be recorded in the Plat Book of Ray County, Missouri, according to requirements contained in Revised Statutes of Missouri.

D. Suitability of Land for Subdivision Development

Land unsuitable for subdivision development due to poor drainage, flooding, steep slope, extensive rock formation, lack of sanitary facilities, or any other conditions and prima facie constituting a danger to health, life or property shall not be approved for subdivision development unless the Subdivider presents evidence or data satisfactory to the Commission establishing that the methods proposed to meet any such condition are adequate to avoid any danger to health, life or property.

SECTION II

DEFINITIONS

A. General Statement

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory; the word "may" is permissive.

B. Definitions

For the purpose of this Ordinance, the terms used herein are defined as follows:

Alley: A permanent serviceway, dedicated to public use primarily for utility or vehicular service access to the rear or side of properties otherwise abutting on a street.

Barrier: (Natural or Artificial). Any street, highway, river, pond, canal, railroad, levee, embankment or screening by a fence or hedge.

Block: An area of land entirely bounded by streets, highways or ways, except alleys, pedestrian ways, or exterior boundaries of a subdivision unless such exterior boundary is a street, highway or way, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulk headlines or shorelines or waterways, or corporate boundary lines.

Building: Any structure, whether temporary, semi-permanent or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

Building Line: (See setback line).

Campground or Travel Trailer Park: Any plot of ground upon which a camper or travel trailer is located regardless of whether or not a charge is made for such accommodation. However, such definition shall not include storage of one personal camper or travel trailer upon the property of the owner.

City: As hereinafter referred shall mean Wood Heights, Missouri.

Commission: planning and Zoning Commission of Wood Heights, Missouri.

Comprehensive Plan: The plan or any portion thereof, adopted by the Commission for the coordinated physical development of Wood Heights including, among other things, plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings, schools, parks, forests, wildlife refuges, dams and projects affecting the conservation of natural resources.

Cul-De-Sac: A short street, having only one end open for vehicular traffic, and the other permanently terminated by a full turn around for vehicles.

Design: The arrangement of land for easements, lots and rights-of-way including materials, alignment, grade and width of these elements.

Easement: A grant by the property owner to a person, corporation or the public of the right to the use of designated land area for the specified purposes.

Flood Hazard Area: All land subject to periodic inundation from overflow of natural waterways when subjected to the maximum possible run-off from three (3") inches of rain per hour as calculated by approved engineering methods.

Hillside Area: An area with an average slope of twenty (20%) percent or more, and a cross slope from twenty (20%) percent to forty (40%) percent.

Hillside Street: A street in which the cross slope of the existing ground exceeds fifteen (15%) percent and the center-line slope exceeds fifteen (15%) percent.

Improvements: Refers to such street work, street light signs, and utilities, including water, sewer, electric, gas and storm water, to be installed or agreed to be installed, in total or in part, by the Subdivider on land to be used for public or private streets and easements, as are necessary for the general use of lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the Final Map thereof.

Improvement Plans: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed, both in or in conjunction with the plat.

Lot: A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

Lot Area: The total horizontal area within the boundaries of a lot, exclusive of any land designated for roadway purposes.

lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

Master Plan: The "comprehensive plan" made and adopted by the Planning Commission.

Mobile Home (Trailer): Any vehicle or structure so designed and constructed in such manner as will permit permanent occupancy thereof as living and sleeping quarters for one (1) or more persons, or the conduct of any business or profession, occupation or trade, or use as a selling or advertising device, and so designed that it is or may be mounted on wheels and conveyed on highways or streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

Note: A camper or travel trailer is defined as a vehicle or structure designed and constructed in such manner as will permit temporary occupancy as living and sleeping quarters as is primarily required during camping or vacation travels. Such facility has identical characteristics to a Mobile Home in that it can be conveyed on the streets, however, in no way is it intended to become a residence.

Mobile Home, Dependent: A mobile home which does not have a flush toilet and a bath or shower.

Mobile Home, Independent: A mobile home which has a flush toilet and a bath or shower.

Mobile Home Park: (Trailer Park). Any area, tract, site or plot of ground on which a mobile home occupied for dwelling or sleeping purposes is located or intended to be located regardless of whether or not a charge is made for such accommodation. Such definition includes all buildings used or intended to be used as a part of the equipment or facilities thereof.

Mobile Home Space: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Net Area: The entire area within the boundary lines of the site, less the area of any street right of way.

Parking Bay (or Parking Space): An area set aside, either on an individual lot or on any other portion of a subdivision, which is reserved for vehicular parking.

Parking Lane: An auxiliary lane of a roadway, used primarily for vehicular parking.

Plat: See Subdivision.

Pedestrian Way: A right of way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Person: Any individual, firm, association, partnership, or corporation.

Recreation or Playground Center: A usable parcel of land suitably drained, free of stagnant pools of water, with sufficient soil to support the growth of plant material and containing a variety of recreational facilities.

Roadbed: The graded portion of a street, upon which the base course, surface course, shoulders and medium are constructed.

Roadway: The portion of a street, including shoulders, for vehicular usage.

Setback Line: The line generally parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

Street: A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right of way; it shall also include such other designation for a street as: a highway, thoroughfare, parkway, thoroughway, road, pike, avenue, boulevard, lane, place, drive, court or as otherwise designated, but excluding an alley or a way for pedestrian use only.

Street Classifications:

Highways: A street or road of great continuity with either a single roadway or a dual roadway which serves or is intended to serve major traffic flow and is designated in the Master Plan or is otherwise designated as a limited access highway or freeway, highway boulevard, parkway or other equivalent term to identify those streets comprising the basic street system.

Thoroughfares: A street or road of considerable continuity which serves or is intended to serve principal traffic flow between separated areas or districts and which is the main means of access to the residential street or roadway system.

Street, Collector: A street which carries or is proposed to carry intermediate volumes of traffic from minor streets to major streets, and which may or may not be continued.

Street, Minor: A street of limited continuity used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

Slope: "Slope" means the degree of natural inclination of the existing ground which is used as the basis for determining the hillsides.

Structure: Anything constructed, which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground.

Subdivider: "Subdivider" means any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined. The term "subdivider" shall include any agent of any subdivider.

Subdivision: The division of land into two (2) or more lots or parcels for the purpose of either immediate or future sale, rental or building development. Excluded from this definition is: The division of land for agricultural purposes; division of land for cemetery usage; division and distribution of land pursuant to law or court order; and the conveyance of any tract of land constituting either one-half, one-fourth, one-eighth or one-sixteenth section of land as defined in

Section 60.210, 220, 230, 240 of R.S.Mo. The term "subdivision" shall also include all resubdivisions of land or lots.

Subdivision, Minor: A division of land into two (2) but not more than four (4) lots; a division of land in which each parcel is two (2) acres or more in area the subdivision of land held by a bona fide partnership in existence for two or more years upon dissolution thereof; a division of land among the immediate members of a family for personal use which does not include any new streets, improvements, easements, or rights of way.

Traveled Way: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Units: An area within a trailer or mobile home park, court or camp of not less than two thousand (2000) square feet of unoccupied space designated for the exclusive use of not more than one (1) automobile and one (1) trailer or mobile home.

Yard: Any open space located on the same lot with a building or structure, unoccupied and unobstructed from the ground up, except for any accessory buildings or projections as are permitted on the lot.

Yard, Front: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the front building line.

Yard, Rear: A yard extending along the rear of a lot between the side yard lines and being the minimum horizontal distance between the rear lot line and the rear building line.

Yard, Side: A yard extending along each side of a lot between the front yard line and the rear yard line and being the minimum horizontal distance between the side lot line and the side building line.

SECTION III

PRELIMINARY PLAT

A. Advisory Meeting with Commission and Other Agencies

Prior to the preparation of the Preliminary Plat, the Subdivider shall consult with the staff of the Health Department (State Division of Health, State Water Pollution Board), Zoning Administrator and the Commission, in order to familiarize himself with the standards established in these Regulations and the provisions of the Comprehensive Plan affecting the land proposed to be divided.

B. Procedure

The Subdivider, after the advisory meetings may then request the Commission to review his Preliminary Plat. Application forms may be obtained from the Zoning Administrator and after completing the required information, the subdivider may file the application, together with

sufficient copies, and a reproducible copy of the preliminary plat. The sheet size shall be limited to 18" x 26", unless extreme conditions require a larger size to clearly delineate the proposed subdivision. The application shall be accompanied by the fee hereinafter specified. The Plat shall be reviewed by the Commission at its first (1st) meeting following the expiration of fifteen (15) days after the filing of all of the material required in this Section. A person seeking to subdivide land as a "Minor Subdivision" shall file a written statement with the Commission indicating the nature of the transaction. If it is determined that such transaction qualifies as a "Minor Subdivision", the Subdivider may not be required to file the Preliminary Plat data and may proceed with the preparation of a Final Plat, as prescribed herein.

Upon the filing of the Preliminary Plat data, the Zoning Administrator shall transmit copies thereof, for review and recommendation to the Planning and Zoning Commission.

C. Information Required on Preliminary Plat

The Preliminary Plat shall be drawn to a horizontal scale of not greater than two hundred (200') feet to the inch and shall contain the following information:

1. The name of the proposed subdivision and the legal boundary description of the property to be subdivided.

2. The names and addresses of the owner, subdivider, surveyor landscape architect, engineer and any others who may have prepared the plat.

3. The location of all existing monuments of record.

4. The gross and net acreage of the proposed subdivision; the acreage of streets; and of any areas reserved for the common use of the property owners within the subdivision.

5. The boundary lines of the proposed subdivision, and their bearing and distances, with ties to existing section corners and/or corners or points of legally recorded Subdivisions of record within the corporate limits of the City.

6. All section lines, U.S. Survey and township lines, lines of incorporated areas, sewer districts, public water supply and drainage districts, school districts and all other legally established districts.

7. The location, purpose, type and dimension of all streets and easements, existing and/or platted in, and in the immediate adjacent bordering area(s) or subdivisions, of the proposed subdivision, the location of all existing underground utility installations in the proposed subdivision.

8. The proposed location and approximate dimensions of all lots, building lines, easements and improvements thereon and the proposed use of the lots.

9. The areas within the proposed subdivision subject to inundation or storm water overflow, the subsurface conditions of the property, including the results of

any tests made to ascertain subsurface rock, soil and ground water, and the results of soil percolation tests, if individual septic tanks are proposed.

D. Supplemental Information Required with Preliminary Plat

The Subdivider shall file with the Preliminary Plat the following:

1. Preliminary plans and profiles shall be submitted (vertical scale of no greater than twenty (20') feet to the inch) for: Each proposed street (including grade, width and type of pavement), storm water drainage, grading and other improvements being proposed. (Preliminary improvement plans for water and sewage disposal systems shall be included as approved).

2. Whenever part of a tract is proposed to be subdivided and additional portions thereof to be subdivided in the future, a sketch plan of the entire tract shall be submitted.

3. If street lighting is proposed, a map showing the arrangement thereof.

4. All maps shall show the date, scale and north point. Each individual sheet shall be identified with its proper numerical sequence.

5. Any proposed Indenture of Restrictions, providing for the establishment of a governing body of the property owners.

E. Review of the Preliminary Plat

Within thirty (30) days after submission of all of the date hereinabove required, the Commission shall review and make a report thereon. It shall approve (with or without conditions), or disapprove the Preliminary Plat, including the plans and profiles of all improvements. Action shall be noted on two (2) or more copies of the Preliminary Plat and signed by the Chairman of the Commission. One (1) copy shall be returned to the Subdivider, and one (1) copy retained by the Commission for record. Approval of the Preliminary Plat shall lapse unless a Final Plat of all or a portion of the land included in the preliminary plat is submitted to the Commission within one (1) year from the date of the approval of the Preliminary Plat. A maximum of two (2) year extension of time may be granted by the Commission, upon application to the Commission, by the Subdivider and prior to the expiration of the initial approval.

F. Approved Preliminary Plat

Approval of the Preliminary Plat is an authorization to the Subdivider to proceed with the development of a Final plat for approval.

SECTION IV

MINIMUM STANDARDS OF DESIGN

No preliminary subdivision plat shall be approved unless it conforms to the following minimum standards of design.

A. Streets

1. Relation to Adjoining Streets

The arrangement of rights of way in a subdivision shall provide for the continuation of the existing streets or rights of way in adjoining areas, unless the Commission deems such continuation undesirable for reasons of topography or design. Where subdivision streets or rights of way are continuations or extensions of existing streets or rights of way, the width thereof, where practical, shall be at the same or greater width or width sufficient to adequately serve the subdivision of the existing street or right of way, except that in no case shall the street or right of way in the subdivision be of less width than hereinafter provided in Section IV, Sub-Section 3.

2. Projection of Streets

Where, in the opinion of the Commission, it is desirable to provide future street access to adjoining areas, the streets and rights of way in the subdivision shall be extended by the provision of a right of way for street purposes from the end of the pavement to the property line of the subdivision. If deemed necessary by the Commission, any such dead-end street shall be provided with a temporary turn-around or "Y" intersection. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. However, except to avoid landlocking property, nothing herein shall be construed to require that private streets in one subdivision shall provide access to adjacent lands.

3. Classification of streets and Widths of Rights of Way

a. All streets shall be classified as either thoroughfare, collector, or minor, in accordance with their use and function, the standards of public safety, and topographic conditions. The classification of each street designated on a plat shall be reviewed by the Commission and revised as necessary to conform with the standards of these Regulations.

b. Streets shall have the following rights of way.

Street Type and Purpose	Right of Way Minimum Width
Thoroughfares, (Major Streets)	60 feet
Collector Streets and	50 feet
Minor Streets	20 feet
Alleys	

c. The surfaced area of any street shall not be less than 28 feet, measured from back of curb to back of curb.

d. Subdivision adjacent to existing deficient streets or roads shall provide additional right of way, to meet the minimum width requirements set forth.

a. A subdivision located on only one (1) side of an existing street or County Road shall provide one-half (½) of the required right of way width, measured from the center line of the existing roadway.

4. Intersections

a. Streets shall intersect, as nearly as possible at right angles.

b. Street curb intersections shall be rounded by radii of at least twenty-five feet (25'). When the smallest angle of street intersections is less than sixty degrees (60°), the Commission shall require curb radii of greater length.

5. Curves and Grade Changes in Streets - Horizontal

a. A tangent of at least one hundred feet (100') long shall be introduced between reversed curves on major and collector streets.

b. Where there is a deflection angle of more than ten degrees (10°) in the alignment of a street, not including intersection with any street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves shall be:

Street Types	Minimum Curve Radius
Thoroughfare	350 feet
Collector	250 feet
Minor	100 feet

6. Street Grades, Elevation and Construction

a. No street grade shall be in excess of: Thoroughfare, 7%; Collector, 10%; Minor, 12%; except as otherwise approved by the Commission because of adverse topographic conditions.

b. All curbing shall be of concrete construction and shall be 24 inch lazy back type curbing, measuring twelve (12) inches on the back side and six (6) inches on the front side. For minor subdivisions, see Section IV, Paragraph G hereof.

c. All streets shall be composed of concrete or asphaltic concrete constructed in accordance with all current and applicable American Public Works Association (APWA) standards relating thereto which are incorporated herein by reference.

d. The Commission shall not approve streets which will be subject to frequent or repeated inundation or flooding.

7. Street Jogs

Street jogs with centerline offsets of less than one hundred feet (100') are prohibited.

8. Cul-De-Sacs

Cul-de-sacs shall be no longer than six hundred feet (600') (unless topography indicates a need for a greater length), and shall terminate in a circular open space having a radius at the outside of the pavement of at least fifty feet (50') and a diameter at the outside of the right of way of at least one hundred feet (100').

9. Street Names

a. Proposed streets which are continuations of, or in alignment with, existing named streets shall bear the names of such existing streets, unless otherwise approved by the Commission.

b. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing or platted street.

c. All names of streets proposed by the Subdivider shall be approved or disapproved by the Commission in accordance with this Resolution.

10. Alleys

Alleys may be provided to give access to the rear of all lots used for commercial and industrial purposes. Alleys shall not be provided in residential subdivisions.

B. Blocks:

1. Length

Block lengths may not exceed one thousand four hundred feet (1,400') nor less than four hundred feet (400') unless topographic conditions justify a departure from this maximum.

2. Width

Blocks shall be wide enough to allow two (2) tiers of lots of minimum lot depth. The Commission may approve double frontage lots which would otherwise front on a thoroughfare or where topographic or other tract conditions prevent single frontage design. Where double frontage lots are permitted, a twenty foot landscaped buffer shall be provided and access from the "rear" street prohibited.

3. Pedestrian Way

Pedestrian ways may be required across blocks which exceed nine hundred feet (900') in length, to connect dead-end streets, or to provide access to parks, schools, shopping areas of similar facilities. If a pedestrian way is required, a ten (10') foot right of way shall be set aside with a four foot (4') pavement, and at a grade no steeper than fifteen percent (15%), unless steps of adequate design are provided.

C. Lots

1. Frontage - Minimum Width

The minimum width of a residential lot shall be sixty (60) feet at the front set back line.

2. Arrangement

Each lot shall be free from flooding. No lot shall be impractical of improvement due to steepness of terrain, dangerous soil conditions or other adverse natural physical conditions. Side lot lines shall be at right angles to street lines and radial to curved street lines, unless deemed impracticable.

3. Dimensions

a. The size, shape and orientation of lots shall be designed to provide desirable building sites, properly related to topography, natural features, streets and land uses.

b. Residential lots not served by a sewage disposal system shall have a lot area of not less than twenty one thousand seven hundred and eighty (21,780) square feet, or such area as may be determined to be necessary by the Commission.

c. Residential lots served by the City sewage disposal system shall have a lot area of not less than seven thousand (7,000) square feet.

d. The minimum lot area of residential lots proposed to be served by individual private wells shall be as determined by the Health Department, in accordance with the factors of soil conditions, and the proposed sewage disposal system.

e. Remnants of land, containing less area than herein required and not designated and accepted for utility or public purposes, shall not be permitted.

f. Where property is proposed for development for commercial uses, the subdivider should design a layout providing for an overall or unified development, and wherever possible, avoid the platting of individual lots for each business establishment.

g. When property is to be developed for industrial uses, consideration will be given to a flexible lot, street and utility arrangement in order to allow for the needs of particular industries.

h. All lots shall have a minimum set back line of twenty-five (25) feet from the front of the lot line and a minimum of twenty-five (25) feet from the rear of the lot line, except for minor subdivisions, as set forth in Section IV, paragraph G hereof.

i. All lots shall have a minimum side yard of seven (7) feet, except for corner lots which shall have minimum side yards of twenty-five (25) feet, and except for minor subdivisions, as set forth in Section IV, paragraph G hereof.

j. The total first floor living area of all single-family dwelling units shall not be less than eight hundred (800) square feet.

k. Two off-street parking spaces shall be provided for each single-family dwelling, at least one of which shall be in a garage.

D. Utility and Drainage Easements

1. Except where alleys are permitted, there shall be utility easements at least twelve feet (12') in width along front lot lines and 12' in back where the lots back up and 20' where single tier of lots. Where deemed appropriate, utility easements may be provided along the side lot line or across lots.

2. Storm easements and drainage rights of way may be required as deemed necessary. The subdivider shall provide an adequate easement and facilities to prevent flooding or erosion along each side of the stream. This easement shall be for any flood abatement purpose as determined by the Commission and any local or state agencies so concerned. The Subdivider may be required to enlarge, straighten or clear the existing drainage channel at time of construction.

3. All installations of water meters and water service lines must meet the following requirements, to-wit:

   (a) All water meters are to be installed in a manhole below freezing level and must be installed in that part of the lot designated for utility easements.

   (b) The water meter must be installed at the same time the water main is tapped and the manhole is installed.

   (c) All pipe, valves, fittings, labor and cost of installation of water main extensions, lines, attachments and hook-ups must be paid for by the person, firm or corporation causing said installation to be made and shall not be paid for by the city, even though a hookup or attachment permit may be in effect at the time of said installation, hook-up or attachment.

   (d) All water main extensions, hook-ups or attachments must be inspected and approved by the City prior to being covered or placed in use.

   (e) All water mains shall be a minimum of 4" in diameter and be steel or plastic pipe with a minimum of 160 per square inch.

   (f) All water service lines must be 3/4 inch I.D. copper or 3/4 inch I.D. galvanized steel or 3/4 inch I.D. plastic pipe with a 250 per square inch test.

E. Community Assets

Due regard shall be given to natural features such as large trees, unusual rock formations and water courses; for sites which have historical significance; and for similar assets, the preservation of which would add attractiveness and value to the subdivision.

F. Pulic Open Spaces and Areas

Sites which are mutually accepted by the subdivider and the appropriate public agencies for school, park, recreation, or other public improvements shall be reserved and designated for such uses on the plat of any subdivision in which such a parcel is located.

G. The information required on the Final Plat and the improvements to be installed for a Minor Subdivision shall be as designated by the Commission. The following minimum requirements shall be applicable, to-wit:

6. Location and description of monuments, referenced to United States Geological Survey Datum Plan.

7. The designation of all areas to be used for other than residential lots and their proposed use.

8. If the property is within or adjacent to areas subject to periodic inundation note overflow areas subject to periodic flooding.

9. Certification and seal of surveyor as to accuracy of survey and plat.

10. Acknowledgement of the owner and mortgagee regarding plat and all dedications, restrictions and conditions affecting property platted.

All documents, maps, surveys and plans shall contain the date, title, name and location of the subdivision, the names and addresses of the Subdivider, Owner, Landscape Architect, Surveyor and Engineer, the graphic scale and true north line.

All dimensions, angles, bearings and similar data shall be tied to primary control points designated by a registered surveyor. Locations and descriptions of said control points shall be given. Except where otherwise approved by the Commission, the control points shall be established section corners and quarter section corners. All contours, grades and elevations shall use the United States Geological Survey Datum Plan and shall be designated on the Plat.

C. Supplemental Information Required with Final Plat

The Subdivider shall file with the Final Plat the following:

1. Copies of the approved plans and profiles of all subdivision improvements, such as streets, sewers, storm drains and structures, including grading plans, if required.

2. A copy of any Indenture of Restrictions.

D. Review of Final Plat

The Zoning Administrator shall check the plat to determine the accuracy of computations and other items designated thereon. At its first regular meeting (not less than 10 days nor more than 30 days following submission) following submission of the Final Plat and supplemental data, the Commission shall approve or disapprove same, which action shall be noted on the Plat and signed by the Chairman of the Commission. If the Plat is disapproved, the grounds therefor shall be stated in the Commission minutes and furnished to the Subdivider.

Approval of the Plat by the Commission shall not constitute acceptance of any portion thereof designated for public use. Copies of any Final Plat containing any area proposed to be dedicated to public use shall be forwarded by the Commission to the Board of Aldermen for its consideration and action. When the Final Plat has been approved by the Commission. A permanent record copy of the Plat and any Indenture of Restrictions shall be filed with the City Clerk by the Commission. Recordation shall not take place until after appropriate fees are paid by the Subdivider. No building permits shall be issued until such recordation.

SECTION VI

VARIANCES

A. General Standards

The Commission may grant a variation from this Resolution when its strict application would result in extreme practical difficulties and undue hardships by reason of the unusual shape of a specific parcel or property or exceptional topographic conditions. In granting any variance or modification, the Commission may prescribe such conditions as will secure the objectives of this Resolution. No variance shall be granted unless the Commission finds that no detriment will be caused to the public welfare and no injury will be caused to other property in the area in which the property for which the variance is requested is situated, and that the variance will not substantially impair the intent and purpose of this Resolution.

B. Planned Group Developments

The Commission may approve a Comprehensive, Planned Group Development, including Residential Neighborhood Units, Clusters and Condominium types, if it finds that the variations from this Resolution will not adversely affect the health, welfare, safety and convenience of the individuals occupying said development. Such development plan must meet the requirements of the Zoning Regulations.

SECTION VII

REQUIRED IMPROVEMENTS

The following improvements shall be required of the subdivider in regular subdivisions:

A. Streets

The Subdivider shall install not less than 30 foot wide pavement and curb on all streets. No grading or other construction shall take place within a street right-of-way until the construction plans have been approved by the City Engineer. Street paving shall be located in the center of the right-of-way and shall conform to the specifications of the City and compliance therewith shall be confirmed by the City Engineer.

B. Walks

Sidewalks shall not be required except in commercial and industrial areas. Such walks to be approved by the Commission.

C. Storm Drainage

The Subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches and other improvements to adequately handle storm water. All improvements shall comply with the minimum standards of the City and shall be approved by the City Engineer prior to construction.

D. Sanitary Sewers and Other Utilities

a. The Subdivider shall be responsible for the proper installation of all utilities including sanitary sewers,

and connection to approved treatment facilities, and water supply (approved by the Missouri Board of Health), natural gas, electricity, and telephone service. Such utilities shall be installed according to the specifications and minimum standards of the controlling utility company or public agency. However, distribution lines, power, telephone, and others shall be installed underground and all gas meters must be located within three (3) feet of the building foundation if located within front yards in all subdivisions and which the final plat is approved by the Commission after the passage of these regulations.

b. All houses requiring self contained sewage systems shall meet the following minimum requirements, to-wit:

1. All filter beds must have at least 100 square feet per bedroom.

2. All filter beds must have at least a 4 inch diameter p.v.c. drain line.

3. The minimum size of the septic tank shall be no less than 800 gallons in size.

E. Street Signs:

The Subdivider shall install street signs at all intersections within the subdivision. Such street signs shall follow the street names designated on the approved final plat and shall comply with the specifications of the City.

F. Fire Hydrants:

Fire hydrants shall be installed by the Subdivider as part of the water distribution system. Installation of hydrants may be accomplished in such manner that each lot is within seven hundred (700) feet of a fire hydrant when measured along the edge of the right-of-way, using a 4 inch main. In minor subdivisions fire hydrants shall be 1200 feet a part.

SECTION VIII

IMPROVEMENTS SURETY

The proper installation of street pavement, curbs or curb and gutter, storm drainage facilities, and street signs shall be guaranteed by the furnishing by the Subdivider or his agent of surety in the form of bond. Such surety shall be to the favor of the City and shall be satisfactory at the time construction plans are submitted for approval. The amount of surety shall be for the full cost of improvements.

Such surety shall be properly executed prior to any grading or construction and shall be released in segments upon written approval of the City Engineer and by action of the Administrator. Except in the case of highways or thoroughfares, a building permit shall not be issued for a lot or tract in a residential subdivision which abuts a street for which surety has not been furnished.

SECTION IX

FEES

A. Filing Fees

Upon the filing of a Preliminary Plat of a subdivision or any portion thereof, the subdivider shall pay a filing fee of Ten Dollars ($10.00). Upon the filing of a Final Plat of the subdivision of any portion thereof, the subdivider shall pay a filing fee of Ten Dollars ($10.00). The fees shall be used to defray the cost of processing and reviewing such plans.

B. Construction Permit Fees

Prior to the installation of any and all subdivision improvements or facilities, the Subdivider shall obtain from the Zoning Administrator a Construction Permit. This permit authorizes the construction of only those subdivision improvements or facilities for which final plans have been submitted and formally approved. The charge for said permit shall be a maximum of Twenty Five Dollars ($25.00). Said payment shall be used to defray the cost of inspection of said improvements during the construction period.

In lieu of the above inspection fee, the Planning Commission may accept from a Registered Professional Engineer, a Certificate, which is affixed to the Final Plat, certifying that the Engineer has inspected all of the improvements installed and that the material contained therein meets the requirements contained in the plans and specifications as approved by the Commission.

SECTION X

EVENT OF INVALID PORTIONS

If any section, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION XI

PENALTY

Any person violating the provisions of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or confined in the county jail for not more than one year, or both.

SECTION XII

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

The ordinance shall take effect and be in full force from and after its date of passage and approval.

READ TWO TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS 7th DAY OF June, 1992.

MAYOR

ATTEST:

CITY CLERK

Section 6.2 Garage sales (Ord. 9907-2)

Ordinance No. 9907-2

An ordinance establishing Garage Sale Regulations within the City limits of Wood Heights, Ray County, Missouri, establishing permit fees and penalties.

Section 1.

Definitions:
Garage Sale: A public sale of good commonly known or referred to as a garage sale, patio or porch sale, yard sale, attic sale, rummage sale, or any other similar sale.

Goods: Includes any goods, wares, merchandise, articles or other personal property.

Person: Any person, firm partnership, association, corporation, company, or organization of any kind.

Section 2.

No person shall advertise, conduct, carry on or permit more than two garage sales upon the grounds of or within any dwelling within the city within any calendar year.

Section 3.

No person shall conduct, carry on or permit a garage sale to last more than three days.

Section 4.

No person shall conduct, permit or carry on a garage sale between 8:00pm and 7:00am.

Section 5.

No person shall erect, place, post or mark any sign advertising a garage sale on any public property, including street signs and posts, traffic signs or posts, or any public utility pole. Any sign erected, placed, posted or marked, advertising such garage sale shall be placed no longer than one day before the sale and shall be removed on or before the last day of such sale. The person responsible for conducting such garage sale shall be responsible for removing any such sign.

Section 6.

No person shall display, or permit to be displayed, any goods offered for sale at a garage sale on any public street or right-of-way.

Section 7.

A permit shall be required for all garage sales within the corporate city limits. Permits shall be issued at no cost to the resident.

Section 8.

Any person, firm, partnership, association, corporation, company, or organization found to be guilty of violating this ordinance shall be fined no more than $500.00, nor more than ninety days imprisonment or both.

Read two times and passed this 7th day of Sept, 1999.

Mayor

Attest:

Chapter 6: Other

Section 1 Emergencies

Section 1.1 Civil defense (Ord. 9)

State of Missouri
CIVIL DEFENSE AGENCY
Jefferson City

Ordinance No. 9

Mo. CDA Circular
No. 35-2 Revised

March 25, 1960

SUGGESTED CITY ORDINANCE
RELATING TO CIVIL DEFENSE

AN ORDINANCE Relating to Local Civil Defense

BE IT ORDAINED by the council of the city of Woods Heights that:

Section 1. (Establishment) There is hereby created the local municipal organization for the preparation and the carrying out of all the emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack in accordance with "The Missouri Civil Defense Act of 1959."

This organization shall consist of a Director and other additional members to be selected by the Director in order to conform to the state organization and procedures for the conduct of emergency operations as outlined in the Missouri Survival Plan.

Section 2. (Director) A Director of the municipal organization for the conduct of emergency operations may be appointed by the mayor and shall serve until removed by the same.

The Director shall have such responsibilities for the organization, administration, and operation of this organization as is delegated by the chief executive officer subject to the direction and control of the (mayor) (city manager) (city council) as provided by statute.

Chief executive officer shall be defined for purposes of this act to mean the mayor, city manager, or other official appointed by the city council or elected by the public to administer the city government and its operations.

Section 3. (Functions) The municipal organization shall perform such Civil Defense functions within the municipality as shall be prescribed in and by the State Civil Defense plan and program prepared by the Governor, and such orders, rules, and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided by the "Missouri Civil Defense Act of 1959" or the State Survival Plan.

Section 4. Appoint, provide, without compensation, or remove any personnel needed by the organization for the proper function of its duties.

The Director shall form mobile support units as provided for in the Missouri Civil Defense Act of 1959 and the State Survival Plan and shall designate the leaders thereof.

Section 10. (Oath) Every person appointed to serve in any capacity in the municipal Civil Defense organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Director:

"I,_____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the constitution of the United States and the constitution of the State of Missouri, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am bout to enter. And I do further swear (or affirm) that I do not advocate, no. am I, nor have I been, a member of any political party or organization that advocates the overthrow of the Government of the United States or this State by force or violence; and that during such time as I am affiliated with the municipal Civil Defense 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 11. (Office) The mayor, city manager or city council, is authorized to designate space in any municipally owned or leased building for the municipal Civil Defense organization as its office.

Section 12. This ordinance shall be in force from and after its passage and approval, as provided by law.

Passed this ninth (9) day of January, 1961

Approved this _____ day of _____, 19__

_____, MAYOR

Attest: Mary Beth Essig
Clerk

Dean Lupkey
Director

Distribution D

Section 1.2 Disaster preparedness (Ord. 254)

BILL NUMBER 254

ORDINANCE NUMBER 254

AN ORDINANCE RELATING TO LOCAL DISASTER PREPAREDNESS

Be it ordained by the Board of Trustees of the Village of Wood Heights, Missouri, that:

SECTION I. Establishment. There is hereby created within and for the territory of the Village of Wood Heights, County of Ray, State of Missouri, a Disaster Planning and Operations organization to be known as the Wood Heights Disaster Planning and Operations Office, which is responsible for the preparation and implementation of emergency functions required to prevent, minimize and repair injury and 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 the Missouri Civil Defense Act, Chapter 44, Revised Statutes of Missouri, 1969, and the Missouri Disaster Operations Plan adopted thereunder.

SECTION II. Organization. This office shall consist of a Coordinator and other members appointed by the Mayor to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Disaster Operations Plan.

SECTION III. Functions. The organization shall perform Civil Defense functions within the territorial limits of the Village of Wood Heights and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of the Missouri Civil Defense Act, Chapter 44, Revised Statutes of Missouri, 1969.

SECTION IV. Coordinator

1. The Coordinator will be appointed by the Mayor and shall serve during the pleasure of the Mayor.

2. The Coordinator shall have direct responsibility for the organization, administration and operations of local disaster planning and operations.

3. The Coordinator shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Disaster Planning and Operations Office.

SECTION V. Executive Officer. The Mayor of the Village of Wood Heights and the Coordinator in accordance with the Missouri Civil Defense Act, Chapter 44, Revised Statutes of Missouri, 1969, may:

1. Expend funds, make contracts, obtain and distribute equipment, materials, and supplies for disaster operations, provide for the health and safety of persons, including emergency assistance to victims of a disaster; the safety of property, and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State disaster and emergency planning;

Section 1.3 Emergency siren (Ord. 090807-2)

BILL NO. 090807-2 **ORDINANCE NO.** 090807-2

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING CONCERNING ACTIVATION OF A STORM WARNING SIREN

WHEREAS, the city has received a storm warning siren as a gift but does not possess the equipment necessary to activate said siren; and

WHEREAS, the City of Excelsior Springs has agreed without charge to share its storm siren activation system;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Aldermen of Wood Heights, Missouri as follows:

1. The Mayor is hereby authorized to enter into the Memorandum of understanding with the City of Excelsior Springs attached hereto.

2. This ordinance shall be in full force and effect immediately.

ADOPTED AND APPROVED by the Board of Aldermen and Mayor of the City of Wood Heights, Missouri, this 8th day of August, 2007.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Section 1.4 Emergency management (Ord. 20139)

BILL NO. 1401 **ORDINANCE NO. 20139**

AN ORDINANCE ESTABLISHING A LOCAL EMERGENCY MANAGEMENT ORGANIZATION AND REPEALING RESOLUTION NO. 99-07-A

Be it Ordained by the Board of Aldermen of Wood Heights, Missouri, as follows:

1. There is hereby created a local organization for disaster planning in accordance with the State Emergency Operations Plan and program to be known as the Wood Heights Emergency Management Organization (WHEMO).

2. The Mayor of the City shall appoint a coordinator who shall have direct responsibility for the organization, administration and operations of the organization subject to the direction and control of the Mayor and Board of Aldermen.

3. It shall be the responsibility of WHEMO to perform emergency management functions within the city limits or outside thereof as may be required by Chapter 44 of the Missouri Statutes.

4. Upon recommendation of the coordinator the Board of Aldermen may:

(A) 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, specifically including the National Incident Management System and the Missouri State Management Agency;

(B) Appoint, provide or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation.

5. Each person who is appointed to serve in any organization for civil defense shall before being appointed take an oath in writing before a person authorized to administer oaths in this state 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 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 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 (name of disaster or emergency 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.

6. The Mayor, with the approval of the Board of Alderman, and in accordance with Section 44.090 RSMo. may enter into mutual aid agreements, render aid to requesting political subdivisions and take such other action in compliance with the statewide mutual aid system.

7. Resolution 99-07-A is here by repealed.

8. This ordinance shall be effective immediately upon passage.

THIS ORDINANCE READ TWO TIMES, PASSED BY THE BOARD OF ALDERMAN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 15th day of January, 2014.

John D. Allen, Mayor

ATTEST:

Sondra A. Kasserman, City Clerk, MRCC

SEAL

LETTER OF APPOINTMENT

PLEASE MAIL TO:

Director
State Emergency Management Agency
P.O. Box 116
Jefferson City, Missouri 65102

Please be advised that: Ms. _____/Mr. Jared Sartin has been appointed as Emergency Management Director with an effective date of 1-16-14; jurisdiction of: City of Wood Heights or _____ County.
(fill in only one)

(PLEASE PRINT)
Mailing address and contact information of the new EMD is:

Name: Chief of Police, Jared Sartin

Address: 2098 East Ridge Drive
Wood Heights, Mo 64024

Email Address: cityofwoodheightspd@gmail.com

SEMA has my permission to release my email address to other State/Federal agencies:

Yes X NO ___

Business Phone: 816-630-9189

Home Phone: N/A

Fax Number: 816-630-9196

Pager/Mobile phone: 816-509-7115

SEMA has my permission to release my cell phone number to other State/Federal agencies:

Yes X NO ___

Printed Name of Elected Official: John D. Allen

Address of Elected Official: 2098 East Ridge Drive
Wood Heights, Mo 64024

SIGNATURE of Elected Official:

Presiding Commissioner (county):
or
Mayor (city): _____

Section 1.5 State of emergency (Ord. 99-09-07)

Ordinance No. 99-09-07

An Ordinance established to preserve and promote the public health, safety and welfare of the citizens of Wood Heights during an emergency or natural disaster. Establishing regulations, and setting penalties for failure to comply.

BE IT ORDAINED BY THE BOARD OF ALDERMAN AS FOLLOWS:

SECTION 1. It is hereby authorized, in the event of riot or civil disobedience or when actions of riot or civil disobedience appear imminent, to declare, by proclamation, that a state of emergency exists in the City.

SECTION 2. The Mayor is hereby authorized in the event of the declaration of such emergency, to order an emergency curfew, at such hours as the Mayor shall deem necessary, to be in effect not to exceed seventy two hours at any one time without further orders of the City Council.

SECTION 3. Such emergency curfew shall be for the entire City and all persons other than Law Enforcement Officers and personnel, conservators of the peace, Fireman and persons gainfully employed going to and from their places of employment shall remain off the streets and away from public places during the period of the curfew.

SECTION 4. The following business and establishments shall be ordered closed during the term of said curfew:
Retail and wholesale liquor establishments.
Gasoline Service Stations.
Any establishment selling firearms or ammunition.
All public meeting halls and auditoriums.

SECTION 5. The Mayor is hereby authorized, in the event of shortage of water in the City's water distribution system, or when it appears that a shortage is imminent, to declare by proclamation, that a state of emergency exists in the city.

SECTION 6. In the event of declaration of such emergency, the Mayor is hereby authorized to limit or prohibit the outdoor use of City water for such periods of time as he/she shall deem necessary, and to authorize designated City employees to enter upon private property to enforce the provision of such proclamation.

SECTION 7. It hereby is declared to be the intention of the Board of Alderman that each and every part, portion and subportion of this Ordinance shall be separate and severble from each and every other part, portion or subportion hereof and that the Board of Alderman intends to adopt each said part, portion or subportion separately and independently of any other part, portion or subportion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and subportions shall be and remain in full force and effect.

SECTION 8. Any person found to be guilty of the any offense in this ordinance shall be punished by a fine not to exceed five hundred dollars or imprisonment for a term not to exceed ninety days or by both such fine and imprisonment.

SECTION 9. Any other Ordinances of the City of Wood Heights that shall be in conflict with any provision of this Ordinance is hereby repealed as of the date of the passage and adoption hereof.

Passed and approved this 7th day of Sept, 1999.

Mayor

Attest:

Section 2 Other

Section 2.1 Power and light clearance of 18' (Ord. A-48)

BILL NO. A-48
ORDINANCE NO. A- 48

AN ORDINANCE TO ADVISE MISSOURI POWER & LIGHT COMPANY TO MAINTAIN 18 FEET CLEARANCE OVER ALL PUBLIC THOROGHFARES.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows.

Missouri Power & Light Company to be advised to maintain 18 feet clearance over all public thotoghfares in the Village of Wood Heights.

Read three times, passed and approved this 6th day of July, 1966.

Signed

Mayor

Attest

City Clerk

(Seal of City)

Section 2.2 City Boat (Ord. 49)

BILL NO. 49

ORDINANCE NO. 49

AN ORDINANCE ALLOWING THE CITY BOAT TO BE USED ONLY ON OFFICIAL WATER DEPARTMENT BUSINESS AND NOT BE USED BY PRIVATE INDIVIDUALS.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows:

The boat owned by the city may only be used on official water department business and not to be used by private indiveduals.

Read three times, passed and approved this 9th day of August, 1966.

Anton M. Palier

Signed

Mayor

Attest

City Clerk

(Seal of City)

Section 2.3 City Tractor (Ord. 64)

BILL NO. 64

ORDINANCE NO . 64

AN ORDINANCE STATING THAT THE CITY TRACTOR SHALL BE USED FOR CITY USE ONLY:

Be it ordained by the co8ncil of the Village of Wood Heights, Missouri, as follows:

City Maintainance Tractor to be used for City use only.

Passed and approved this 4th day of April, 1967.

Signed Clifton M. Palice
Mayor Pro-Tem

Attest:

City Clerk

(Seal of City)

Section 2.4 Missouri power and light may not set utility poles without permission (Ord. 68)

BILL NO. 68
ORDINANCE NO. 68

AN ORDINANCE NOT TO ALLOW MISSOURI POWER AND LIGHT COMPANY TO SET ANY UTILITY POLES WITHOUT PERMISSION FROM CITY.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as Follows:

Missouri Power & Light Company must obtain permissionfrom city before setting utility poles in city limits.

Passed and approved this 2nd. day of 1967.

Signed [signature] Mayor

Attest:

City Clerk

(Seal of City)

Section 2.5 paying for Street repairs (Ord. A-126)

BILL NO. A-126
ORDINANCE NO. A-126

AN ORDINANCE FOR THE CITY NOT TO PAY HALF OF STREET REPAIRS UNTIL RESIDENTS HAVE PRESENTED THE CITY WITH THEIR HALF.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows:

Be it ordained by the board of trustees that the City not go half on street repairs with the resident adjacent to the street to be repaired until the residents have presented the City with their half of the amount of the street repairs.

Read three times, signed and approved this 7th day of October, 1969.

Signed
Joe Cox
Mayor Joe Cox

Attest: Don Flanigan
City Clerk

(Seal of City)

Section 2.6 Street lights (Ord. 141)

BILL NO. 141
ORDINANCE NO. 141

AN ORDINANCE TO ESTABLISH A MINIMUM DISTANCE BETWEEN DUSK TO DAWN LIGHTING. TO AURTHORIZE MISSOURI POWER & LIGHT COMPANY TO INSTALL ADDITIONAL DUSK TO DAWN LIGHTS AS PER CONTRACT.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows:

Section 1: (a) The minimum distance between dusk to dawn lights, to be billed to the City, shall be three hundred (300) feet.

(b) When the minimum of three hundred (300) feet is not possible, because of a nonexisting utility pole, at that distance, it may be installed on an existing utility pole neareat to the three hundred (300) feet minimum distance, as mentioned in this Ordinance.

Section 2: Missouri Power & Light Company is hereby aurtherized to install a dusk to dawn light on an existing utility pole behind the residents of Harry Young and also on an existing utility pole behind the residents of Stuart Sharp.

Section 3: Missouri Power & Light Company is hereby aurthorized to bill the dusk to dawn light, that is presently billed to Joe H. Cox, to the Village of Wood Heights.

Signed and approved this 7th. day of April, 1970.

Signed Joe Cox
Mayor
Joe Cox

Attest: Don Flanigan
City Clerk

Section 2.6 Print water and tax statements (Ord. 147)

BILL NO. 147
ORDINANCE NO. 147

AN ORDINANCE AURTHORIZING WATER AND TAX STATENENTS TO BE PRINTED.

Be it ordained by the Council of the Village of Wood Heights, Missouri, as follows:

Council hereby aurthorizes the printing of water and tax statements for the Village of Wood Heights.

Passed and approved this 5th. day of May, 1970.

James K. Crowley
Signed
James K. Crowley
Mayor

Attest: Don Flanigan
City Clerk

(Seal of City)

Section 2.7 Mutual protection and intercity agreements

Section 2.7.1 Fire protection with Excelsior springs (Ord. 432)

BILL NO. 432 ORDINANCE NO. 432

AN ORDINANCE AUTHORIZING THE CITY OF WOOD HEIGHTS, MISSOURI, TO ENTER INTO AN AGREEMENT WITH THE CITY OF EXCELSIOR SPRINGS, MISSOURI, FOR THE INTERCHANGE OF FIRE PROTECTION AND AUTHORIZATION OF MUTUAL AID BETWEEN SAID CITIES IN FIRE FIGHTING.

WHEREAS, the City of Wood Heights, Missouri, desires to enter into a written agreement with the City of Excelsior Springs, Missouri, to secure the benefits of mutual aid in fire fighting and in protection of life and property from fire; and

WHEREAS, there might arise in one of said political sub-divisions a fire of such proportion, or under such circumstances, as to require the assistance of the other city in fighting same;

NOW THEREFORE, be it ordained by the Board of Aldermen of the City of Wood Heights, Missouri, as follows:

Section 1: The City of Wood Heights, Missouri, is hereby authorized to enter into a certain written agreement with the City of Excelsior Springs, Missouri, for the interchange and mutual assistance of the fire departments of each said respective city in the fighting of fires in accordance with the provisions of said agreement.

Section 2: A copy of said written agreement hereby authorized and approved by the Board of Aldermen is attached hereto, made a part hereof and incorporated herein by reference.

Section 3: The Mayor of the City of Wood Heights, Missouri, is hereby authorized and directed to execute said agreement on behalf of the City of Wood Heights and the City Clerk is hereby

READ THREE TIMES and PASSED By the Board of Aldermen and approved by the Mayor this 4 day of October, 1983.

Mayor

ATTEST:

City Clerk

***Section 2.7.2 Fire protection with** Richmond **(Ord.** 507)*

ORDINANCE NO. 507 BILL NO. 507

AN ORDINANCE DIRECTING THE MAYOR AND CITY CLERK OF THE CITY OF WOOD HEIGHTS, MISSOURI, TO EXECUTE, ON BEHALF OF THE CITY OF WOOD HEIGHTS, AN AGREEMENT FOR RECIPROCAL FIRE PROTECTION WITH THE CITY OF RICHMOND, MISSOURI; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

After mature and deliberate consideration, it is the opinion of the Board of Aldermen of the City of Wood Heights, Missouri, that it would be in the best interests of the inhabitants of the City of Wood Heights, Missouri, for the City of Wood Heights to enter into an agreement for mutual aid in firefighting and in protection of life and property from fire with the neighboring City of Richmond, Missouri.

SECTION II

A copy of said Agreement For Reciprocal Fire Protection as approved by the Board of Aldermen of the City of Wood Heights, to be executed by the City of Wood Heights and the Wood Heights Rural Fire Association, is attached hereto and incorporated herein by reference as if fully set forth herein.

SECTION III

The Mayor and City Clerk are directed to execute the attached Agreement For Reciprocal Fire Protection with the City of Richmond, Missouri.

SECTION IV

This Ordinance shall take effect from and after its date of passage and approval.

READ THREE TIMES AND PASSED AND APPROVED BY THE MAYOR THIS 5TH DAY OF May, 1987.

Section** 2.7.3 **Fire protection with** Lawson **(Ord.** 527**)

ORDINANCE NO. 527 BILL NO. 527

AN ORDINANCE DIRECTING THE MAYOR AND CITY CLERK OF THE CITY OF WOOD HEIGHTS, MISSOURI, TO EXECUTE, ON BEHALF OF THE CITY OF WOOD HEIGHTS, AN AGREEMENT FOR RECIPROCAL FIRE PROTECTION WITH THE CITY OF LAWSON, MISSOURI AND THE LAWSON RURAL FIRE ASSOCIATION, LAWSON, MISSOURI; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION I

After mature and deliberate consideration, it is the opinion of the Board of Aldermen of the City of Wood Heights, Missouri, that it would be in the best interests of the inhabitants of the City of Wood Heights, Missouri, for the City of Wood Heights to enter into an agreement for mutual aid in firefighting and in protection of life and property from fire with the neighboring City of Lawson, Missouri, and the Lawson Rural Fire Association, Lawson, Missouri.

SECTION II

A copy of said Agreement For Reciprocal Fire Protection as approved by the Board of Aldermen of the City of Wood Heights, to be executed by the City of Wood Heights and the Wood Heights Rural Fire Association, is attached hereto and incorporated herein by reference as if fully set forth herein.

SECTION III

The Mayor and City Clerk are directed to execute the attached Agreement For Reciprocal Fire Protection with the City of Lawson, Missouri and the Lawson Rural Fire Association, Lawson, Missouri.

SECTION IV

This Ordinance shall take effect from and after its date of passage and approval.

READ THREE TIMES AND PASSED, AND APPROVED BY THE MAYOR, THIS

AGREEMENT FOR RECIPROCAL FIRE PROTECTION

This Agreement was made and entered into this 3rd day of May, 1988, by and between the City of Lawson, Missouri, a municipal corporation, the Lawson Rural Fire Association, a non-profit corporation, and the City of Wood Heights, Missouri, a municipal corporation, and the Wood Heights Rural Fire Association, a non-profit corporation.

WHEREAS, the City of Wood Heights, Missouri, and the City of Lawson, Missouri, are neighboring political subdivisions desiring to secure to each in their respective geographical areas the benefits of mutual aid in firefighting and in protection of life and property from fire; and

WHEREAS, there might arise in one of said political subdivisions a fire of such proportion, or under such circumstances, conflagration;

NOW, THEREFORE, it is mutually agreed, for and in consideration of the mutual agreements between said subdivisions, that:

1. Upon request of the Fire Chief, or his Deputy in charge of the fire department of the other party to this Agreement, firefighting equipment and personnel will be dispatched to any point within the area for which the requesting political subdivision or corporation normally provides fire protection; provided, however, that response is to be given only when the fire department called on for aid, in the judgment of its Fire Chief or his Deputy, can reasonably furnish such firefighting assistance without imperiling the safety of the political subdivision or corporation called upon for aid.

2. The political subdivisions or corporations, party hereto, agree not to call for firefighting assistance unless it is urgently needed, including, but not limited to circumstances wherein a fire in the area is out of control and spreading or all available firefighting

needed or can be furnished under the circumstances of each particular case. It is agreed that neither political subdivision or corporation shall be liable in any way to the other, or its inhabitant or any other person, firm or corporation for failure to give assistance requested.

4. Any dispatch of equipment and personnel pursuant to this Agreement is subject to the following conditions:

(a) Any request for aid hereunder shall include statement of the amount and type of equipment and number of personnel requested, and shall specify the location to which the equipment and personnel are to be dispatched. However, the amount and type of equipment and number of personnel to be furnished shall be determined by a representative of the responding organization who is duly authorized to make such decisions.

(b) The responding organization shall report to the officer in charge of the requesting organization at the location to which the equipment is requested to be dispatched and shall be subject to the orders of that official.

(c) A responding organization shall be released by the requesting organization when, in the judgment of the officer in charge, services of responding organization are no longer required; provided, however, it is mutually recognized that each fire department, party hereto, owes its primary allegiance and services to its own subdivision. Therefore, the responding organization may be recalled by its Fire Chief, or his Deputy, if, in that officer's opinion, a need exists for the responding organization to render service within its normal fire protection area, which need is equal to or exceeds a need of the requesting

5. Each party waives all claims against every other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement.

6. Neither party to this Agreement shall be under any obligation to reimburse the other party for any costs or services incurred pursuant to rendering of or acceptance of mutual aid fire protection services under the terms of the Agreement.

7. All equipment used by Lawson, Missouri Fire Department in carrying out this Agreement will, at the time of action hereunder, be owned by it; and all personnel acting for Lawson, Missouri Fire Department, under this Agreement will, at the time of such action, be an employee or volunteer member of the Lawson, Missouri Fire Department; and all equipment used by the Wood Heights, Missouri, Fire Department or the Wood Heights Rural Fire Association in carrying out this Agreement will, at the time of action hereunder, be owned by each of them respectively; and all personnel acting for Wood Heights, Missouri, under this Agreement will, at the time of such action, be an employee or volunteer member of the Wood Heights, Missouri Fire Department or the Wood Heights Rural Fire Association.

8. It is recognized that the interest herein is mutual and the contract is entered into for the common good of the general public of both political subdivisions, party hereto, and for strictly governmental purposes.

9. This Agreement may be cancelled by either party, such termination becoming effective sixty (60) days after posting in the United States mail, a written cancellation notice to the other party.

IN WITNESS WHEREOF, the parties hereunto have executed this

Agreement the day and year first above written.

CITY OF LAWSON, MISSOURI

MAYOR

ATTEST:

CITY CLERK

LAWSON RURAL FIRE ASSOCATION,
BOARD OF DIRECTORS, LAWSON,
MISSOURI

PRESIDENT

ATTEST:

SECRETARY

CITY OF WOOD HEIGHTS, MISSOURI

MAYOR

ATTEST:

CITY CLERK

WOOD HEIGHTS RURAL FIRE ASSOCIATION,
WOOD HEIGHTS, MISSOURI

PRESIDENT OR CHAIRMAN

ATTEST:

Section** 2.7.5 Neighborhood Stabilization Program **(Ord.** 011005**)

BILL NO. 100105 **ORDINANCE NO. 011005**

AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITIES OF GLADSTONE, BELTON, HARRISONVILLE, LAWSON, LEE'S SUMMIT, LIBERTY, RAYTOWN, SUGAR CREEK AND WOOD HEIGHTS, MISSOURI TO FACILITATE THE IMPLEMENTATION OF THE NEIGHBORHOOD STABILIZATION PROGRAM.

Legislative Findings

1. The Missouri Department of Economic Development (DED) manages the State of Missouri's Neighborhood Stabilization Program (NSP) which, among other characteristics, provides grant funding for code enforcement, property rehabilitation public improvements and the purchase, rehabilitation and resale of foreclosed properties to qualified families; and

2. The cities of Gladstone, Belton, Harrisonville, Lawson, Lee's Summit, Liberty, Raytown, Sugar Creek and Wood Heights expressed a desire to work together to assist in the redevelopment of foreclosed homes in their communities and jointly filed an NSP application with the DED entitled "First Suburb's Neighborhood Stabilization Fund Category #3" (NSP3);

3. The NSP3 grant would provide the nine participating cities with emergency assistance to help lessen the negative effects caused by rising foreclosures and declining property values by reversing the incidence of property abandonment, property maintenance, code violations, and the inability of homeowners to stay in their homes as a result of current economic conditions; and

4. The nine cities were awarded a Community Development Block Grant – Neighborhood Stabilization Program in the amount of $2,295,125.00; and

5. The City Council finds that the City's participation in this Interlocal Agreement is in the best interests of the City and its citizens.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOOD HEIGHTS, MISSOURI AS FOLLOWS:

THAT, the Mayor and City Council authorize and direct the City Manager to execute the Interlocal Agreement between the Cities of Gladstone, Belton, Harrisonville, Lawson, Lee's Summit, Liberty, Raytown, Sugar Creek and Wood Heights on behalf of the City of Wood Heights to facilitate the implementation of the Neighborhood Stabilization Program; and

FURTHER THAT, this ordinance shall be in effect from and after passage and approval.

INTRODUCED, READ, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WOOD HEIGHTS, MISSOURI, THIS 5TH DAY OF JANUARY 2010.

_____
John D. Allen, Mayor

Attest:

_____
Kimberly Easley, City Clerk

First Reading: January 5, 2010 Second Reading: January 5, 2010

NEIGHBORHOOD STABILIZATION PROGRAM
INTERLOCAL AGREEMENT

This INTERLOCAL AGREEMENT is made between the city of Gladstone, the city of Belton, the city of Harrisonville, the city of Lawson, the city of Lee's Summit, the city of Liberty, the city of Raytown, the city of Sugar Creek, and the city of Wood Heights, collectively referred to in this AGREEMENT as the PARTIES.

WITNESSETH:

WHEREAS, the Parties desire to work together to assist in the redevelopment of foreclosed homes;

WHEREAS, the Parties have designated the city of Gladstone the Lead Party of the NSP3 grant;

WHEREAS, the city of Gladstone has received on behalf of the Parties a grant (grant agreement attached as Exhibit 1) from the Missouri Department of Economic Development under NSP3, a HUD program, to acquire, rehab, and sell abandoned properties in targeted areas of the Parties;

WHEREAS, the Parties desire to cooperatively carry out the NSP3 program in their communities;

NOW, THEREFORE, in consideration of the premises and the mutual covenants and promises herein contained, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Term. The term of this Agreement shall commence on the date hereof and terminate once all activities under NSP3 as outlined in Exhibit 1 have been completed and closed out as certified by the Missouri Department of Economic Development.

2. Program Administrator. The Parties shall select a Program Administrator to administer the program on behalf of the Parties based on the RFP process.

3. Program Operator. The Parties shall select a Program Operator to acquire property, identify and qualify homeowners, complete mortgage transactions, evaluate and rehab properties and perform other program activities on behalf of the Parties based on the RFP process.

4. Environmental Review. The Program Administrator is responsible for all environmental reviews.

5. Responsibilities of Lead Party. The responsibilities of the Lead Party in connection with this Agreement are:

5.1. Received and administer NSP3 grant funds and execute a grant agreement with the Missouri Department on Economic Development;

5.2. Execute an agreement with the selected Program Administrator;

5.3. Execute an agreement with a Program Operator;

5.4. Ensure that all NSP3 Program Requirements are fulfilled.

6. Responsibilities of the Parties. The responsibilities of the Parties in connection with the Program are:

6.1. Cooperate with the Lead Party in good faith in the administration of the NSP3 program;

6.2. Comply with all NSP3 Program Requirements applicable to the activities to be carried out by such Party under this Agreement, without limiting the extent to which the Lead Party is ultimately responsible for ensuring that all NSP3 Program Requirements are complied with.

6.3. Provide the Lead Party or their designee with all information required for the effective operation of the Program.

6.4. Appoint a representative as the principal contact for the NSP3 program.

7. Amendments. This agreement may only be amended by mutual agreement of all parties in writing.

IN WITNESS WHEREOF, each Party hereto has caused this Agreement to be executed by resolution of their council, alderman, or board of their respective city as of the day and year noted on the resolution.

LEAD PARTY:

City of Gladstone, Missouri

PARTIES:

City of Belton, Missouri
City of Harrisonville, Missouri
City of Lawson, Missouri
City of Lee's Summit, Missouri
City of Liberty, Missouri
City of Raytown, Missouri
City of Sugar Creek, Missouri
City of Wood Heights, Missouri

EXHIBIT 1

COMMUNITY DEVELOPMENT BLOCK GRANT -
NEIGHBORHOOD STABILIZATION PROGRAM

RECEIVED
AUG 17 2009
By

MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT - NEIGHBORHOOD STABILIZATION PROGRAM

FUNDING APPROVAL

under Title I of the Housing and Community Development Act of 1974 (Public Law 93-383) as amended, and Title III of Division B of the Housing and Economic Recovery Act of 2008 (Public Law 110-289)

1. NAME AND ADDRESS OF GRANTEE
Gladstone
7010 N. Holmes
Gladstone, Missouri 64118
Clay County

2. PROJECT NUMBER: **2008-DN-302**

3. SEN. DIST.: **17** REP. DIST.: **33**

4. POPULATION: **26,384**

5. NO. OF UNITS: **53**

6. GRANT AWARD DATE: **07/20/09**

7. GRANTEE FYE DATE: **6/30**

8. MAXIMUM CDBG-NSP GRANT AMOUNT AWARDED
$2,295,125

9. APPROVED ACTIVITIES, COSTS, AND FUNDING STRATEGY

10. PROJECT DESCRIPTION (indicate specific scope of each activity regardless of funding source)

Acquisition, rehabilitation and resale of foreclosed homes to income qualifying persons. Beneficiaries must be at or below 50% of area median household income.

No acquisition or rehabilitation activities, regardless of funding source, may commence prior to the completion of the NSP environmental review and the issuance of the Authority to Use Grant Funds.

NATIONAL OBJECTIVE: **LMMI**

LMI PERSONS: **100.0%** LMI FAMILIES: **100.0%**

PROGRAM ACTIVITY	ACT. NO.	REQ. ENV. REV.(1)	TOTAL	CDBG-NSP FUNDS(2)	MATCHING FUNDS: RECIPIENT CASH	RECIPIENT IN-KIND	OTHER PRIVATE	OTHER STATE/FED
Acquisition	1	Y	$ 1,067,500	$ 1,067,500				
Rehabilitation	2	Y	$ 1,067,500	$ 1,067,500				
Administration	8	N	$ 160,125	$ 160,125				
TOTAL			$ 2,295,125	$ 2,295,125	$ 0	$ 0	$ 0	$ 0

(1) Funds for activities that are conditioned subject to an environmental review may not be incurred or obligated until a written "Authority to Use Grant Funds" is issued by DED.

(2) This column represents the maximum amount of CDBG-NSP funds approved for each activity; the grantee may transfer funds between activities an amount not to exceed $10,000 or 10% of the total CDBG-NSP allocation, whichever is less, except administration.

PREPARED BY: **Andy Papen**

DATE: **07/20/09**

GRANT AGREEMENT

(DED Form GA-2006)
STATE OF MISSOURI
DEPARTMENT OF ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT – NEIGHBORHOOD STABILIZATION PROGRAM

This grant agreement is made by and between the State of Missouri, Department of Economic Development (DED), herein called "the State" or "DED", and the **City** herein called the "Grantee", pursuant to the authority of Title I of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, herein referred to as "The Act" and commonly referred to as the Community Development Block Grant Program (CDBG), and pursuant to Title III of Division B of the Housing and Economic Recovery Act of 2008 (Public Law 110-289), herein referred to as "HERA" and commonly referred to as the Neighborhood Stabilization Program (NSP). The Grantee's submissions (including "Assurances") for NSP assistance, Department of Housing and Urban Development (HUD) regulations at 24 CFR Part 570, the State's Substantial Amendment to the FY-2008 "Consolidated Plan", the State's FY-2008 CDBG Administrative Manual and the State's FY-2008 CDBG Program Guidelines (as now in effect and as may be amended from time to time), which are incorporated by reference, together with the DED Funding Approval form, and any special conditions, which are hereto attached, constitute part of this Agreement.

In reliance upon and in consideration of the mutual representations and obligations hereunder, the State and the Grantee agree as follows:

(1) Subject to the provisions of this Grant Agreement, the State will make the funding assistance for Federal fiscal year 2008 specified in the attached DED Funding Approval form available to the Grantee upon execution of the Agreement by the parties. The obligation and utilization of the funding assistance provided is subject to the requirements for a release of funds by the State under the Environmental Review Procedures at 24 CFR Part 58 for any activities requiring such release.

(2) The Grantee agrees to assume all of the responsibilities for environmental review, decision making and actions, as specified and required in Section 104(g) of the Act and published in 24 CFR Part 58.

(3) The Grantee agrees to comply with all applicable requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), Sections 104(d), 104(k) and 105(a)(11) of the Act.

(4) The grantee agrees to comply with the lead-based paint hazard control laws and regulations specified in Title X of the Housing and Community Development Act of 1992, implementing regulations at 24 CFR Part 35, State statutes governing the licensing and conduct of persons addressing lead paint at Sections 701.300 – 324 of RSMO and implementing Work Practice Standards at 19 CSR 30-70; and compliance with OSHA regulations at 29 CFR 1926.

(5) The Grantee agrees to accept responsibility for adherence to this Agreement by subrecipient entities to which it makes funding assistance available.

(6) The Grantee agrees that any and all such amount of local funds or in-kind (force account) services or materials indicated in the attached Funding Approval form shall be equal to or greater than the amount indicated.

(7) The Grantee agrees that any proposed construction-related activity budget variances (from the Funding Approval form) in excess of 10% of the amount of this Agreement or $10,000 (whichever is a lesser amount) shall be approved by DED in writing prior to an obligation of funds for such activity; however, any variance shall be approved by the Grantee's governing body in advance of an obligation of such activity. No variance is allowed for non-construction activities such as administration, engineering, audit, and inspection, unless approved by DED.

(8) The Grantee agrees to complete the project in its entirety as indicated in the Funding Approval form unless amended in writing by agreement of all parties.

(9) The Grantee agrees to comply with all requirements imposed by the State concerning special requirements of law, program requirements, and other administrative requirements, including, but not limited to, the requirement that a grant recipient must repay to the State, upon sale of the CDBG-funded real property to a non-eligible entity, a pro-rata portion of the proceeds of the sale, as set forth in the CDBG Administrative Manual.

(10) The Grantee agrees that any NSP funds remaining from the allocation indicated in the Funding Approval form after the project has been completed shall be returned to DED if they have been drawn to the Grantee's local depository, or cancelled if such funds have not been drawn.

(11) The Grantee agrees to comply with OMB Circular A-133, which governs the auditing requirements of these grant monies in accordance with the Single Audit Act of 1984, and to provide DED with all required audits. The CFDA # is 14.228.

(12) The Grantee agrees that State and HUD officials shall have full access to any documents or materials relating to this Agreement at any reasonable time.

(13) The Grantee agrees that all funds received under this Agreement shall be held and used by the Grantee for the purpose of accomplishing the project only and none of the funds so held or received shall be diverted to any other use or purpose.

(14) The Grantee agrees that any material prepared by the Grantee or persons or firms employed or contracted by the Grantee shall not be subject to copyright, and the State shall have the unrestricted authority to publish, disclose, distribute or otherwise use, in whole or in part, any reports, data or other material prepared under this agreement.

(15) The Grantee agrees to comply with the terms of the DED conflict of interest policy.

(16) The Grantee agrees that any approval of contracts, sub-contracts, material or service orders, or any other obligation by the Grantee or its agents shall not be deemed an obligation by the State, and the State shall not be responsible for fulfillment of the Grantee's obligations.

(17) The Grantee agrees to comply with the citizen participation requirements set out in Section 104(a) of the Act, including the State's written Citizens Participation Plan in accordance with Section 508 of the Housing and Community Development Act of 1987.

(18) The Grantee agrees to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-144 and also agrees to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(19) Any Grantee receiving over $100,000 in NSP funds agrees to carry out the terms of the "Certification Regarding Government-Wide Restriction on Lobbying" attached hereto and made a part hereof by signing same.

(20) The Grantee agrees to comply with the policies and procedures set forth in Executive Order 96-03 for the protection of Missouri's wetlands.

(21) The Grantee agrees to obtain and comply with all relevant state and/or federal permits and licenses related to construction and operation of any development activity funded with NSP. The Grantee agrees and understands that copies of those permits and licenses shall be made available to CDBG, DED, or HUD at request. The Grantee acknowledges that a lack of any such applicable permit or license may restrict access by the Grantee to the grant funds made available by this Agreement.

(22) In the event that the State or an audit has determined that the Grantee has failed to comply with this Agreement, the Grantee shall perform remedial actions to correct the deficiency, as determined by the State, which may include:

(a) Repayment or reimbursement of NSP funds spent inappropriately to the State or the local NSP fund (at DED's discretion);
(b) The return of NSP funds deposited at the Grantee's local financial institution to the State;
(c) The return of any equipment, materials or supplies purchased, leased or lease purchased using NSP funds to DED or the supplier;
(d) Other actions as the State deems appropriate.

Such actions shall be performed by the Grantee in the time period specified by the State in writing to the Grantee. The State may refuse requests for NSP funds by the Grantee or other actions as the State deems appropriate to ensure proper performance of the terms of this agreement.

(23) The State may terminate this agreement in whole or in part, at any time before the date of completion, whenever it is determined by the State that the Grantee has failed to comply with the conditions of this Agreement. The State shall notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date. The Grantee shall not incur new obligations for the terminated portion after the effective date of the revocation of the Agreement, and it shall be the Grantee's duty to cancel all outstanding obligations that are legally possible.

(24) The State and Grantee each binds himself to his successors, executors, administrators, assigns and legal representatives to the other party to this Agreement and to the successors, executors, administrators, assigns and legal representatives of such other party, in respect to all covenants, agreements, and obligations of this agreement.

(25) The State agrees that it may at any time, in its sole discretion, give any consent, deferment, subordination, release, satisfaction, or termination of any or all of the Grantee's obligations under this Agreement, with or without valuable consideration, upon such terms and conditions as the State may determine to be (a) advisable to further the purpose of the project or to protect the State's financial interest therein, and (b) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it was made.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year indicated in the Funding Approval form.

GRANTEE (CITY/VILLAGE/COUNTY):
TYPED NAME:

SIGNATURE [signature] 8-12-09
CHIEF EXECUTIVE OFFICER DATE
(City Mayor, Village Board Chairman, or Presiding County Commissioner)

TYPED NAME:

SIGNATURE Cathy Swenson 8-12-09
ATTEST (City, Village, or County Clerk, or other official of the Grantee) DATE

STATE OF MISSOURI
TYPED NAME:

SIGNATURE Sarah Schuette 8/18/09
Sarah Schuette, Director of Administration DATE
on behalf of Linda M. Martinez, Director
DEPARTMENT OF ECONOMIC DEVELOPMENT

CITY OF CLARKTON CORPORATE SEAL MISSOURI

NOTE: THE GRANTEE'S SEAL MUST BE AFFIXED OVER THE GRANTEE'S SIGNATURES. IF NO SUCH SEAL EXISTS, IT MUST BE PROPERLY NOTARIZED. THREE COPIES WITH ORIGINAL AND TYPED SIGNATURES ARE REQUIRED.

EXHIBIT 2

NEIGHBORHOOD STABILIZATION PROGRAM – CATEGORY 3
CONTACT INFORMATION

NEIGHBORHOOD STABILIZATION PROGRAM – CATEGORY 3
Contact Information

City of Gladstone:

Primary Contact:
Alan D. Napoli
Building Official
City of Gladstone
7010 N. Homes Street
Gladstone, MO. 64118
816.423.4112
816.436.2228 (fax)
AlanN@gladstone.mo.us

Secondary Contact:
Richard King
Public Information Coordinator
City of Gladstone
7010 N. Holmes Street
Gladstone, MO. 64118
816.423.4097
816.436.2228 (fax0
RichardK@gladstone.mo.us

Secondary Contact:
Chris Helmer
Planning Specialist
City of Gladstone
7010 N. Holmes Street
Gladstone, MO. 64118
816.423.4109
816.423.2228 (fax)
ChrisH@gladstone.mo.us

City of Belton:

Primary Contact:
Jay C. Leipzig
Director of Community Planning and Development
City of Belton
520 Main
Belton, MO. 64012
816.331.4331
816.331.6973 (fax)
jleipzig@belton.org

City of Harrisonville:

Primary Contact:
Rick Deluca
Director of Community Development
City of Harrisonville
300 Pearl Street
Harrisonville, MO. 64701
816.380.8912
rdeluca@ci.harrisonville.mo.us

City of Lawson:

Primary Contact:
Dawn Probasco
City Administrator
City of Lawson
103 S. Pennsylvania Avenue
Lawson, MO. 64062
816.580.3217
cityadmin@cityoflawsonmo.org

Secondary Contact:
Brian LaFavor
Chief of Police
City of Lawson
103 S. Pennsylvania Avenue
Lawson, MO. 64062
816.580.3217
chieflafavor@lawsonpolice.com

City of Lee's Summit:

Primary Contact:
Mark Dunning
Director of Codes Administration
City of Lee's Summit
220 SE Green Street
Lee's Summit, MO. 64063
816.969.1202
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City of Raytown:

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City of Sugar Creek:

Primary Contact:

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City of Wood Heights:

Primary Contact:

JD Allen
Mayor
City of Wood Heights
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816.630.7900
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Section 2.8 Visible house numbers (Ord. 20144)

BILL NO. 1204 **ORDINANCE NO. 20144**

AN ORDINANCE SPECIFYING THAT ALL RESIDENTS INSIDE THE CITY LIMITS OF WOOD HEIGHTS, MISSOURI, HAVE VISIBLE NUMERICS POSTED TO AID FIRST RESPONDERS AND CITY CREWS.

WHEREAS, it is critical that emergency responders be able to quickly and accurately locate emergency requests; and

WHEREAS, it is necessary for the safety and welfare of City residents to have such addresses displayed,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. That all residences within the City of Wood Heights have their house numbers or address clearly visible from the roadway to aid emergency response by first responders, as well as to assist public works personnel and other essential city services in locating specific properties.

Section 2. Residents should post their house numbers or address by one of the following means:

1. Reflective numbers (minimum of 3") posted on both sides of their curbside mailbox.
2. Painted on their curb near their driveway with BLACK numbers in a WHITE background.
3. Large number (minimum of 5") posted either above their garage doors or near the front door of the residence.
4. Any other means that allows a person to clearly and easily see the numbers of the residence from the middle of the roadway in front of it.

Section 3. Residents convicted of violating this ordinance shall be fined no more than $50.00.

Section 4. A notice will be sent out on the following two months water bills notifying citizens of the ordinance. This ordinance goes into effect ninety (90) days after the first citizen notice to allow citizens adequate time to come into compliance.

THIS ORDINANCE READ TWO TIMES, PASSED BY THE BOARD OF ALDERMEN AND APPROVED BY THE MAYOR OF THE CITY OF WOOD HEIGHTS, MISSOURI, this 19th day of March, 2014.

John D. Allen, Mayor

Attest:

Sondra A. Kasserman, City Clerk, MRCC

SEAL

Section** 2.7.4 Electricity agreement with Jefferson City **(Ord.** 446**)

BILL NO. 446 ORDINANCE NO. 446

AN ORDINANCE AUTHORIZING THE CITY OF WOOD HEIGHTS, MISSOURI, TO ENTER INTO AN INTERCITY COOPERATIVE AGREEMENT WITH THE CITY OF JEFFERSON CITY, MISSOURI, REGARDING THE UNION ELECTRIC PROPOSED RATE INCREASE CASE CURRENTLY PENDING BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION, CASE NO. ER-84-168 AND PROVIDING FOR THE PAYMENT BY THE CITY OF WOOD HEIGHTS OF THE SUM OF $448.20 AS AND FOR ITS TOTAL SHARE OF THE COSTS REGARDING SAID AGREEMENT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. The City of Wood Heights, Missouri, is hereby authorized to enter into an agreement with Jefferson City, Missouri, hereinafter entitled "Intercity Cooperative Agreement", a copy of which is attached hereto and incorporated herein by reference.

Section 2. The Mayor and the City Clerk of the City of Wood Heights are hereby authorized to pay out of the general funds of the City the sum of $448.20 as and for the City of Wood Heights share of total costs regarding said agreement.

Section 3. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

READ three times and PASSED by the Board of Aldermen this 1st day of May, 1984.

David A. Griffing
Mayor

Attest:
Dorothy Covington
City Clerk

APPROVED by the Mayor this 1st day of May, 1984.

INTERCITY COOPERATIVE AGREEMENT

This Agreement is entered into this 1 day of May, 1984, by and between the City of Jefferson, Missouri, hereinafter referred to as "Jefferson City", and the City of Wood Heights, Missouri, hereinafter referred to as "Wood Heights".

Jefferson City agrees to allow its attorney, William Barvick to jointly represent Jefferson City, Wood Heights, and any other city signing a similar agreement, in the Union Electric Rate Increase case currently pending at the Public Service Commission. Any expert witnesses hired by Jefferson City in the conduct of the case will also represent Wood Heights.

Jefferson City will pay Mr. Barvick and any experts directly for the costs of the case in accordance with its separate contracts with them. The total costs are estimated to be $60,000. Each City participating in the joint representation will pay the portion of the total costs which is equivalent to the ratio of that City's population compared to the total population of all participating cities. It is anticipated that the total population of all participating cities will be at least 100,000 people. Therefore, Wood Heights' share of the total costs shall not exceed $448.20.

Wood Heights will pay to Jefferson City said sum of $448.20, upon the effective date of this contract which shall be the total sum due from Wood Heights under the terms of this agreement. This amount was determined my multiplying Wood Height's population of 747 people by 60¢ per person. Any money remaining at the conclusion of the case before the PSC will be refunded in the same proportion as it was received.

Wood Heights will provide Jefferson City with any information required by Mr. Barvick or the expert witnesses in the representation of Wood Heights.

This Agreement may be terminated when either party determines that its interests in the case differ materially from the interests of the other party, and that joint legal representation and joint witnesses will no longer effectively serve its interests. If this agreement is terminated, Wood Heights may withdraw any of its contribution remaining, less its proportion of the costs incurred to the date of the termination.

MAYOR - JEFFERSON CITY

CITY CLERK - JEFFERSON CITY

David A. Griffing
MAYOR - WOOD HEIGHTS

Dorothy Covington
CITY CLERK - WOOD HEIGHTS