

CITY OF PLEASANT HOPE MISSOURI
MUNICIPAL CODE

This Code is maintained by the City Clerk of Pleasant Hope Missouri.

Published by Order of the Board of Aldermen

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Article I - General Administration of the City

Chapter 100 – Municipal Code

Section 100.010: Introduction and Adoption of the Municipal Code

This Code contains all ordinances of a general and permanent nature of the City of Pleasant Hope, Missouri and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order, public utility systems and similar subjects.

1. Ordinances hereafter adopted which are not of a general and permanent nature shall be authenticated, published and recorded in the Book of Ordinances, but shall not be prepared for insertion in this Code, nor be deemed a part hereof.
2. Ordinances which are of a general or permanent nature shall be prepared for insertion in this Code and be deemed a part hereof.

Section 100.020: Citation of Code

This Code may be known and cited as the “City of Pleasant Hope Missouri Municipal Code” or “Code”.

Section 100.030: Official Copy

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption shall be kept in the safety deposit box located at a bank inside the city limits of Pleasant Hope and contracted by on a scheduled bid process. A copy of this Code shall be kept in the City Clerk’s office and available for public inspection. All aspects of the RSMo Chapter 71 Section 71.943 shall be applied to this Code.

Section 100.040: Altering Code

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. Any person or corporation violating this Section shall be punished as provided in Article II Chapter 225 Section 225.010 of this Code.

Section 100.050: Numbering

This Code follows an outline form of Article, Chapter, Section, Sub Section. Each Section number of this Code shall consist of two (2) parts separated by a period and followed by a colon. The number before the period shall refer to the Chapter within the Article and the number after the period shall refer to the position of the Section within the Chapter. Both figures shall consist of three (3) digits.

Section 100.060: Amendments to Code

All amendments to this Code, duly passed by the Board of Aldermen, shall be prepared for insertion in this Code by the City Clerk by the end of each fiscal year for actions in the prior year. Every two (2) years this Code shall be recodified by the Board of Aldermen.

Chapter 110 – Municipal Structure

Section 110.010: Incorporation and Classification

The City of Pleasant Hope was organized and exists as a political subdivision of the State of Missouri. It exists as a Municipal Corporation and Fourth Class City in accordance with the laws of the State of

Missouri. The City of Pleasant Hope shall exercise all the powers and enjoy all the privileges and rights pertinent to Municipal Corporations and Fourth Class Cities in accordance with the Constitution and Laws of the State of Missouri and shall have perpetual existence.

Section 110.011: Form of Government

The City of Pleasant Hope as permitted by the RSMo 79.010 is a fourth class city and has a government structure consisting of a Mayor and a Board of four Aldermen-at-Large.

Section 110.020: City Seal Described

Sub Section A. The City Seal of the City of Pleasant Hope shall be circular in form, one and five-eighths (1 5/8) inches in diameter, with the words "CITY OF PLEASANT HOPE, MISSOURI" engraved around the outer edge of the circle, and the word "SEAL" is in the middle with a ten point floweret above and below the word "SEAL", and the same is hereby declared to be adopted as the official Seal of the City of Pleasant Hope.

Sub Section B. The City Clerk shall be the keeper of the common Seal of the City of Pleasant Hope, and any impression of the Seal to any contract or other writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in cases authorized by law or the ordinances of this City.

Section 110.030: Conformance of City Elections with State Law

The City of Pleasant Hope holds, conducts, and declares elections based on the RSMo 78.080 thru 78.150, 111.010 and 122.010 and follows all the guidelines provided by the Missouri Ethics Commission.

Section 110.040: General Elections for Council Members

1. The general election of city council members is held inside the city limit of Pleasant Hope for the purpose of electing Aldermen-At-Large and/or a Mayor for a two-year term as the term of each respective council member's and/or Mayor's term expires.
2. 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. (Ordinance 233, 11/19/2007)

Section 110.050: Declaration of Candidacy

Any person wanting to become a member of the City Council, which includes Alderman-At-Large and Mayor, shall complete a Candidate Declaration Form and a Personal Financial Disclosure Statement with the City Clerk beginning at 8:00 am on the 15th Tuesday prior to the election, and the closing filing date shall be at 5:00pm on the 11th Tuesday prior to the election.

Section 110.060: Conducting of Elections

General elections shall be conducted by the County Clerk in accordance with RSMo Chapter 115. The City Clerk is authorized and directed to provide the County Clerk with all information as is necessary and requested by the County Clerk in order to conduct the election.

Sub Section A. The election, appointment, management and training of judges are the duty of the County Clerk in accordance with RSMo Section 115.079 – 115.103.

Sub Section B. The establishment polling places and notice to voters is the responsibility of the County Clerk in accordance with RSMo Chapter 115 Section 115.115 – 115.119.

Chapter 120 – Officials of the City of Pleasant Hope

Section 120.100: Where the Powers are Vested

All powers of the City shall be vested in the City Council. The Council shall exercise these powers in the performance of all the duties and obligations imposed on the City by Federal law, Missouri State law, Polk County law and the laws established by the City of Pleasant Hope.

Section 120.110: Composition; Qualifications; Election and Terms

Sub Section A. Composition - There shall be a City Council consisting of five members. There shall be four Aldermen-at-Large and a Mayor. All members of the City Council shall be elected by qualified voters within the city limits of Pleasant Hope.

Sub Section B. Qualifications - A Council member shall have been a residence of the city for one year preceding election and a qualified voter and shall remain a resident within the city limits of Pleasant Hope for the length of his elected term. Council member must current on all municipal taxes and utilities.

Sub Section C. Election, Terms and Term Limitations - City Council members shall be elected to serve staggered two-year terms. At each regular municipal election, Council members shall be elected to fill the offices of those whose terms expire. There shall be no limit to the number of terms a person may serve as a Council member.

Section 120.120: Compensation

The City Council of Pleasant Hope may determine the annual compensation of Council members by ordinance, but no ordinance changing such compensation shall become effective for a Council member until the commencement of a new term of office.

Section 120.130: Mayor Pro Tempore

The Council shall elect annually from among its members a Board President. The Board President shall assume the powers and duties of the Mayor during the absence or disability of the Mayor, or if a vacancy occurs. While assuming the powers and duties of the Mayor, the Board President shall retain his or her vote as a Council member, but shall not possess the additional Mayoral veto powers or tie breaking vote as provided by Chapter 130, Section 130.100, Sub Section D of this Code. The Mayor Pro Tempore shall appoint, with the advice and consent of a majority of Council, all Council committees and Council liaisons.

Section 120.140: Oath of Office; Bond Generally

All elected official shall swear (affirm) there serves to the City at the first City Council Meeting following the confirmation of the election results. After their confirmation to the office via the oath, they will be added to the position bond held by the City of Pleasant Hope for elected officials.

Section 120.150: Administration of Oaths

The City Clerk of Pleasant Hope has the power to administer all Oath of Office for officials of the City of Pleasant Hope.

Section 120.160: Vacancies; Forfeiture of Office; Filling Vacancies

Sub Section A. Vacancies - The office of a Council member shall become vacant upon the Council members death, resignation, recall or removal from office in any manner authorized by this set of Municipal Codes or by law, or upon forfeiture of the office.

Sub Section B. Forfeiture of Office A Council member shall forfeit office if at any time during the term of office a Council member lacks any qualification for the office prescribed by this set of Codes or by law.

Sub Section C. Filling Vacancies The Council by a majority vote of all its remaining members shall appoint a qualified person to fill a vacancy until the next regular municipal election as established by the Missouri election calendar in accordance with state law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term.

Section 120.170: Judge of Qualifications for Forfeiture of Office

The Council shall be the judge of the qualifications of its members, the Mayor and Municipal Judge and of the grounds for forfeiture of their offices, and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence.

Section 120.180: Custodian of Record

The Council by Resolution shall appoint a Custodian of Records as set forth by RSMo 610.023.1. This appointment shall be the City Clerk. The City Clerk shall keep the journal of City Council proceedings authenticate by signature all ordinances and resolutions and record them in full in a book kept for that purpose. The City Clerk shall perform such other duties as may be required by law, by this set of Municipal Codes or by future ordinances and resolutions.

Section 120.190: City Attorney

Sub Section A. Selection of the City Attorney - The City Attorney shall be selected on a yearly basis through a bid-for-services process. The contract shall be for one fiscal year January 1 through December 31 and accepted through an ordinance.

Sub Section B. Duties of the City Attorney - The City Attorney shall serve as the legal advisor to the Mayor, the Council, and administrative staff for all the city departments and shall represent the city in all legal proceedings and shall perform any other duties prescribed by law, by this set of Municipal Codes, by ordinance or as may be required of the City Attorney by the Mayor or Council.

Sub Section C. Attend City Council Meetings - The City Attorney shall attend all Council meetings. The City Attorney shall receive notice of all special meetings.

Sub Section D. Duties as the Prosecuting Attorney - The City Attorney by contract shall also represent the city in the prosecution of all violations of city ordinances before the Pleasant Hope Municipal Court.

Sub Section E. Qualifications of City Attorney and Prosecuting Attorney - All Attorneys serving the City of Pleasant Hope shall be licensed members of the Missouri Bar and shall have been in active practice of law in the State of Missouri for at least three years immediately preceding their contract with the City. The requirement that such prior active law practice be in the State of Missouri may be waived by a majority vote of the entire Council.

Sub Section F. Compensation of the City Attorney - The compensation of the City Attorney is determined by the annual bid-for-services contract agreement and by ordinance.

Sub Section G. Section 79,270 RSMo sets forth that the Board of Aldermen shall have the power to fix compensation of all officers of the City, by ordinance. It further states that the salary of the officers shall not be changed during the time of appointment.

Section 120.210: Conflict of Interest Involving All Elected Officials. (Resolution 4-2009, 10/01/2009)

Sub Section A. All elected and appointed officials as well as employees of the City of Pleasant Hope shall comply with RSMo Sections 105.454 and 105.458 on conflicts of interest as well as any other state law governing official conduct.

Sub Section B. Any member of the City of Pleasant Hope governing body who has a "substantial or private interest" in any measure, bill, order or ordinance proposed or pending before such governing body must disclose that interest to the City Clerk and such disclosure shall be recorded in the minutes of the

City of Pleasant Hope. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of:

1. 10% or more of any business entity; or
2. an interest having a value of \$10,000 or more: or
3. the receipt of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.

Sub Section C. On all matters pertaining to a vote where the possibility of a violation of ethics might occur, the voting member will direct the City Clerk to enter into the minutes of the meeting the reason for abstaining from any discussion and/or vote being proposed.

Sub Section D. On matters to be discussed in a closed part of a meeting where the possibility of a violation of ethics might occur, the voting member will direct the City Clerk to enter into the minutes of the meeting the reason for and excuse himself from the closed session of the meeting.

Chapter 130 – Duties of Officials of the City of Pleasant Hope

Section 130.100: The Mayor

Sub Section A. The Mayor of City of Pleasant Hope is elected by the citizens within the city limits in an April municipal election. The term for Mayor is for two years.

Sub Section B. Qualifications – A Mayor of a fourth class city must be at least 25 years of age, a citizen of the United States, and a resident of the City of Pleasant Hope for at least one year prior to election. RSMo 79.080.

Additional Requirements set forth by statute:

1. RSMo 115.346 state "...no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office."
2. RSMo 71.005 states "No person shall be a candidate for municipal office unless such person complies with the provisions of section 115.346, RSMo, regarding payment of municipal taxes or user fees."
3. RSMo 79.250 states "No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid city taxes".

Sub Section C. Removal for Office - The Mayor may be removed from office for cause shown by two-thirds vote of all the members elected to the Board of Aldermen. The Mayor does not vote on this question, and is approval is not required. The Mayor must be first given opportunity, together with his witnesses, to be heard before the Board of Alderman sitting as a board of impeachment.

Sub Section D. Statutory Duties of the Office of Mayor

1. Has a seat in and presides at all meetings of the Board of Aldermen, although he shall not have a vote, except in the case of a tie. (RSMo 79.120)
2. Has the power to veto any ordinance passed by the Board of Aldermen although the veto may be overridden by two-thirds of the members of Board. (RSMo 79.140)
3. Signs all "orders, drafts and warrants drawn on the city treasury for money and causes the City Clerk to attest the same." (RSMo 95.365)
4. Signs the commissions and appointments of all city officers elected or appointed in the city. (RSMo 79.190)
5. Approves all official bonds of officers of the city, unless otherwise prescribed by ordinance. (RSMo 79.190)
6. Is authorized to call on every male inhabitant of the city over 18 years of age and under 50 years of age to aid in enforcing the laws. (RSMo 79.200)
7. Has the power to "communicate to the Board of Aldermen" and recommend any measures he thinks will be for the best interest of the city. (RSMo 79.210)
8. Has the power to appoint officers of the city, with the exception of the City Clerk. The City Clerk is appointed by the Board of Aldermen. However, all other appointive officers are appointed by the Mayor, subject to the approval of the Board of Aldermen. (RSMo 79.230)
9. The Mayor "Exercises a general supervision over all the officers and affairs of the city." (RSMo 79.120)

10. The Mayor “takes care” that the ordinances of the city and the state laws relating to the city are complied with. (RSMo 79.120)

11. The Mayor has the power to administer oaths to people who appear as witnesses before the Board of Aldermen. (RSMo 79.180)

12. The Mayor can require any officer of the city to exhibit his accounts or other paper or records. (RSMo 79.350)

Sub Section E. Customary Duties of the Office of Mayor - Additional duties not granted by the statutes

1. The Mayor directs and reviews the preparation of the city budget.
2. The Mayor has the responsibility for the procurement of federal grants and state grants.
3. The Mayor is responsible for relationships with other units of government.

Sub Section E. Compensation – The City Council of Pleasant Hope may determine the annual compensation of the Mayor by ordinance, but no ordinance changing such compensation shall become effective for a Mayor until the commencement of a new term of office.

Section 130.110: Aldermen

Sub Section: A. Term of Office – The City of Pleasant Hope will maintain no less than four Aldermen serving two year staggered terms.

Sub Section B. Qualifications – An Alderman of a fourth class city must be at least 21 years of age, a citizen of the United States, and a resident of the City of Pleasant Hope for at least one year prior to election. RSMo 79.070

Additional Requirements set forth by statute:

1. RSMo 115.346 state “...no person shall be certified as a candidate for a municipal office, nor shall such person’s name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office.”
2. RSMo 71.005 states “No person shall be a candidate for municipal office unless such person complies with the provisions of section 115.346, RSMo, regarding payment of municipal taxes or user fees.”
3. RSMo 79.250 states “No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid city taxes”.

Sub Section C. Removal for Office – An Alderman can be removed from office for cause shown by the Mayor with the consent of a majority of the Board of Aldermen, or without the concurrence of the Mayor with a voter of two-thirds of the members of the Board of Aldermen.

Sub Section: D. Statutory Duties of an Alderman:

1. To create the laws by which the City of Pleasant Hope operates, these laws are call “ordinances.”
2. To determine tax rates within certain limits as laid down by state statutes. Because of the Hancock Amendment to the Missouri Constitution, any new or increased tax must be approved by the electorate.
3. Controls the spending of all funds that come into the possession of the city. (Some funds the city acquires are for specific, designated purposes.)
4. When there is a non-elected office of City Clerk, the clerk is “selected” by the Board of Aldermen.

Chapter 140 – Open Meetings and Record Management

Section 140.100: Records Management – Generally (Ordinance 227, 06/04/2007)

Sub Section A. Definitions

The following words and terms have the meanings indicated, unless the context clearly requires otherwise:

Agency – Any department, office, commission, board or other unit of municipal government created for any purpose under the authorities of the City.

Local Records – Any record designated or treated as a municipal record under the ordinances of the City and State law.

Record – Document, book paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in this Chapter and are hereinafter designated as non-record material.

Sub Section B. Duties of Department Heads

The head of each agency shall:

1. Establish and maintain an active, continuing program for the economical and efficient management of its records.
2. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the legal and financial rights of the City and of persons directly affected by the agency's activities.
3. Cooperate with the director of the State Records Law in the conduct of surveys made by him pursuant to the provisions of State Law.
4. Comply with the rules, regulations, standards and procedures approved by the state records commission and issued by the director, records management and archives service.

Sub Section C. To Preserve Records, How

It shall be the duty of the City Clerk and the heads of all of the departments, commissions, boards and other units of the City to preserve, manage and regulate all destruction of the records no longer useful or needed according to the established standards, procedures and techniques for effective management of records as provided by the director of "The State Records Law" under the supervision of the Secretary of State of the State of Missouri and shall follow the Missouri Municipal Records Retention Schedule.

Sub Section D. City Clerk to Keep Records

The records of the City shall be kept in the custody of the City Clerk.

1. The City Clerk may delegate to a subordinate or to another City Official authority to have temporary custody of City records, after satisfying himself/herself as to the safety of said records.

Sub Section E. Public Records

1. Unless otherwise provided by law, records of the public governmental body are to be open and available to the public for inspection and copying. A reasonable fee may be charged for providing access to or providing copies of public records. The fee is not to exceed actual cost of the document search and duplication.
2. The Sunshine Law requires each request for access to a public record be acted on no later than the end of the third business day following the date the request is received by the custodian. If access to the public record is not granted, the custodian, upon request, is to provide written statement explaining why access is not granted.

Sub Section F. When Record is Confidential

Any records made confidential by law shall be so treated in the municipal records of the City.

Section 140.200: Open Records Management

Sub Section A. Definitions

As used in this Chapter, the following terms shall have the following definitions:

Closed Meeting, Closed Record or Closed Vote – any meeting, record or vote closed to the public.

Coping – if requested by a member of the public, photocopies provided at costs according to the provisions of this Chapter, if duplication equipment is available.

Public Business – all matters which relate in any way to the performance of the City's functions or the conduct of its business.

Public Governmental Body – any legislative, administrative, governmental entity created by the constitution or statutes of this state, by order of ordinance of the City, judicial entities when operating in an administrative capacity, or by executive order, including;

1. An advisory committee or commission appointed by the Mayor or Board of Aldermen;
2. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power;
3. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above named entities;
4. Any quasi-public governmental body.

Quasi-public governmental body – any person, corporation or partnership organized or authorized to do business in the State of Missouri, or unincorporated association which either:

1. has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
2. performs a public function, as evidenced by a statutorily based capacity to confer to otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements or structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation.

Public meeting – is any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided, or public policy formulated, whether corporal or by means of communication equipment. The term “public meeting” shall not include any informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purpose of this Chapter;

Public Record – any record, whether written or electronically stored, retained by or of, any public governmental body including any report, survey, memorandum or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds;

Public Vote – any vote cast at any public meeting of any public governmental body.

Sub Section B. Meetings – Notices, Access and Minutes

1. All politic meetings shall be open to the public and public votes shall be open to the public for inspection and duplication.
2. Each public governmental body shall give notice of the time, date, and place of each meeting, in a matter reasonably calculated to apprise the public of that information. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body and posting the notice on a bulletin board at City Hall or other prominent place which is easily accessible to the public and

clearly designated for the purpose at the City Hall. The notice shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when the City Hall is closed, prior to the commencement of any meeting or a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible be given.

3. Each meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
4. When necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.
5. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this Chapter during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.
6. A journal or minutes of open meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken at such meeting. The minutes shall include the date, time, place, members present, members absent, and a record of any votes taken.

Sub Section C. Votes

All votes shall be recorded, and if a roll call is taken, as to attribute each "yea" or "nay" vote, abstinence if not voting, to the name of the individual member of the public governmental body.

Sub Section D. Custodian of Records

1. Except as otherwise provided in the Chapter, the City Clerk shall be the general Custodian of Records and shall thereby be responsible for the maintenance of all City Records not entrusted to the care of another official of the City. The City Clerk shall be the custodian of all personnel records of the City. The Chief of Police shall be the custodian of all Police Department records, and particularly all closed records of the Police Department. The Clerk of the Municipal Court, acting on behalf of the Judge, shall be custodian of all Municipal Court records, and particularly all closed court records.
2. Each Custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accordance with the policies enumerated in this Chapter.

Sub Section E. Public Access to Records

1. The City shall make available the City's public records of inspection and copying by the public. No person shall remove original public records from the City Hall or from the Office of the Custodian of Records without written permission of the Custodian.
2. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third (3rd) business day following the date the request is received by the Custodian of Records of the City. If access to the public records is not granted immediately, the Custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
3. If a request for access is denied, the Custodian of Records shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law

under which access is denied and shall be furnished to the requestor not later than the end of the third (3rd) business day following the date the request for the statement is received.

Sub Section F. Copying Fees

The Custodian of Records shall charge a fee of ten cents (\$.10) per page for duplication costs, fifteen (\$15.00) per hour for document searches, and two (\$2.00) per document certification. The Custodian shall receive, or may require, a deposit prior to duplicating or searching for documents.

Section 140.300: Closed Meetings, Records, and Votes

Sub Section A. Closed Meetings, Records and Votes Policy

All meetings, records and votes are open to the public, except that any meeting, record, minutes or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public government body votes to make them public.

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes or votes relating to litigation involving a public governmental body shall be made public upon final disposition of the matter moved upon; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
2. Leasing, purchase, or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration thereof. However, any minutes or vote or public record approving a contract relating to the leasing, purchase, or sale of real estate by a public governmental body shall be made public upon executing of the lease, purchase, or sale of the real estate.
3. Hiring, firing, disciplining, or promoting of particular employee by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote, or discipline an employee of a public governmental body must be made available to the public within seventy-two (72) hours of the close of the meeting where such action occurs' provided, however, any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in the Section, the term "*personal information*" means information relating to the performance or merit of individual employees.
4. Non-judicial mental or physical health proceedings involving identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until contract is executed, or all proposals are rejected.

11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employees as such. It is the policy of the City that no information relating to present or past employees other than names, positions, salaries and lengths of service shall be provided to any person or agency other than as may be required in response to a subpoena lawfully issued by a court of competent jurisdiction, or as otherwise may be required by law.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.

Sub Section B. Records Pertaining to Internal Investigations

In order to allow the fullest cooperation by employees and members of the public in investigation of matters wherein an employee or the city is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by City employees will be considered to be personnel records and shall be closed records under the custody of the respective department head.

Sub Section C. Records Pertaining to Medical Condition or History

All information obtained by the City regarding medical examinations, medical condition or medical history of City employees or job applicants, if retained by the City, shall be collected and maintained on separate forms and in a separate medical files and shall be closed and confidential records, except that:

1. Supervisors and managers may be informed regarding necessary restrictions on the work duties or employees and necessary accommodations;
2. First Aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or
3. Governmental officials investigating compliance with state or federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

Sub Section D. Records Containing Confidential, Proprietary or Private Information

1. In order to protect reasonable expectations of privacy on the part of persons having dealings with the City, City records containing information or entries of a personal, confidential, private or proprietary nature, including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the City by one complying with regulations requiring the disclosure of such information, shall be excised from copies of City records disclosed or provided to members of the public other than those persons to whom the information or entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the Custodian of Records for disclosure of material to be specified in the request, which request should state:
 - a) whether the requesting party has informed persons to whom the requested information pertains of the request; and
 - b) all reasons why the requesting party believes disclosure by the City of the specified information is in the public interest.
2. The Custodian of Records may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the Custodian of Records may conduct a hearing at which all interested parties may be heard. At such hearing the Custodian shall consider, among such other factors as may be reasonable and relevant:
 - a) The requirements and intent of state law, City ordinances and this policy;

- b) The legitimate expectations of privacy on the part of interested parties;
 - c) The personal, confidential, private or proprietary nature of the information at issue;
 - d) Whether the information was obtained by the City under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and
 - e) The public purposes to be served by disclosure of the requested information.
3. If the Custodian of Records determines disclosure is legally required or would otherwise serve the best interests of the public and such requirements or purpose outweighs the legitimate concerns or interests of the persons to whom the information pertains, the Custodian shall provide the requested information to the requesting party.

In addition to or in lieu of the hearing described above, the Custodian of Records may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure. The Custodian may also utilize the procedure for judicial determination and/or opinion solicitation provided in Sub Section G below.

Sub Section E. Segregation of Exempt Records

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the Custodian shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying in accord with the policies provided herein. When designing a public record the Custodian shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the Custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

Sub Section F. Closed Meetings and Votes – Notice and Minutes

1. A public governmental body proposing to hold a closed meeting or vote by:
 - a) Giving notice of same pursuant to Section 900.200 Sub Section A above along with reference to the specific exception allowing such a closed meeting under state law; and
 - b) Upon affirmative public vote of the majority of a quorum of the public governmental body.
2. The vote of each member of the public governmental body on the question of closing a public meeting and the specific reason for closing that public meeting by reference to the specific exception allowing such a closed meeting under state law shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
3. If a vote is taken at a closed meeting, minutes of the closed meeting, sufficient to reflect the vote pursuant to Section 900.200 Sub Section B.

Sub Section G. Procedures for Resolving Questions of Public Accessibility

The City, or any of its public governmental bodies, or the Custodian of Records, when in doubt about the legality of closing a particular meeting, record or vote, may bring suit at the expense of the City in the Circuit Court of Polk County to ascertain the propriety of any such action, or seek a formal opinion of the attorney general of the City Attorney. In such events, the proposed closed meeting or public access to record or vote shall be deferred for a reasonable time pending the outcome of the actions so taken.

Section 140.400: E-Mail Records

Certain E-Mail records are considered open records and shall be maintained as prescribed by RSMo 610.025, 610.021 and Missouri's State and Local Records Law, RSMo 109.00 to 109.310. The City of Pleasant Hope resolves (Resolution 1-2009 9/21/2009) to have the City Clerk receive and maintain email records as recommended by the State Record Commission February 22, 2001.

Section 140.500: Arrest Records

Sub Section A. Definitions

As used in the Section, the following terms shall have the following definitions:

Arrest – an actual restraint of the person of the defendant, or by his submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

Arrest Report – a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge thereof

Inactive – an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case;
2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten (10) years after the commission of the offense; whichever date earliest occurs;
3. Finality of the convictions of all person convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;

Incident Report – a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;

Investigative report – a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties

Sub Section B. Police Department Records

1. The Police Department of the City shall maintain records of all incidents reported to the Police Department, and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Sub Section D of this Section or 320.083 of RSMo, investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of his arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed for purposes of exculpation and except as provided in Sub Section D of this Section.
2. Except as provided in Sub Section D and E of this Section, if any portion of a record or document of a Police Department officer or the Police Department, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
3. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this Sub Section or Sub Section D for purposes of investigation of any civil claim or defense, as provided by this Sub Section. Any individual, his attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such requests, the Police Department shall provide the requested material or file a motion pursuant to this Sub Section with the circuit court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to 610.100(4) RSMo, if, based on such motion, the court finds for the Police Department, the court shall either order the record

closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Sub Section.

4. The victim of an offense under Chapter 566 RSMo may request that his or her identity be kept confidential until a charge relating to said incident is filed.

Sub Section C. Effect of Nolle Pros, Dismissal, and Suspended Imposition of Sentence on Records

If the person arrested is charged but the case is subsequently Nolle prossed or dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be accessed for purposes of exculpation and except as provided in Sub Section D.

Sub Section D. Public Access of Closed Arrest Records

1. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Sub Section and 43.507 RSMo, for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies as herein defined, department of revenue for driving record purposes, facilities as defined in 198.006 RSMo, in-home service provider agencies as defined in 660.250 RSMo, the division of workers' compensation pursuant to 595.010 to 595.075 RSMo, and federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate record which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.
2. As used in this Sub Section, the term "child care" includes providers and youth services agencies as those terms are defined in 43.540 RSMo, elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

Sub Section E. "911" Telephone Reports

Except as provided by this Sub Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be in accessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Sub Section B. Any closed records pursuant to this Sub Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

Sub Section F. Police Department Reports

Daily Log or Record Maintained by Police Department of Crimes, Accidents or Complaints; Public Access to Certain Information.

The Police Department or contractual law enforcement agency, if it maintains a daily log or record that lists suspected crimes, accidents, or complaints, shall make available the following information for inspection and copy by the public:

1. The time, substance, and location of all complaints or requests for assistance received by the Police Department;
2. The time and nature of the Police Department's response for assistance; and
3. The time, date, and location of the occurrence;

4. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566 RSMo;
5. The factual circumstances surrounding the incident; and
6. A general description of any injuries, property or weapons involved.

Chapter 150 – Duties of Employees of the City of Pleasant Hope

Section 150.100: City Clerk

Sub Section: A. Selection

The City Clerk of the City of Pleasant Hope is a hired position with candidate selection being the responsibility of the Board of Alderman.

Sub Section B. Qualifications

1. Legal qualifications:
 - a) The person in this position must be bondable.
 - b) The person in this position must by statute RSMo 79.250 not be in arrears for any unpaid city taxes or forfeiture or defalcation in office. State law does not require that the municipal clerk be a resident of the municipality.
2. Statutory qualifications:
 - a) Knowledge of the principles and methods of finance, accounting and auditing;
 - b) Knowledge of office management procedures, practices and equipment;
 - c) Knowledge of purchasing procedures;
 - d) Ability to maintain cooperative working relationships with city officials, employees and the public; and
 - e) Ability to understand and carry out complex oral and written instructions.

Sub Section: C. Removal

RSMo 79.240 – the City Clerk may be removed from office without cause by the Mayor and a majority vote of the Board of Aldermen or by two-thirds of the Aldermen without the Mayor's approval.

Sub Section: D. Vacancy

RSMo 79.280 – if a vacancy occurs in the City Clerk position, "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."

Sub Section: E. Duties; Generally

1. The general duties of the City Clerk are established in state statutes and city ordinances. The Missouri Statutes set forth a number of duties and responsibilities for the City Clerk including:
 - a) Keeping a journal of the proceedings of the Board of Aldermen;
 - b) Safely and properly keeping all the records and papers belonging to the city that may be entrusted to the clerk's care;
 - c) Being the general accountant of the city;
 - d) Administering official oaths;
 - e) Coordinating all duties pertaining to city elections with the county election authority;
 - f) Attesting and affixing the city seal on all orders, drafts and warrants drawn on the city treasury for money;
 - g) Countersigning the sale of all lots in the city cemetery;
 - h) Handling the administration of special tax bills;
 - i) Preparing accurate tax books with the amount of taxes due from each person;
 - j) Performing all the duties required by the governing body; and
 - k) Maintaining the files of personal financial interest disclosure forms.
2. In addition to the above duties, the governing body has assigned the City Clerk various other duties and responsibilities:
 - a) Serving as custodian of public records under the Open Meetings and Records Law. Section 610.023.1, RSMo. provides that a public governmental body is to appoint a custodian to maintain that body's records and the identity and location of the custodian is to be made available upon request. (Resolution 2-2010, 2/15/2010)

- i. Section 610.026, RSMo, sets forth that a public governmental body shall provide access to and, upon request, furnish copies of public records; commonly referred to as the Sunshine Law, regarding the release of information on any meeting, record or vote.
Fees charged for copies of public records 10 cents per page for paper copies 9 inches by 14 inches or smaller, plus an hourly fee for duplicating time not to exceed the average hourly rate of pay of \$12.00 for clerical staff of the public governmental body. Research time may be billed at actual cost. (Resolution 2-2010, 2/15/2010).
- ii. Section 610.021, RSMo provides that certain e-mails are subject to open records requirements and they shall be maintained as public record and the City Clerk as the custodian of records and shall receive a copy of all e-mail transmission pertaining to official city business. (Resolution 1-2009, 9/21/2009)
- b) Arranging for the publishing of requests for bids, notices of hearings, ordinances and other official notices;
- c) Preparing ordinances and resolutions;
- d) Preparing the city budget for the Boards review and approval;
- e) Administering the city's payroll and insurance programs;
- f) Issuing certain licenses and permits;
- g) Serving as purchasing officer;
- h) Administer to the Retention and Destruction of City Records
 - 1. City Clerk is the custodian of records and shall maintain all current and historical records as required for the City of Pleasant Hope, therefore it shall be the policy of the City of Pleasant Hope to adopt and adhere to the Missouri Revised Statute Chapter 109 (Public and Business Records) and the State of Missouri General Retention Schedules (GRS).
- i) Handling zoning applications;

Sub Section: F. Compensation – City Clerk is a salaried position of which compensation, hours and benefits are determined by the Board of Aldermen and shall be formalized by the Board in ordinance form.

Sub Section: G. Clerk's Desirable Knowledge Skills, Training and Experience

In addition to the legal and statutory qualifications, the position of City Clerk for City of Pleasant Hope requires:

1. Individual needs to be a self-starter
2. Advance skills in Microsoft Word and Excel
3. Advance skills in QuickBooks
4. Have the ability to multi-task with numerous and constant interruptions

Section 150.200: Police Chief

Sub Section: A. Generally - (Ordinance 242, 09/29/2008)

The Chief of Police and other Police Officers shall be conservators of the peace, and shall be active and vigilant in the preservation of good order within the City, and shall execute all orders, and serve all notices emanating from the Mayor or Board of Aldermen.

Sub Section B. Discharge of Duties - (Ordinance 242, 09/29/2008)

1. The Chief of Police shall, in the discharge of his duties, be subject to the orders of the Mayor and Board of Aldermen. The Police Officers shall, in the discharge of their duties, be subject to the Mayor, the Board of Aldermen and the Chief of Police.
2. The Chief of Police or Police Officers shall have the power to serve and execute all warrants, subpoenas, writs and other process issued by the Municipal Judge, at any place within the limits of the City.

Sub Section C. Chief of Police is a hired salaried position – process for hiring:

1. The City of Pleasant Hope will post openings for the Chief of Police and open the hiring process for a minimum of two weeks and will accept applications for the duration of the two week minimum.

2. If an individual does not meet all of the qualifications the City has in place for the position that person will be eliminated from the hiring process.
3. Each applicant will be required to provide:
 - a. proof of having a Missouri Class A or Class B Missouri POST certificate
 - b. current Missouri driver's license
 - c. standard city application - completed
 - d. a resume to be added to the applicants packet.
4. Each applicant will be required to submit to a background check; including a criminal history check, which will be done with the assistance of the Polk County Sheriff's Office at the request of the Mayor and the Board of Alderman.
5. The Mayor will review all applications for the above minimum requirements and produce a list of candidates that will be interviewed by the Mayor and Board of Alderman in closed session.
6. After all candidates are interviewed, the Mayor and the Board of Alderman, while in closed session, shall discuss and decide, by roll call vote, on a candidate for the position. Vote needs to be a simple majority.
7. The Mayor will call the candidate and make the job offer. If accepted the candidate will be asked to attend the next regular City Council Meeting where by motion in open session the candidate is asked to accept the position of Chief of Police.
8. The City Clerk will administer the oath of office.

Sub Section: D. General Duties of Chief of Police

The Chief of Police of the Pleasant Hope Police Department is responsible for policy development, control, supervision, and program implementation of the Pleasant Hope Police Department (PHPD) and is accountable for the effective delivery of police services to the community.

Police activities are conducted with considerable operational independence and personal judgment under the supervision of the Mayor and Board of Alderman.

1. Supervises:
 - a) Directly supervises a department of law enforcement professionals.
 - b) Assigns work schedules, oversees employees' job performance and has the responsibility for the selection, performance evaluation, training, and discipline of the department's staff. Has final authority for decisions pertaining to law enforcement.
 - c) Selects and disciplines staff in accordance with state and federal laws and City policies and procedures.
 - d) Evaluates employees annually and outlines personal development plans for employees.
 - e) Responsible for notifying all officers of upcoming training opportunities and ensure that all officers are current with Missouri POST Certification.
 - f) Maintains training and performance records on all PHPD personnel in accordance with existing state and federal guidelines.
 - g) Assigns work schedules to staff, including coverage by outside agencies when necessary.
 - h) Within the PHPD, organizes, maintains, and administers the personnel policies of the City and the procedures of the PHPD.
 - i) Insures that any complaints against the PHPD or its personnel are handled effectively and in a timely manner.
2. Establishes

- a) Establishes PHPD goals, long-range plans, objectives, policies, directives, regulations, and procedures based upon the needs of the City of Pleasant Hope and the PHPD;
 - b) Establishes by example the proper use and operation of motor vehicles in accordance with State laws and Department regulations in routine and emergency situations.
- 3. Maintains
 - a) Continually monitors and evaluates the effectiveness and responsiveness of the PHPD.
 - b) Establishes and maintains necessary and appropriate records of PHPD activities.
 - c) On a monthly basis, prepares Uniform Crime Report (UCR) and other state statistical information and will prepare the statistical record for annual City Council.
 - d) Conducts regular inspections of the PHPD facilities, personnel, and equipment.
 - e) Maintains proficiency in the operation of technical equipment, including radar, blood alcohol measuring devices, cameras, two-way radios, etc.
 - f) Maintains equipment and personnel at a level consistent with budgeted allocations.
- 4. Directs, coordinates, and oversees;
 - a) all PHPD procedures, practices, and activities;
 - b) all necessary steps to improve police operations.
 - c) Organizes, directs, and controls all resources of the PHPD to preserve the peace, protect persons and property, and enforce ordinances and by-laws of the City, State and federal government.
 - d) Takes charge at scenes of emergencies, serious crimes, and accidents.
 - e) Makes final decisions as to courses of action and protection of citizens, property, and police personnel.
 - f) Operates both as a member of a team and independently at incidents of uncertain duration, advising and assisting PHPD personnel, performing complex tasks during life threatening emergencies.
 - g) Supervises and conducts complete and accurate investigations, and prepares reports for same.
- 5. Cooperates
 - a) Cooperates with law enforcement officials from other jurisdictions on investigations and in the apprehension and detention of suspects.
- 6. Actively Participates:
 - a) By attending monthly City Council Meetings and presenting status reports on the activities of the Pleasant Hope Police Department, budget and other issues within the community.
 - b) In the development of the PHPD budget and administers the approved budget in accordance with established City policy.
 - c) Plans, implements, and maintains effective customer relations and public education programs.
 - d) Serves as primary representative of PHPD with civic organizations, public interest groups, elected representatives, schools, etc., by attending meetings related to public safety problems and law enforcement issues.
 - e) Actively participates in professional law enforcement associations;
 - f) Acts as liaison between City and other law enforcement agencies;
- 7. Performs all regular full-time patrol officer duties as necessary.

Sub Section C – Removal - The Chief of Police shall be removed by a majority vote by the Board of Alderman. The City Council must conduct an official meeting to remove the Chief of Police, during the meeting; a majority vote by the Board will be taken to determine whether or not to remove the Chief of Police. In the event of a tie, the Mayor has the final vote to determine whether or not to remove the Chief of Police of his/her position. After removal of the Chief of Police, the Chief of Police must immediately turn in all Department issued equipment and must turn in his/her badge at the time of removal.

Sub Section: D. Vacancy - if a vacancy occurs in the Chief of Police position, “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.

Sub Section: F. Compensation – Chief of Police is a salaried position of which compensation, hours and benefits are determined by the Board of Aldermen and shall be formalized by the Board in ordinance form.

Sub Section: G. Desirable Training and Experience

1. Must be at least 21 years of age.
2. Must have a High School Diploma or G.E.D.
3. Must not have any Felony Convictions.
4. Must be a Citizen of the United States.
5. Must possess a valid Missouri Driver's License.
6. Must be a resident of Polk County.
7. Must be POST Certified with Missouri Department of Public Safety.
8. Must have at least 24 months of full-time law enforcement/patrol officer experience.
9. Must submit to and pass a background check.
10. Must submit to and pass a criminal background check.
11. Military experience or some college preferred.
12. Prior supervisor experience preferred.
13. Must complete a minimum of 6 month probationary period from the date of hire.

Section 150.225: Patrol Officer

Sub Section: A. Patrol Officer is a hired hourly position – process for hiring:

1. The Chief of Police will post openings for a minimum of two weeks and will accept applications for the duration of the two week minimum.
2. The Chief of Police will accept and review all applications and eliminate candidates that do not meet all of the qualifications the City has in place for the position and those persons will be eliminated from the hiring process.
3. Each applicant will be required to provide:
 - e. proof of having a Missouri Class A or Class B Missouri POST certificate
 - f. standard city application
 - g. a resume to be added to the applicants packet.
4. Each applicant will be required to submit to a background check; including a criminal history check, conducted by the Chief of Police.
5. After all requirements and qualifications are met, the Police Chief will conduct interviews and make a selection of three (3) candidates to present to the Board of Aldermen for interviews.
6. After all candidates are interviewed, the Board of Alderman and the Chief of Police; while in closed session shall discuss and decide, by roll call vote, on a candidate for the position. Vote needs to be a simple majority. The Mayor shall vote only to break a tie vote.
7. The Chief of Police will call the candidate and make the job offer. If accepted the candidate will be asked to attend the next regular City Council Meeting where by a shall motion will be made (in open session) to offer the job to the candidate for the position of Patrolman for the City of Pleasant Hope.

8. The City Clerk will administer the oath of office.

Sub Section: B. Removal

Patrol Officers may be removed at any time by the Chief of Police. The Chief of Police has the authority to remove any officer for any conduct that sheds a negative light on the City of Pleasant Hope or the PHPD. The Chief of Police must immediately notify the Mayor upon removal of a Patrol Officer. After removal of a Patrol Officer, that Officer must immediately return all Department issued equipment and must turn in his/her badge at the time of removal. The Chief of Police will be responsible for notifying POST and for completing the required documents upon removal of a Patrol Officer. The Chief of Police does not need the approval of the Mayor or the Board of Alderman to remove a Patrol Officer but must notify the Mayor upon removal and notify the Board of Alderman at the next monthly Board Meeting.

Sub Section: C. Vacancy

In the event that there is a vacancy in the position of Patrol Officer, the Chief of Police will be responsible for finding coverage for that Officer's shifts. The Chief of Police is also responsible for posting the position to give people the opportunity to apply for the vacancy. The position will be open for applicants for a period no less than 2 weeks. The Chief of Police will determine when there are enough applicants to then close out the application process. The Chief of Police will then conduct interviews and background checks and will narrow the selection down to 3 applicants and will present the 3 applicants to the Board of Alderman at the next available monthly meeting. The Board of Alderman and the Chief of Police will then conduct a final interview and determine by majority, who will be selected to fill the vacant position.

Sub Section: E. Duties; Generally

Patrol Officers duty is to protect life and property through the enforcement of laws and ordinances. Duties include but are not limited to:

1. The responsibility for performing routine police assignments that are received from the Chief of Police.
2. Conduct routine patrols, preliminary investigation, traffic regulation, and investigation duties on an assigned shift which may involve an element of personal danger.
3. Must be able to act without direct supervision and to exercise independent judgment in meeting emergencies.
4. May receive special assignments which call upon specialized abilities and knowledge usually acquired through experience as a uniformed Patrol officer.
5. May be required to assist other personnel of the PHPD, or other Law Enforcement Agencies, in conducting interrogations, searches, and related duties as assigned.
6. Assignments, general and special instructions, are received from the Chief of Police who reviews work methods and results through reports, personal inspection, and discussion.
7. Patrols the City to preserve law and order, to prevent and discover the commission of a crime, and to enforce traffic and parking regulations.
8. Answers calls for service and citizen complaints in a timely and professional manner.
9. Reports all questions or concerns to the Chief of Police immediately.
10. Conducts preliminary investigations, gather evidence, obtain witnesses, and make arrests; testifies as a witness in court.
11. Interviews persons with complaints and/or inquiries and attempts to make the proper disposition or direct them to proper authorities.
12. Directs traffic at intersections;
13. Assist other agencies and first responders, participates in escorting funerals.
14. Completes vehicle inspections prior to beginning of each shift and report. Any issues with the vehicle shall be reported immediately to the Chief of Police.
15. Completes daily activity logs to be handed into the Chief of Police after each shift.
16. Maintains personal and departmental equipment.
17. Maintains a professional appearance while on duty.

Sub Section: F. Compensation – Patrolman is an hourly position of which compensation, hours and benefits are determined by the Board of Aldermen and shall be formalized by the Board in ordinance form.

Sub Section: G. Requirement Qualifications, Training and Experience

1. Minimum of at least 21 years old.
2. High school graduate or G.E.D.
3. No Felony Convictions.
4. Be a citizen of the United States.
5. Possess a valid Missouri Driver's License.
6. Be a resident of Polk County for full time positions.
7. Officer must be POST Certified with Missouri Department of Public Safety.
8. All employees of the City of Pleasant Hope Police Department will be required to successfully complete a minimum probation period of 6 months from date of hiring.
9. Employees may be terminated at any time during this period at the discretion of the Chief of Police or the Mayor with the approval of the Board of Aldermen.
10. Employees terminated during the probationary period shall not have the benefit of appeal.

Section 150.250: School Resource Officer (SRO) – future use

Sub Section: A. May Appoint City Police Officer

Sub Section: B. Selection; Term

Sub Section: C. Removal

Sub Section: D. Vacancy

Sub Section: E. Duties; Generally

Sub Section: F. Compensation

Sub Section: G. Desirable Training and Experience

Section 150.300: Public Works Director

Sub Section: A. Definition

It is the responsibility of the Public Works Director to plan, direct, manage and oversee the activities, projects and operations of the City of Pleasant Hope including street maintenance and construction, engineering, traffic engineering, and building maintenance; to coordinate assigned activities with other city departments and outside agencies; plan and direct emergency management interfaces and provide highly responsible and complex administrative support to the Mayor and Board of Aldermen

Sub Section B. Selection

The Public Works Director of the City of Pleasant Hope is a hired salaried position with candidate selection being the responsibility of the Board of Alderman. The position shall be posted for a minimum of two weeks and accepting applications for a duration of two weeks.

Sub Section B. Qualifications and Requirements

1. Knowledge of:
 - a) Operational characteristics, services and activities of a comprehensive public works department.
 - b) Project management skills necessary to analyze programs, policies and operational needs.
 - c) Construction techniques involving streets and roads, drainage systems, flood control and wastewater systems.
 - d) Principles and procedures of facility maintenance.
 - e) Principles and practices of municipal budget preparation and administration.
 - f) Pertinent federal, state and local laws, codes and regulations.
2. Ability to:
 - a) Plan, organize, direct and coordinate small and large public works projects.
 - b) Lead and direct the operations, services and activities of the public works department.
 - c) Determine the feasibility of various municipal projects.
 - d) Coordinate design, construction, inspection, and maintenance activities for a wide variety of public works projects.
 - e) Identify and respond to community issues, concerns and needs.
 - f) Develop and administer goals, objectives and procedures.
 - g) Prepare clear and concise administrative and financial reports.

- h) Prepare and administer complex budgets.
 - i) Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
 - j) Interpret and apply federal, state and local policies, procedures, laws and regulations.
 - k) Communicate clearly and concisely, both orally and in writing.
 - l) Manage time to effectively oversee and complete multiple projects, tasks, goals, objectives and assignments
 - m) Establish and maintain effective working relationships with those contacted in the course of work activities.
 - n) Follow all safety rules and regulations of the City of Pleasant Hope and OSHA
 - o) Maintain effective audio-visual discrimination and perception needed for:
 - i. making observations
 - ii. reading and writing
 - iii. operating assigned equipment
 - iv. communicating with others.
 - p) Maintain mental capacity which permits:
 - i. making sound decisions and using good judgment
 - ii. demonstrating intellectual capabilities.
3. Experience and Education Guidelines
- Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be through:
- a) Experience:
 - i. Five years of increasingly responsible experience in public works management, construction or a related fields which include administrative and supervisory responsibility.
 - b) Education:
 - i. Equivalent of a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field.
 - ii. Essential Certifications through the American Public Works Association:
 - Transportation Management
 - Storm Water Management
 - Right-of-Way Management
 - Infrastructure Inspection
 - Emergency Management
 - c) Possession of, or ability to obtain, an appropriate, valid driver's license.

Sub Section: C. Removal – Public Works Director may be removed without cause by the Mayor and a majority vote of the Board of Aldermen or by two-thirds of the Aldermen without the Mayor's approval.

Sub Section: D. Vacancy - If a vacancy occurs in the Public Works Director position, the Mayor shall appoint a suitable person to discharge the duties of such position until the first regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

Sub Section: E. Duties; Generally
Essential duties and responsibilities:

1. Assume full management responsibility for all Public Works Department services and activities including street maintenance and construction, engineering, traffic control, and building maintenance; recommend and administer policies and procedures.
2. Provide development and implementation goals, objectives, policies and priorities for each service area of the Public Works Department.

3. Establish, within city policy, appropriate service levels; monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; allocate resources accordingly.
4. Assess and monitor work load, identify opportunities for improvement; direct and implement changes as approved by the Board of Alderman.
5. Serve as the interface for technical professionals such as traffic engineers, construction engineers, and building inspectors for the City of Pleasant Hope.
6. Participate in the development and administration of the Public Works Department budget; approve the forecast of funds needed for equipment, materials and supplies; approve expenditures and implement budgetary adjustments as appropriate and necessary.
7. Explain, justify and defend Public Works Department programs, policies, and activities; negotiate and resolve sensitive and controversial issues.
8. Represent the Public Works Department to elected officials and outside agencies; coordinate Public Works Department activities with other city departments, outside agencies and organizations.
9. Assess and monitor the City's infrastructure to provide adequate levels of public service for existing systems, networks, extensions and developments.
10. Work closely with the Water/Wastewater Operator to ensure equipment for city water and wastewater facilities are serviced and maintained.
11. Act as the purchasing and procurement manager for Public Works and Water and Wastewater; following all procurement policies and procedures.
12. Work closely with all city departments and establish and maintain service schedules for all city equipment and vehicles
13. Represent the Public Works Department to the general public, coordinate / facilitate Public Works activities with public service needs.
14. Represent and actively manage emergency operations for City of Pleasant Hope and work with Polk County Emergency Management for emergencies and Hazard Mitigation..

Sub Section F: Perform other duties as assigned.

Other important duties and responsibilities:

1. Prepare and present monthly activity reports for Board of Alderman and other necessary correspondence as needed.
2. Prepare daily activity logs and time sheets for payroll.
3. Prepare and maintains mileage and hours used log sheets for all City vehicles and equipment
4. Attend and participate in professional group meetings; stay abreast of new trends and innovations in a board scope of areas.
5. Respond to and resolve difficult and sensitive citizen inquiries and complaints in connection with public services areas and emergency management.
6. He shall have the duty to assess and collect all the assessments and fees for city permits.
7. He shall perform additional duties as directed or assigned by the Board of Aldermen or order of the Mayor.

Sub Section: F. Compensation – Public Works Director is a salaried position of which compensation, hours and benefits are determined by the Board of Aldermen and shall be formalized by the Board in ordinance form.

Section 150.350: Water/Wastewater Operator

Sub Section: A. Selection

The Water/Wastewater Operator is a hired salaried position with candidate being selected by the Board of Alderman through the review of applications.

Sub Section B. Qualifications

Water and wastewater treatment plant and system operators need:

1. a high school diploma or equivalent
2. prefer applicants who have completed a certificate program or an associate's degree program in water quality management and wastewater treatment technology
3. prefer applicants with a minimum work experience of 3-years
4. prefer applicants with a minimum water certification level = "DSI" and a wastewater certification level = "D" or be willing to acquire such certification within a 2-year period.
5. Analytical skills - Water and wastewater treatment plant and system operators must conduct tests and inspections on water or wastewater and evaluate the results.
6. Detail oriented - Water and wastewater treatment plant and system operators must monitor machinery, gauges, dials, and controls to ensure everything is operating properly.
7. Math skills. Water and wastewater treatment plant and system operators must have the ability to apply data to formulas that determine treatment requirements, flow levels, and concentration levels.
8. Mechanical skills. Water and wastewater treatment plant and system operators must know how to work with machines and use tools. They must be familiar with how to operate, repair, and maintain equipment all equipment associated with water and wastewater plants.

Sub Section: B. Removal – Water/Wastewater Operator may be removed without cause by the Mayor and a majority vote of the Board of Aldermen or by two-thirds of the Aldermen without the Mayor's approval.

Sub Section: C. Vacancy - If a vacancy occurs in the Water/Wastewater Operators under DNR requirements John Hopkins of Humansville will be the certified operator and through his tutelage assist the City and its employees for no longer than 2-years (if needed) to get someone trained and certified . Water Certification level of "DSI" and Wastewater Certification level of "D".

Sub Section: D. Duties; Generally

1. Record meter and gauge readings and operational data for each well
2. Monitor and adjust Chlorine levels as needed
3. Monitor chlorine supplies and place order for new tanks in a timely manner
4. Inspect equipment for wells and lagoon on a regular basis
5. Monitor and adjust Chlorine/Dechlorination requirements at lagoon. Place orders for tablets in a timely manner
6. Collect and test water and sewage samples as required by DNR
7. Operate equipment to purify and clarify water or to process or dispose of sewage
8. Clean and maintain equipment, tanks, filter beds, and other work areas
9. Perform scheduled line flushing throughout the city.
10. Shall maintain grass and weed control at each well, the water tower and the lagoon.
11. Stay current on U.S. Environmental Protection Agency regulations
12. Shall be certified for water and sewer testing.
13. Stay current on MODNR Operator License certification by taking required CEU training and licenses testing
14. Shall be responsible for reading the city water meters, and making sure the readings are turned into the City Clerk before the 25th of each month.

15. Shall be accountable for all water pumped each month and provide a report to the City Clerk for all flushing of hydrants, major leaks, testing and fire department use.
16. Shall investigate all reports of leaks to determine if it is a City issue or customer issue.
17. Shall coordinate with the City Clerk for non-payment shut-off notifications and collections
18. Shall educate the customer on methods that would help them to find their leaks.
19. Shall provide good customer service at all times.
20. Shall be responsible for preparation of a proposed water and wastewater budget and work within the budget that is approved.
21. Shall maintain a daily record of activity with start and finish times of each project, to be turned in with time cards.
22. Shall maintain a daily mileage log and hourly usage log for all city vehicles and equipment so equipped.
23. Shall perform such additional duties as may hereafter be directed by order of the Mayor and/or the Board of Alderman which shall include but are not limited to:
 - a) Emergency Call out or coverage for problems with water or wastewater operations on a 24hr operation as needed.
 - b) Maintaining the City Park and its facilities
 - c) Maintain City walking trail(s) and Farmer's Market lot.

Sub Section: E. Compensation – The Water/Wastewater Operator is a salaried position of which compensation, hours and benefits are determined by the Board of Aldermen and shall be formalized by the Board in ordinance form.

Chapter 160 – Business Regulations of the City

Section 160.100: Liquor/Beer Licenses and Regulations (Ordinance 26 10/4/1971)

Section 160.101: Definitions

Whenever in this Chapter the following terms are used, they shall have the meaning respectively ascribed to them in this Section.

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

Non-intoxicating Beer - The phrase *Non-intoxicating Beer* as used in this Chapter shall be construed to refer to and to mean 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, and free from all harmful substances, preservatives and adulterants, and having an alcohol content of more than one-half of one percent by volume, and not exceeding three and two-tenths (3.2) percent by weight.

Section 160.102: License Required (Ordinance 264 5/16/2011)

It shall be unlawful for any person, firm, partnership or corporation to sell or expose for sale either at wholesale or retail in the City of Pleasant Hope, Missouri intoxicating liquor as herein defined in any quantity without first having obtained a license from the City therefor.

Section 160.103: License

The license required under this Ordinance shall be as follows:

1. For the sale of intoxicating liquor by wholesale in excess of 5% of alcohol by weight, the sum of \$300.00.
2. For the sale of intoxicating liquor not in excess of 5% alcohol by weight by wholesale, the sum of \$150.00
3. For the sale of intoxicating liquor in excess of 5% alcohol by weight by retail in the original package the sum of \$75.00.
4. For the sale of intoxicating liquor not in excess of 5% of alcohol by weight at retail the sum of \$37.50.

Section 160.104: License Not Transferable

No license under this Chapter shall be transferable or assignable.

Section 160.105: Duration of License

Each license in compliance with this Ordinance shall be for one year from date of issuance unless revoked for cause as herein provided.

Section 160.106: Restrictions as to Time of Sales

No licensee under this Ordinance shall sell, give away, or otherwise dispose of or suffer the same to be done upon or about his premises any intoxicating liquor in any quantity on the first day of the week commonly called Sunday, or upon the day or any primary or general election in this State or upon any county, city, township, school or municipal election day.

Section 160.107: Hours of Sale

No person having a license under the provision of this Chapter shall sell, give away or otherwise dispose of or suffer the same to be done on or about his premises any intoxicating liquor in any quantity between the hours of twelve o'clock midnight and six o'clock in the morning.

Section 160.108: Restriction as to Place of Sale

No person, agent, or employee, shall sell intoxicating liquors in any other place than that designated in the license or, during any other term or otherwise than is authorized in this Chapter, provided that nothing in this Chapter shall be so construed as to authorize the sale of intoxicating liquor in the original package or at retail by the drink for consumption on the premises where sold in a place commonly known as a saloon; provided further, that no license shall be issued for the sale of intoxicating liquor at retail by the drink for consumption upon the premises where sold in a place commonly known as a saloon, nor in any building or room not well lighted, nor where there are blinds, booths, screens, swinging doors, curtains or any other thing in such building or room that will obstruct or obscure the interior of such room from public view.

Section 160.109: Prohibition Concerning Minors and Drunkards

No licensee or his employee shall sell or supply any intoxicating liquor or permit the same to be sold or supplied to a habitual drunkard or any person who is under or apparently under the influence of intoxicating liquor. Intoxicating liquor shall not be sold or otherwise supplied to any person under the age of 21 years. No person under the age of 21 years shall assist, sell or dispose of intoxicating liquors.

Section 160.110: Application for License

All applications for licenses under the provisions of this Chapter shall be made in writing to the Board of Aldermen and all applications, except for the sale of malt liquors not in excess of 5% of alcohol by weight, shall be accompanied by an inventory and appraisalment of the valuation of the stock of goods at the proposed place of business in said application other than intoxicating liquor, which inventory and appraisalment as aforesaid shall be the value according to the inventory at the time of making application for said license.

Section 160.111: Granting Of License

On approval of the application by the Board of Aldermen and payment of the license taxes herein provided for, the City Clerk shall grant applicant a license to conduct business in the City of Pleasant Hope, Missouri for one year from the date of the issuance of said license. A separate license issued under the provisions of this Chapter shall be required for each separate place of business. Every license issued under the premises at which intoxicating liquor can be sold hereunder, and the particular kind of intoxicating liquor to be sold there under, and such license shall not be deemed to authorize or permit the sale of different kinds of intoxicating liquor at that or any other place other than that described therein.

Section 160.112: Regulation of Sale of Intoxicating Liquor in Original Package

Original packages of intoxicating liquor shall be sold at retail in the original package of not less than one-half pint only upon a license granted by the Board of Aldermen and said intoxicating liquor shall not be consumed upon the premises of the vendor, except as otherwise provided in this Chapter; provided further, that no intoxicating liquor purchased in the original package shall be consumed or permitted to be consumed upon any premises where intoxicating liquor is authorized legally to be sold.

Section 160.113: Regulation as to Issuance of License

That not license shall be issued for the sale of intoxicating liquor in the original package except to a person engaged in, and to be used in connection with the operation of one or more of the following businesses: a general merchandise store, a drug store, a cigar store and tobacco store, a grocery store, a confectionery, or delicatessen store, nor to any such person who does not have and keep in his store a stock of goods having a value according to invoices at the time of making the application for a license, and all times thereafter, of at least Fifteen Hundred (\$1,500.00), exclusive of fixtures and intoxicating liquor.

Section 160.114: Regulations as To Sale of Malt Liquor

Malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, may be sold by the drink at retail for consumption on the premises where sold, when the person, partnership or corporation desiring to sell malt liquor by the drink at retail for consumption on the premises where sold shall have been licensed to do so by the City of Pleasant Hope, Missouri, and under the provisions of this Chapter. Provided that and under provisions of this Chapter, a licensee authorized to sell malt liquor at retail by the drink for consumption on the premises where sold shall not be permitted to obtain a license for the sale of intoxicating liquor, other than malt liquors, in original packages, and provided further that it shall be unlawful for any person to sell malt liquor containing 3.2 percent of alcohol by weight or less where malt liquor in excess of 3.2 percent of alcohol by weight or other intoxicating liquors are sold. Provided further that it shall be unlawful for any person to sell malt liquor which contains in excess of 3.2 percent of alcohol by weight to sell other intoxicating liquor or malt liquor containing not in excess of 3.2 percent of alcohol by weight; provided further that it shall be unlawful for any person to sell any malt liquor where intoxicating liquor other than malt liquor is sold.

Section 160.115: Malt Liquor Defined

The term "malt liquor" as used in this Chapter, shall mean that liquor manufactured from pure hops or wholesome grain or cereal and wholesome yeast and pure water, and commonly called and known as beer.

Section 160.116: License Qualifications of Applicant

No person shall be granted a license under this Chapter unless such person is of good moral character and a native born or naturalized citizen of the United States of America, and a qualified legal voter and tax paying citizen of the City of Pleasant Hope, Polk County, Missouri, 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 of the Constitution of the United States of the violation of any law applicable to the sale or manufacture of intoxicating liquor, or who employs or has employed anyone 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.

Section 160.117: Revocation of License

The Board of Aldermen of the City of Pleasant Hope, Missouri, may on hearing revoke any license issued under the provisions of this Chapter, if the licensee has not at all times kept an orderly place or if he has violated the provisions of this Chapter, or for any other good cause shown, first having been given not less than ten (10) day notice in writing of the application to revoke his license prior to the order of revocation being issued, which notice shall contain the ground or grounds for such revocation set out herein and which notice shall command said licensee to be present at the regular or called meeting of the Board of Aldermen and show cause, if any, why such license should not be revoked. Provided that said licensee shall have full right to be represented by counsel at said hearing and present witnesses and evidence in his behalf at such hearing, and provided further that such notice of revocation hearing shall be served by the Chief of Police, and may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee in charge of the place of business of said licensee.

Section 160.118: Financial Interests of Wholesalers, Distillers, Brewers, or Their Employers, Officers or Agents

Wholesalers, distillers, winemakers, brewers, or their employees, officers or agents shall not under any circumstances, either directly or indirectly have any financial interests in the retail business for the sale of intoxicating liquors, and shall not directly or indirectly furnish, loan, or give away any equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers, and proof of the violation hereof shall forfeit the license of such wholesaler and retailer

Section 160.119: Limitations of Licensed Place

No license shall be issued to any person, firm or corporation for the sale of intoxicating liquor in the original package or malt liquor at retail by the drink for consumption on the premises where sold in any building or

room located within 300 feet of any church building, school building, or hospital in the City of Pleasant Hope, Missouri.

Section 160.120: Rental for Unlawful Sale

It shall be unlawful for any person, firm association, corporation or partnership to own, operate, lease, occupy or control any building, car shed, room, basement, structure, tent, or booth knowingly permitting intoxicating liquor to be unlawfully manufactured, sold, stored, kept or consumed therein or thereon.

Section 160.121: Person Defined

The term *person* as used in this Chapter shall mean and include any individual, firm, association, stock company, syndicate, partnership, or corporation.

Section 160.122: Conviction Duty of Municipal Judge

Upon conviction of any person under the provisions of this Chapter, it shall be the duty of the Municipal Judge of the City of Pleasant Hope, Missouri to certify such conviction to the Board of Aldermen of said City of Pleasant Hope, Missouri

Section 160.123: Misrepresentation of Age by a Minor to Obtain Liquor

Any person of the age of seventeen years and under the age of twenty-one years who shall represent that he or she has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of a misdemeanor. Any persons under the age of seventeen years who shall represent that he or she has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in case authorized by law, may be considered a delinquent child, and be dealt with in accordance with the provisions of Chapter 211, RSMo 1949.

Section 160.124: Purchase or Possession by Minor

Any person under the age of twenty-one years who purchases or attempts to purchase, or has in his possession, any intoxicating liquor as defined in this Ordinance is guilty of a Class A Misdemeanor.

Section 160.125: Misrepresentation of Age by a Minor to Obtain Beer

Any person of the age of seventeen years and under the age of twenty-one years who represents that he has attained the age of twenty-one years for the purpose of purchasing, asking for, or in any way receiving non-intoxicating beer, shall, upon conviction be deemed guilty of a misdemeanor. Any person of the age of seventeen years and under the age of twenty-one years who represents that he has attained the age of twenty-one years for the purpose of purchasing, asking for, or in any way receiving non-intoxicating beer shall be dealt with in accordance with the provisions of Chapter 211, RSMo 1949.

Section 160.126: Purchase or Possession by a Minor

Any person violating any of the provisions of this Chapter, except where some penalty is otherwise provided, shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished by a fine not exceeding Five Hundred Dollars (\$500) and/or ninety (90) days in the County Jail, or both such fine and imprisonment, provided that upon final conviction of any person for a violation of any provision of this Chapter, said conviction shall automatically operate to revoke the license hereunder issued to such person and provided further that the term conviction as herein used shall mean conviction upon final termination of any prosecution of any violation of this Chapter and provided further that no person having been convicted of the violation of any of the provisions of this Chapter shall be issued a license or a renewal thereof for a period of one year from the date of the conviction.

Section 160.127: Revocation Shall Forfeit License Fee

In case of revocation or forfeiture of any license granted and issued under the provisions of this Chapter for cause or otherwise, the City of Pleasant Hope, Missouri, shall in not event return any part of the license fee paid for such license.

Section 160.128: Business License for the City of Pleasant Hope (Ordinance 263 3/7/2011)

The City of Pleasant Hope having the Power to License, Tax and Regulate All Businesses and Occupations pursuant to RSMo 94.270 deems it necessary for all businesses and occupations to apply for a "Business License" to operate in the City of Pleasant Hope, Polk County, Missouri. The business license year is defined as: Beginning July 1 of the current year to June 30 of the next year. The City Clerk of the City of Pleasant Hope shall issue a license upon receiving twenty five (\$25.00) dollars to do business within the City of Pleasant Hope as the Board of Aldermen direct. It shall be an ordinance violation to operate a business without a license punishable upon conviction with a fine up \$500.00 and/or ninety (90) days in the county jail.

Section 160.130: Peddlers, Solicitors and Canvassers

Section 160.140: Deceptive Practices

Section 160.150: Garage Sales

Chapter 170 – Taxes

Section 170.100: City Sales Tax (Ordinance 119, 04/10/1986)

The citizens of the City of Pleasant Hope, Missouri, were submitted a proposal to authorize the legislative body of the City to impose a sales tax under Sections 94.500 through 94.570 RSMo, and election was held on the 10th day of April, 1986, and the final vote was 93 in favor of authorizing the sales tax, and 22 opposed.

All sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 to 144.510 RSMo and the rules and regulations of the Director of Revenue issued pursuant thereto, at the rate of one percent (1%) on the receipts from the day at retail of all tangible personal property or taxable services within the City to the extent that all property and such services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.510 RSMo.

Further, that pursuant to Section 144.032, the aforementioned sales tax of one per cent (1%) is hereby imposed upon all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal or home heating oil for domestic use only.

Section 170.200: City Option Use Tax (Resolution 157 06/10/1996)

The City has imposed local sales taxes, as defined in Section 32.085 RSMo., at the rate of 1%; and the City is authorized, under Section 144.757RSMo, to impose a local use tax at a rate equal to the rate of the local sales taxes in effect in the City and the proposed City use tax cannot become effective until approved by the voters at a municipal, county or state general, primary or special election.

The City of Pleasant Hope, Polk County, Missouri, imposes a use tax on out-of-state purchases for general revenue purposes at the rate of one percent, 1%, for the privilege of storing, using or consuming within the City any article of tangible personal property pursuant to the authority granted by and subject to the provisions of Sections 144.600 through 144.763 RSMo.; provides for the use tax to be repealed, reduced or raised in the same amount as any City sales tax is repealed, reduced or raised; and provides for submission of the proposal to the qualified voters of the City for their approval at the Primary Election called and to be held in the City on August 6, 1996.

Section 170:300 Personal Property Taxation (Ordinance 284 12/17/2012)

The City of Pleasant Hope requested - That for the purpose of providing for the necessary expenses of the city government and public safety of the City of Pleasant Hope, Missouri, the taxation is hereby established and there is hereby levied upon all real property within the City of Pleasant Hope liable for and ordered to be collected in the manner prescribed by the laws of Missouri, a tax of no more than Forty Five one-hundredths Cents (\$.45) upon each One Hundred Dollars (\$100.00) assessed valuation and no more than annually allowed by the Missouri State Auditor, but no more than (\$.45) per One Hundred Dollars (\$100.00) assessed valuation.

Said tax levy shall become effective as provided by law upon approval thereof by a majority of the votes cast on the proposition by the qualified voters of the City of Pleasant Hope at the General Municipal Election on April 2, 2013.

The voters cast their votes and they denied the general tax levy – 80 No votes to 37 Yes votes.

Chapter 180 – Budget and Finances

Section 180.100: Fiscal Year

The fiscal year for the City of Pleasant Hope shall be from January 1st to December 31st. The City shall prepare and publish semi-annual financial statements, in accordance with Section 79.160 RSMo., no later than January 31st and July 31st of each year.

Section 180.110: Budget Required

Prior to the commencement of each fiscal year, a budget for the City of Pleasant Hope shall be prepared, and presented to and approved by the Board of Aldermen.

Section 180.120: Budget Contents

Sub Section A. The annual budget shall present a complete financial plan for the next fiscal year. The following shall be included in the budget:

1. A budget message to describe the important features of the budget and to point out any major changes from the previous year.
2. An estimate of revenues which are expected to be received during the next year from all sources, plus a comparative statement of the revenues for the previous two budget years. These comparisons shall be shown by year, fund and source.
3. An estimate of expenditures that are proposed to be spent during the budget year, plus a comparative statement of actual expenditures for the prior completed fiscal year and estimated expenditures for the current year. These comparisons should be shown by year, fund, activity and object.
4. The amount of money required to pay any interest, amortization or redemption charges which the municipality will owe during the budget year.
5. A general summary of the total proposed budget.

Section 180.130: Budget Officer

The budget officer for the City of Pleasant Hope shall be the City Clerk or such other person as the Mayor may designate and approved by the Board of Aldermen. It is the responsibility of the budget officer who is to prepare the budget after reviewing expenditures requests and revenue estimates with other city officers. The budget officer shall submit the completed budget and supporting schedules and exhibits to the Mayor, who shall present the same to the Board of Aldermen.

Section 180.131: City Financial Committee

The City Financial Committee for the City of Pleasant Hope shall consist of the City Clerk, the Mayor and one Alderman. It is the responsibility of the City Financial Committee to meet with each of the department heads to review the department budgetary requests.

Section 180.140: Adopting an Annual Budget

Sub Section A. An annual budget shall be adopted no later than the last day of December.

Section 180.150: Expenditures Limited

Expenditure estimates in the budget shall not be larger in amount than the total anticipated revenue for the budget year, plus any surplus from the previous year or less any deficit from the previous year.

Section 180.160: Debt Limited

The City of Pleasant Hope shall not incur any annual debts which aggregate an amount greater than the anticipated revenues for the budget year, without approval of the voters of the City, as required by law.

Section 180.170: Budget Process

Sub Section A. The City Clerk shall prepare the city budget in accordance with the following process:

1. The City Clerk will collect the data necessary and make preliminary revenue estimates for the coming fiscal year. The Clerk will estimate expenditures for the present year and note expenditures and revenues for the previous two fiscal years.
2. The City Clerk will request from each city officer a statement of expenditures requested for the coming fiscal year.
3. The City Clerk will review the expenditure requests from the departments and prepare a revenue and expenditure proposal.
4. The City Clerk will set up a budget review session with each of the departments and the City of Pleasant Hope Financial Committee to review the departmental project proposals and expenditure requests. The Financial Committee can deny projects and proposed expenditures that do not meet Section 800.150 and/or 800.160.
5. The City Clerk will begin assembling the annual city budget.
6. The City Clerk will confer with the City of Pleasant Hope Finance Committee as necessary.
7. The final budget shall be submitted to the Board of Aldermen no later than the regular December meeting of the City Council Board of Aldermen.

Section 180.180: Budget Procedures

To the maximum extent practicable, and to the extent it does not conflict with state law, this Municipal Code, or other ordinances of the City of Pleasant Hope, the budget shall be prepared in accordance with generally accepted accounting principles and prepared in accordance with *A Guide to Budgeting for Missouri Municipalities*, published by the Missouri Municipal League.

Section 180.190: Establishing a Cash Management Policy (Ordinance 238, 02/18/2008)

Sub Section A. Generally

It is the policy of the city of Pleasant Hope, Missouri, to diligently and efficiently manage the financial resources of the city in the most beneficial manner possible and to increase the non-tax revenues of the city by investing available cash when it is not needed for current obligations.

Sub Section B. Goals of the Policy

To develop a written program of cash management:

1. to increase the availability of cash by improving the control on receipts and its disbursements,
2. to increase the interest earnings of the city by more aggressive investment practices, and
3. to decrease the borrowing costs of the city by better understanding the flow of cash and careful scheduling of cash disbursements.

Sub Section C. The Board of Aldermen shall hereby create a Cash Management Committee to: consist of the Mayor, Treasurer, City Clerk and one Alderman and are charged with the duty of carrying out and implementing the policies and goals as established in this Section.

Sub Section D. The Board of Aldermen request monthly reports to the Board Of Alderman on the progress and success of implementing these policies and goals. These reports, besides showing current investments and interest earnings, may include recommendations for actions by the Board of Aldermen to improve the cash management practices of the city of Pleasant Hope, Missouri.

Sub Section E. The Mayor and the Board of Aldermen may review the selection of a depository for city funds as set forth by state statues and approve where the money will be invested to increase the non-tax revenues.

Section 180.200: Returned Checks Due to Insufficient Funds.

Sub Section A. Returned Checks on payments of water and sewer bills shall be charged a fee of twenty-five dollars (\$25.00) (Resolution 3-2009, 9/21/2009)

Section 180.210: Deposit of Checks

Every check, draft, or other negotiable instrument of any type which is drawn in favor of the City, may be negotiated only by including in the endorsement thereof on behalf of said city the phrase "For Deposit Only" or some similar statement, and the actual deposit thereof to the credit of said city in a depository designated for receipt of the funds of said city. No such instrument shall be negotiated for cash.

Section 180.220: Access to City Financial Records

The City Clerk, City Treasurer, City Collector, Board of Aldermen and Mayor shall have free access for the inspection of all books, accounts and papers as concerns any of their duties which they respectively contain, and free access to all other offices of this City for the inspection of such books, accounts and papers during regular office hours of the respective officers.

Chapter 185 – City Real Estate Property Acquisitions and Sales

Section 185.210: Sale of City Owned Real Estate

Sub Section A. The City of Pleasant Hope executed a Quit Claim Deed to DD Properties & Investments for a strip of land adjacent to the east side of 500 N Main thru 510 N Main; property already owned by DD Properties for a sum of \$2,000. (Ordinance 265 8/15/2011).

Section 185.220: Purchase of Real Estate by the City of Pleasant Hope

Chapter 190 – Municipal Court

Section 190.100: Municipal Court Judge - (Ordinance 209, 03/21/2006)

Sub Section A: Establishment of a Municipal Judge (Ordinance 209, 03/21/2006) in pursuant to Section 479.040 RSMo. Electing for Pleasant Hope, Missouri, to have violations of its municipal ordinances heard and determined before a municipal judge; notice given to circuit judge and associate circuit judge.

Sub Section B. Election to have violations of City ordinances after March 21, 2006, heard by a Municipal Judge. From and after March 21, 2006, all violations of Pleasant Hope Ordinances shall be heard and determined by a Municipal Judge selected as provided by law and Ordinance.

Sub Section C. Notification to Circuit Court. A copy of this Ordinance after its passage shall be provided to the Circuit Judge and the Associate Circuit Judge of Polk County, Missouri.

Sub Section D. Duties (Ordinance 259, 09/20/2010)

To perform adjudication of City of Pleasant Hope traffic and non-traffic violations. Duties shall be set forth by Ordinance and Missouri Revised Statutes.

Sub Section E. Compensation (Ordinance 259, 09/20/2010)

The Honorable Randolph Bloesch is hereby appointed for a two year (2) term which shall end at 7:30pm on October 1, 2012, unless circumstances become such that he be unable to preside, resigns, or be removed from office.

Sub Section F. Repeal of Ordinance 209 establishing a Municipal Court in City of Pleasant Hope. (Ordinance 280 10/15/2012). Pleasant Hope Municipal Court was returned to the Circuit Court level.

Section 190.110: Municipal Court Clerk

Sub Section: A. Selection; Term

Sub Section: B. Removal

Sub Section: C. Vacancy

Sub Section: D. Duties; Generally

Sub Section: E. Compensation

Sub Section: F. Clerk's Desirable Knowledge Skills and Abilities

Sub Section: G. Desirable Training and Experience

Article II - Public Health, Safety And Welfare

(Ordinance 222, 12/11/2006)

Chapter 100 – Future Use

Chapter 210 - Emergency Preparedness

Section 210.010: Emergency Preparedness Organization, Created

There is hereby created the City of Pleasant Hope Emergency Preparedness Organization, which is responsible for the preparation and implementation of emergency functions required to prevent and minimize 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 general welfare of the people, and emergency activities (excluding funds for which the military forces are primarily responsible) in accordance with “The Missouri Civil Defense Act, Chapter 44, Revised Statutes Missouri, 1967”.

Section 210.020: Members

This organization shall consist of a Coordinator and other additional members to be selected by the Coordinator in order to conform to the State Organization and procedures for the conduct of emergency operations as outlined in the Missouri Disaster Operations Plan.

Section 210.030: Functions

The City of Pleasant Hope organization shall perform Emergency Preparedness functions in cooperation with the County of Polk and shall conduct these functions in accordance with the provisions of the Missouri Civil Defense Act, Chapter 44, Revised Statutes of Missouri, 1967.

Section 210.040: Coordinator Appointed, Duties

The Coordinator of the City of Pleasant Hope organization will be appointed by the Mayor and shall serve at the pleasure of the Mayor. The Coordinator shall have direct responsibility of the organization, administration and operations of local emergency planning, subject to the direction and control of the Mayor and Board of Aldermen, as provided by statute. The Coordinator is authorized to select and obtain Federal government Surplus Property through the Lakes Country Regional Planning Commission, State Disaster Planning and Operations Office, and the State Department of Education – State Agency for Surplus property. The Coordinator may delegate authority to obtain Surplus Property at the State Agency for Surplus Property warehouse with the approval of the Mayor and Board of Aldermen. The Coordinator shall be responsible for maintaining records on use and disposal of all items of equipment placed under the jurisdiction of the Emergency Preparedness Office. The Coordinator is authorized to submit all materials and sign all documents requested by the State Disaster Planning and Operations Office, to qualify the City of Pleasant Hope for participation in the Federal contributions or Personal and Administrative Expense program under P.L. 85-606. The Coordinator shall appoint, provide or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation.

Section 210.050: Executive Office

The Executive Office shall be defined for purposes of this order to mean the Mayor.

Section 210.060: Coordinator Authorized To Procure Services, When:

Only in the event of an emergency as defined in the Missouri Civil Defense Act, Chapter 44, Revised Statutes of Missouri 1967, and during such emergency, is the Coordinator of Emergency Preparedness authorized on behalf of the City of Pleasant Hope, to procure such services, supplies, equipment, or material without regard to the statutory procedures in formalities normally prescribed by law pertaining to City of Pleasant Hope contracts or obligations, as authorized by the Missouri Civil Defense Act, Chapter

44, Revised Statutes of Missouri, 1967, provided that, if the Board of Aldermen meets at such time, he shall act subject to the directions and restrictions imposed by that body.

Section 210.070: Normal Procedures Waived, When:

In the event of enemy attack the Board of Aldermen may waive any time consuming procedures and formalities otherwise required by statute pertaining to the advertisement for the performance of public work or entering into contracts.

Section 210.080: Members, Qualifications and Oaths

No person shall be employed or associated in any capacity in any organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of government of the United States or in the State of Missouri or the overthrow of any government in the United States by force or violence, or has been convicted of or is under indictment of information charging any subversive act against the United States. Each person who is appointed to serve in an organization for Emergency Preparedness shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in the State of Missouri, which shall be substantially as follows:

I, _____ do solemnly swear (affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which upon which I am about to enter. And I do further swear (affirm) that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or the State of Missouri by force or violence; and that during such a time as I am a member of the City of Pleasant Hope Emergency Preparedness 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 by force or violence."

Section 210.090: Office Space

The Board of Aldermen is authorized to designate space in any City of Pleasant Hope owned or leased building for the Emergency Preparedness Organization as its office.

Section 210.100: Designation of the National Incident Management Systems

Designation of the National Incident Management Systems (NIMS) to provide a nationwide approach for Federal, State, local and tribal governments to work together more effectively to prevent, prepare for, respond to and recover from emergency incidents.

Section 210.110: Multi-Jurisdictional Hazard Mitigation Plan

Program that assists communities in its efforts to become Disaster-Resistant Communities which are sustainable communities after a disaster that focus, not just disaster relief, but also on recovery and reconstruction. (Resolution 3-2013) intent to participate in Natural Disaster Hazard Mitigation and to work towards becoming a safer community.

Chapter 211 - Control Burns

Section 211.010: Authorization of Controlled Burns of Property in the City of Pleasant Hope

The Board of Alderman hereby adopts a policy authorizing the Pleasant Hope Fire District to conduct controlled burns for training purposes upon application of property owners located in the City of Pleasant Hope, Missouri, upon approval of that application by the Chief of the Pleasant Hope Fire Protection District, the Mayor, and the City Attorney. Said officials shall make those determinations required in the form of "Application for Controlled Burn" prior to granting their approval of an application for a controlled burn. In no event shall any application be approved if the burn would violate any local, state or federal Clean Air or other environmental law.

Section 211.020: Enforcement of a Burn Ban (Ordinance 278 8/27/2012)

Sub Section A. Generally - The City of Pleasant Hope establishes the enforcement of a Burn Ban specifically in accordance with the following Sections and Sub Section of the International Fire Code as adopted by the City:

International Fire Code:

- Section 104 General Authority and Responsibilities
- Section 104.1 thru Section 104.11
- Section 307 Open Burning and Recreational Fires
- Section 307.1 – Sub Section 307.2.2
- Section 308 Open Flames
- Section 109 Violations
- Section 109.1 thru Sub Section 109.3.1

Sub Section B. Penalties - Persons who shall violate a provision of this ordinance or shall fail to comply with any of the requirements thereof or who shall erect, alter, repair or do work in violation of the approved directive of the fire code or fire official shall be guilty of a misdemeanor: Any person violating any of the provision of this Ordinance shall, upon conviction, be fined an amount not to exceed FIVE HUNDRED AND NO/100 (\$500) DOLLARS or be imprisoned in the county jail for a period not exceeding ninety (90) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such.

Chapter 212 - Law Enforcement and Fire Mutual Aid

Section 212.010: Springfield Law Enforcement Mutual Aid

Any police officer of the City of Pleasant Hope shall have the authority to respond to an emergency situation outside the City boundaries when the emergency situation arises within the City of Springfield.

Police officers of the City of Springfield, Missouri are hereby authorized to respond to any emergency situation arising in the City of Pleasant Hope Missouri, after receiving a request for assistance from the Pleasant Hope Police Department or one of its law enforcement officers.

Police officers of any political subdivision that has authorized its police officers to respond to the City of Springfield are also hereby authorized to respond to any emergency situation arising in City of Pleasant Hope, Missouri, after receiving a request for assistance from the Pleasant Hope Police Department or one of its law enforcement officers.

As used in this section, "police officer" means an officer who has completed the basic police training program promulgated by Chapter 590 RSMo. As used in this section, "respond" shall mean to take any and all actions which the police officer may lawfully take as if exercising his powers within the jurisdiction of his employing city. As used in this section, "emergency situation" means any situation in which the officer has a reasonable belief that a crime is about to be committed, is being committed, or has been committed involving injury or threat of injury to any person, property, or governmental interest and that his response is reasonably necessary to prevent or end such emergency situation or mitigate the likelihood of injury involved in such emergency situation.

Section 212.020: Polk County Law Enforcement Mutual Aid

The City of Pleasant Hope is hereby authorized to enter into an agreement with the Central Polk County Fire and Rescue for emergency services within and around the City of Pleasant Hope Missouri. Central Polk County Fire and Rescue shall have the right to request the City of Pleasant Hope respond to emergencies outside the corporate limits of the City of Pleasant Hope but within its territory in the event of fire or other emergency beyond the capacity of its equipment and personnel to properly handle. The City of Pleasant Hope may, but shall not be required, to respond to the request for assistance depending upon the availability of its equipment and manpower and the need to assure standby equipment and manpower within the city limits of the City of Pleasant Hope in the event of a concurrent emergency or fire.

Police officers of the City of Pleasant Hope are authorized to respond to emergency call sup to 2-miles outside the city limits in any direction. This applies only if the Pleasant Hope Officers are dispatched. If another Law Enforcement Agency requests the assistance of a Pleasant Hope Officer outside the Pleasant Hope city limits, it will be the discretion of the Pleasant Hope Chief of Police as to how far the officer may leave the city limits.

Chapter 213 – Law Enforcement and Immigration Laws

Section 213.100: Immigration Laws (Ordinance 255, 01/18/2010)

Sub Section A. This ordinance is part of the Pleasant Hope Police Department Operations Manual.

Sub Section B. All members of the Pleasant Hope Police Department shall cooperate with State and Federal agencies charged with enforcing immigration laws.

Sub Section C. Any member of the Pleasant Hope Police Department who has contact with a representative of any State or Federal agency engaged in the enforcement of immigration laws concerning possible violations of such laws shall immediately notify the Department's designated compliance officer.

Sub Section D. This notification shall be documented in writing by the reporting officer and the compliance officer. The compliance officer shall promptly inform the Chief of Police who shall issue such further orders as are necessary to effectuate this policy.

Chapter 214 – Fresh Pursuit by City Police within City Limits

(Ordinance 256, 01/18/2010)

Section 214.100: Definitions

Fresh Pursuit - means the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in the State of Missouri, or who has committed or attempted to commit in the State of Missouri a criminal offense or violation of municipal or county ordinance in the presence of a City Police Officer or for whom such officer holds a warrant of arrest for a criminal offense. It shall also include the pursuit of a person suspected of having committed a supposed felony in the State of Missouri, though no felony has actually been committed, if there is reasonable ground for so believing. "Fresh Pursuit" shall imply instant pursuit.

Section 214.002: Officers Authorized To Conduct Fresh Pursuit

Every City Police Officer certified by the Missouri Director of the Department of Public Safety as a peace officer as provided by Mo. Rev. State., chapter 590, as amended, is hereby authorized to arrest and hold in custody any person apprehended as the result of fresh pursuit as defined herein subject to the rules and procedures adopted by the City Police Department.

Section 214.003: Initiation of Fresh Pursuit

Fresh pursuit may only be initiated from within the city limits of the City and shall be terminated once the pursuing officer is outside of his jurisdiction and has lost contact with the person being pursued.

Section 214.004: Traffic Violations

If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the City and a summons shall be issued by the arresting officer.

Section 214.005: Warrant Arrests

If an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant.

Section 214.006: Policies and Procedures

All incidents of fresh pursuit shall be conducted pursuant to the policies and procedures adopted by the City Police Department and approved by the Board of Aldermen.

Chapter 215 - Animal Regulations

Section 215.010: Definitions

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

Animal – every nonhuman species of animal, both domestic and wild.

Animal-at-large – any animal not under the restraint of a person capable of controlling the animal on or off the premises of the owner.

Animal Shelter – any facility operated by a human society, or governmental agency or its authorized agents, for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption or euthanasia.

Farm animal – animals that would normally be located on a farm and includes, but is not limited to horses, ponies, jackasses, donkeys, mules, cows, pigs, including pot-bellied pigs, chickens and other poultry.

Owner – any person owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more. If an Owner is a minor, each adult person having the care, custody and control of such minor is hereby required to exercise the duties of an Owner, and for the purposes of this Ordinance, each such person shall conclusively be deemed to be the Owner. If an animal kept at a household that has more than one adult owner or tenant of the premises, each such adult is hereby required to exercise the duties of an Owner and for the purpose of this Ordinance each person shall conclusively be deemed to be the Owner.

Pets – domestic cats, dogs, parakeets, parrots, hamsters and such small animals as are intended for the enjoyment of the residents of a household in which the animals are kept.

Public nuisance or public nuisance animal – any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance animal” shall mean and include, but is not limited to, any animal that;

1. is found at large;
2. damages the property of anyone other than its owner;
3. molests or threatens pedestrians or passersby;
4. chases vehicles, including motorized or non-motorized bicycles, scooters or other instruments used for the conveyance of persons from one location to another;
5. excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
6. causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
7. causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
8. is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; or, attacks other domestic animals.

Restraint – means any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner and obedient to owner's commands to refrain from leaving the premises, to return to the premises if the animal has strayed, to refrain from barking at, following or attacking humans or other animals, to refrain from chasing vehicles, and to refrain from doing any other act that is a violation of this ordinance.

Vicious or Bad Animal – is any animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training has a known propensity to attack, bite or injure human beings or domesticated animals.

Wild Animal – is any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, captive-bred species of common cage birds and fish.

Section 215.011: Future use

Section 215.015: Future use

Section 215.020: Future use

Section 215.025: Future use

Section 215.030: Restraint of Certain Animals

- A. All dogs shall be kept under restraint.
- B. No dog or cat shall be permitted to appear unrestrained in any City Park or Cemetery.
- C. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- D. Every female dog or cat in heat shall be contain in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding.
- E. Every vicious or bad animal, as determined by the municipal court, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

Section 215.035 – Impoundment and Violation Notice

- A. Unrestrained dogs, public nuisance animals, and animals covered by Sections 215.040, 215.045 and 215.050 may be taken by Law Enforcement, and impounded at an animal shelter and there be confined in a humane manner.
- B. Impounded animals shall be kept for not fewer than five (5) working days.
- C. If the owner of an impounded animal can be identified, the Law Enforcement Officer shall immediately, upon impoundment, notify the owner by telephone or certified mail (or cause such notification to be given) of the impoundment and recovery procedures. If the owner of the impounded animal cannot be identified, then the animal control officer shall make a complete registry of the animal.
- D. Any animal not reclaimed by its owner, within five (5) working days, shall become the property of the animal shelter and be placed for adoption in a suitable home or humanely euthanized. No animal, living or dead, shall be sold, given, conveyed or otherwise transferred to laboratories or other institutions for the purpose of research, or to dealers or to any individuals who supply animals to such institutions for research purposes.

- E. Any animal that is claimed by its owner shall not be released unless (1) the owner presents proof ownership, and (2) proof of city registration, and (3) proof of rabies vaccination administered by a licensed veterinarian with the prior 24 months, and (4) payment of the daily cost of care as determined by the City or the animal control shelter acting under contract with the City where the animal has been confined, plus all veterinarian or additional costs incurred during the period of confinement. If the rabies vaccination or city registration is not current, the owner shall be given five (5) business days within which to arrange for such vaccination and/or registration. If proof of vaccination or registration is not provided within the permitted time, or payments of the costs of confinement are not paid, or the purported owner fails to provide proof of ownership, the animal shall be deemed to have not been claimed and the provisions of Paragraph (D) of this Section shall apply.

Section 215.040 – Animal Care and Cruelty

- 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, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- C. No owner of an animal shall abandon such animal.
- D. No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- E. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the City of Pleasant Hope Police Department or the Polk County Humane Society.
- F. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall be lawful for a person to expose on his own property common rat poison mixed only with vegetable substance.
- G. No person shall leave any animal in any parked motor vehicle under such conditions of inadequate ventilation, excessive heat or cold or inadequate water that is likely to result in injury or death to the animal.
- H. Farm animals shall be kept on and restrained within properties of not less than three (3) acres, and only then if the property is zoned for the keeping of farm animals.

Section 215.045 – Keeping of Wild Animals

- A. No person shall own, possess, or have custody on his premises any wild animal for display, training, or exhibition purposes, whether gratuitously or for a fee.
- B. No person shall keep or permit to be kept any wild animal as a pet.

Section 215.050 – Performing Animal Exhibitions

- A. No person may sponsor, promote or train an animal to participate in, contribute to the involvement

of an animal in, or attend as a spectator any activity or event in which any animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and shall apply regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.

- B. All equipment used on a performing animal shall fit properly and be in good working condition.

Section 215.055 – Animal Waste

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal on public walks, recreation areas, or private property.

Section 215.060 – Entry on private property by Law Enforcement

- A. In the interest of public health, safety and the general welfare, any person keeping or harboring any animal or fowl in the City by so doing does hereby authorize the Chief of Police and/or any duly commissioned police officer of the City, to enter without warrant upon private property that such person owns or controls where such animals or fowl is to be found in plain sight, other than within any residence structure, for the purpose of enforcement of this Chapter and to seize such animal from such private property to abate an ordinance violation.
- B. By the authority of this Section, any animal that is deemed by the Chief of Police to be cruelly mistreated in violation of this chapter, or suffering, may be seized from the property of its owner or keeper to abate the mistreatment or the suffering of that animal, and it may be confined at a suitable animal shelter for disposition the same as if such animal was found running at large.
- C. Any animal that has possibly exposed a person to rabies through a bite wound or other tissue invasion and that is found on the property of the owner or keeper may be removed from that property by the Chief of Police or any duly commissioned police officer, if such owner or keeper is not available, willing and able to surrender the animal for observation and testing as provided in this Chapter. It shall be unlawful for an owner to fail to deliver possession of an animal suspected of having bitten or caused a tissue invasion in any person upon request of the Chief of Police or any duly commissioned police officer of the City of Pleasant Hope.
- D. If the appropriate officer is unable to enforce his duties under this Section as a result of the owner or keeper's failure to permit entry or other obstructive conduct, such officer may apply to any court having appropriate jurisdiction for a warrant to enter upon any property where the animal is kept and to seize the animal or any purpose authorized herein.

Section 215.065 – Human Exposure to Rabies or Other Zoonotic Disease – Animal Bites Generally.

- A. Any bite wound exposing an individual to the possibility of rabies or other zoonotic disease (an "incident") shall be immediately reported to the Chief of Police or any duly commissioned police officers of the City by the victim and by the owner, keeper of the animal if the incident is known to such owner. Any animal bite that requires medical treatment shall be reported within 24 hours to the Chief of Police by the treating physician or hospital caring for the patient. Upon receipt of such information and identification of the animal and its owner that caused the injury, it shall be the duty of the Chief of Police or the designee of either of them to take control of the animal by any means authorized in this Section and to place such animal for observation in a duly licensed veterinary medical facility for such period of time as the veterinarian and/or the treating physician determine is necessary to determine if the animal has rabies or another zoonotic disease. The owner of the

animal shall be liable for the costs of such confinement and observation. The death or any suspicious change in the health or behavior of the animal undergoing observation shall be reported to the Chief of Policy, who shall be empowered to authorize tissue samples from the animal to be submitted to an appropriate laboratory for testing. If such tissue samples cannot be obtained from a living animal, the Chief of Police may authorize the animal to be humanely euthanized for the purpose of obtaining such tissue samples. No physician, veterinarian, Chief of Police or duly commissioned police officer of the City shall have any liability for having acted pursuant to the terms of this Section to protect the health and welfare of the injured person by determining if the animal causing such injury suffered from rabies or another zoonotic disease.

- B.** It shall be unlawful for any person to refuse to release an animal suspected of having bitten or caused an open injury to any person, to hide or conceal such animal, or to take such animal from the city limits unless specifically so authorized in writing by the Chief of Police.

Section 215.070 – Power to Issue Citations

The Chief of Policy and every commissioned police officer of the City shall be authorized and empowered to issue citations for any alleged violation of the provisions of this Chapter requiring the person charged to appear before the Pleasant Hope Municipal Division of the Circuit Court of Polk County, Missouri to answer such charges.

Section 215.075 – Punishment for Violation

Unless a specific punishment is other provided, any person violating any provision of this Chapter shall, upon conviction, be deemed guilty of a Class B misdemeanor.

Chapter 220 – Refuse

Section 220.010: Definitions

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

Approved Incinerator – is an incinerator which complies with all current regulations of the responsible local, State and Federal air pollution control agencies.

Bulky Rubbish – is non-putrescible solid wastes consisting of combustible and 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 a solid waste collector, with the equipment available.

City – the City of Pleasant Hope, Missouri

Collection – is the removal of solid waste from the designated pickup location to the transportation vehicle.

Demolition and Construction Waste – is waste materials from the construction or destructions of residential, industrial or commercial structures.

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 – is 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 – is 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 (Sub Section 260.360(9) of the Missouri Hazardous Waste Management Law).

Multiple Housing Facility – is a housing facility containing more than one dwelling unit under one roof.

Occupant – is 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 tenant.

Person – is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political sub division, or organization of any kind, or their legal representative, agent or assigns.

Processing – is the act of incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

Solid Waste – is 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 – is solid waste resulting from the operation of any commercial,
- b. industrial, institutional or agricultural establishment.
- c. Residential solid waste – is solid waste resulting from the maintenance and operation of dwelling units.

Solid Waste Container – is a receptacle used by any person to store solid waste during the interval between solid waste collections.

Storage – is the keeping, maintaining or storing waste from the time of its production until the time of its collection.

Yard Waste – grass clippings, leaves and tree trimmings.

Section 220.020: Solid Waste Storage

- A. 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.
- B. 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.
- C. 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. They shall be of light weight and sturdy construction. The weight of any individual container & contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather may also be used.
- D. Commercial solid waste shall be stored in solid waste containers that shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof.
- E. 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.
- F. 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.
- G. Solid waste containers which do not meet the specifications as outlined in this Section will be collected together with their contents and disposed of.

Section 220.080: Other Waste

- A. 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, receptacles so constructed to assure that none of the material being transported shall spill upon the public rights-of-way.
- B. Demolition and construction wastes shall be transported to a disposal area complying with all requirements of the Missouri Solid Waste Management Law, Section 260.200 to Section 260.245, RSMo. A permit shall not be required for the hauling of demolition and construction wastes,

however, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed to assure that none of the material being transported shall spill upon the public right-of-way.

Section 220.100: Prohibited Practices

- A. 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;
 - 2. fail to have solid waste collected or disposed of;
 - 3. interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the performance of their duties.
 - 4. burn commercial 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;

Section 220.110: Penalties for Violations

Any person violating any of the provisions of this ordinance or any lawful, rule, or regulation promulgated pursuant hereto, shall upon conviction be deemed guilty of a Class B Misdemeanor and shall be punished as provided by Section 225.010, Pleasant Hope Municipal Code.

Chapter 221 – Ground Source Heat Pumps

Section 221.010: Definition of Ground Source Heat Pumps

The Board of Aldermen does hereby find and determine that the use of “Ground Source Pumps” for heating and cooling of residential and commercial property is becoming a popular means of heating and cooling. Further, that there are two (2) types of systems commonly in use, namely, an “open loop” system which uses and then discharges water and a “closed loop” system which re-circulates liquids through the ground in a series of pipes and into the system. Both systems present separate and distinct risks to the health and well-being of the residents of the City and require reasonable regulation and restriction.

Section 221.020: Regulations for Installing a Ground Source Heat Pump

Any person, firm, corporation or other entity which proposes to install a ground source heat pump system utilizing water as its source of heating and cooling shall comply with the following regulations:

Sub Section A. No such system shall be installed until a permit has been obtained from the City of Pleasant Hope. Such permit shall be given only after the person proposing to install the system shall have filed the application with the City setting forth:

1. The type of system proposed to be installed;
2. If it will be an open loop systems and whether the source of water will be from the city water supply system or a private source;
3. The proposed method of discharge of water from the open loop system;
4. A certification that the private source of water supply shall be made only in full compliance with all rules, regulations and restriction of the Missouri Department of Natural Resources;
5. a drawing of the proposed system showing source of water supply, discharge pipes (if open loop), discharge point (if open loop) and the means by which the ground water supply will be protected against contamination;
6. And such other information as the City may determine is necessary or appropriate.

Sub Section B. All water used in an open loop system that is to be connected to the City water distribution system shall pass through an approved water meter which accurately measures water usage by the system. Such meter shall be placed so as to provide access thereto by employees of the City for meter reading. All water from the City system used by the ground source system shall be paid at the rate provided in Article III, Chapter 100.

Sub Section C. All water discharged from an open loop system, regardless of the source of water supply, must be discharged into a city storm sewer drain, the City Sewer System, or other area approved by the City of Pleasant Hope. If the system discharges into the City Sewer System, the owner or occupant of the premises shall pay a sewer bill based upon the metered rate as set forth in Article III, Chapter 200, as now in effect, or as may hereafter be amended from time to time.

Sub Section D. No private water source shall be used unless the system complies with all rules, regulations and restrictions of the Missouri Department of Natural Resources, whether now in effect or hereafter adopted or amended; and in all events, is designed and installed in such a manner that minimizes the risk of ground water contamination. If the City, or an agency of the State of Missouri, determines that the system is being operated in such a manner as to pose and unreasonable risk of ground water contamination, or poses an unreasonable threat of depletion of the ground water supply, either permanently or temporarily, the use of such system must be terminated within five (5) days following the delivery of an abatement order to the owner and/or occupant of the premises. The order may require temporary or permanent cessation of use, depending upon the cause for the order. If the order is based

upon depletion of the water supply, such determination shall be based upon a reasonable degree of geological certainty; and the City shall, prior to the entry of such an order, confer with the Department of Natural Resources of the State of Missouri, Division of Geological and Land Survey, or other qualified geologists. Such Order may be personally delivered, or mailed, certified, postage fully prepaid, to address of the premises. Such order shall be deemed to have been delivered two days after mailing. Any person aggrieved by such an order may appeal within 15-days of the receipt of such an order to the Pleasant Hope Municipal Division of the Polk County Circuit Court, who shall schedule a hearing thereon with 10-days. Either the City or an aggrieved owner or occupant may appeal the decision of the Municipal Judge with 10-days following its entry to the General Division of the Polk County Circuit Court, who may conduct a de novo hearing on the matter.

Section 221.030: Protecting the Interests of the City and its Residences

If the City shall determine, after examination of the facts, that additional regulations in the use of ground source heat pumps are necessary or appropriate to protect the ground water supply, the City Sewer System, or other interests of the City and of its residents, it may impose such additional regulations, and all systems installed after the date of this ordinance shall thereafter be modified within six (6) months to conform to such additional regulations, or the use thereof terminated. Any new regulations or restrictions must balance the legitimate interests of the City, and of its residents, against the burden and expense of the new regulations.

Section 221.040: Violation Provisions

Any person that knowingly installs a ground source heat pump heating and cooling system without first obtaining the required permit, or who acts with criminal negligence (as defined in Section 225.020(3) of the Pleasant Hope Criminal Code, (or as may hereafter be amended), with respect to the operation of the system in violation of the provisions of Chapter 221, or who knowingly fails to terminate the use of a system after an abatement order is received, or who knowingly violates any other provision of this ordinance shall, upon conviction, be deemed guilty of a Class B misdemeanor punishable as provide in Chapter 225, Pleasant Hope Municipal Code.

Chapter 222 – Installation and use of Outside Woodburning Furnace (Ordinance 286 05/20/2013)

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of City of Pleasant Hope, Missouri by regulating the air pollution pertaining to the use of outdoor wood burning furnaces.

Section 222:100 Definitions:

Outdoor Wood Furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is primarily hand-loaded for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for the any interior space or water source. An Outdoor Wood Furnace may also be referred to as an Outdoor wood boiler, outdoor wood-fired hydronic heater or hydronic heater.

Outdoor Wood-Pellet Furnace: An outdoor wood-pellet furnace that is specifically designed to burn wood pellet fuel, or other biomass pellets with metered fuel and fuel and controlled combustion engineering, which burns only wood pellets, or other biomass pellets.

Chimney: Flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.

EPA HH Phase 2 Program: EPA HH (Hydronic Heater) Phase 2 Program administered by the United States Environmental Protection Agency and that has a particular matter emission limit of 0.32 pounds per million British Thermal Units (BTUs) output and is labeled accordingly.

EPA HH Phase 2 Program Qualified Model: A Hydronic Heater that has been EPA HH Phase 2 Program qualified. The model has met the EPA HH Phase 2 emission level and is labeled accordingly.

Existing Outdoor Wood Furnace: An Outdoor Wood Furnace that was purchased and installed prior to the effective date of this local ordinance.

New Outdoor Wood Furnace: An Outdoor Wood Furnace that is first installed, established or constructed after the effective date of this local law.

Natural Wood: Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

Construction and Demolition Waste: Means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging and rubble that results from construction, remodeling, repair and demolition operation on a house, commercial or industrial building or any other structure.

Refuse: Means any waste material except trees, logs, brush, stumps, leaves, grass clippings and other vegetative matter.

Section 222:110 Applicability:

This ordinance does NOT apply to:

1. the grilling or cooking of food using charcoal, wood, propane or natural gas in a cooking or grilling appliance;
2. to burning of the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation;
3. to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

Section 222:120 Regulations for Outdoor Wood Furnaces

- A.** No person shall, from the effective date of this ordinance, construct, install, establish, operate or maintain an Outdoor Wood Furnace unless in complete compliance with rules and regulations of this ordinance.
- B.** No person shall, from the effective date of this ordinance operate an existing Outdoor Wood furnace unless such operations conforms to the manufacturer's instructions regarding such operation and the requirements of this ordinance regarding fuels that may be burned in an Outdoor Wood Furnace.
- C.** All new Outdoor Wood Furnaces shall meet EPA HH Phase 2 Program Qualifications new Outdoor Wood Furnace NOT Hydronic Heater Program Qualified.
- D.** All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of the ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- E.** Replacement of an existing Outdoor Wood Furnace shall meet EPA HH Phase 2 Program Qualifications (0.32 lbs/million Btu heat output) and must meet the chimney height requirements and proper fuel requirements of this ordinance.
- F.** The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Public Works Director for approval and to be signed off on by the Fire Chief of Pleasant Hope prior to installation.
- G.** All new or replacement Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
- H.** If an existing Outdoor Wood Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, as defined by City of Pleasant Hope, Polk County or the State of Missouri, the following steps may be taken by the owner and the Public Works Director, Fire Chief and Police Chief having jurisdiction:
 - 1.** Modifications made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood Furnace or both.
 - 2.** Cease and desist operating the unit until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.

Section 222:130 Substantive Requirements

- A.** Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:
 - 1.** Fuel burning in any new or existing Outdoor Wood Furnace shall only be natural untreated wood, wood pellets, products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instruction such as fuel oil, natural gas or propane as backup.
 - 2.** The following fuels are strictly prohibited in new and existing Outdoor Wood Furnaces:
 - 3.** Wood that has been painted, varnished or coated with similar material and/or other composite wood products.
 - 4.** Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps
 - 5.** Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - 6.** Rubber including tires or other synthetic rubber-like products.
 - 7.** Newspaper, cardboard, or any other paper with ink or dye products.
 - 8.** Any other items not specifically allowed by the manufacturer or the ordinance that are deemed unsafe or a nuisance.
- B.** Setbacks for EPA HH Phase 2 Program Qualified Outdoor Wood Furnace (0.32 lbs/million Btu heat output):
 - 1.** Furnace shall be located on the property in compliance with manufacturer's recommendation and or testing and listing requirements for clearance to combustible materials.

- C. Chimney Heights for EPA HH Phase 2 Program Qualified Outdoor Wood Furnace (0.32 lbs/million Btu heat output):
 - 1. If located within 300 feet to any residence not served by the furnace, chimney height shall be at least 2 (two) feet higher than the peak of the residence served.
 - 2. If located within 100 feet to any residence not served by the furnace, the chimney must be 2 feet higher than the peak of the residence served or not served, whichever is higher.
- D. Setbacks for any new Outdoor Wood Furnace NOT Hydronic Heater Program Qualified:
 - 1. The Outdoor Wood Furnace shall be located at least 50 feet from the property line.
 - 2. The Outdoor Wood Furnace shall be located at least 100 feet from any residence that is not served by the furnace
 - 3. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.
- E. Chimney Heights for new Outdoor Wood Furnace NOT Hydronic Heater Program Qualified:
 - 1. The chimney of any new Outdoor Wood Furnace shall extend at least 2 (two) feet higher than the peak of the residence NOT served by the furnace located within 300 feet of such furnace.
- F. Outdoor wood-pellet furnaces that are specifically designed to burn pellet fuel, or other biomass pellets with metered fuel and air feed and controlled combustion engineering shall be installed per the manufacturer's recommendation.

Section 222:140 Appeals:

Appeals from any actions, decisions, or rulings of the City of Pleasant Hope Public Works Department and the Pleasant Hope Fire Department or for a variance from the strict application of the specific requirements of this ordinance may be made to the Board of Alderman for the City of Pleasant Hope until such time that the Pleasant Hope Planning and Zoning Commission has established a Board of Appeals to hear these appeals. Request for all appeals shall be made in writing to the appropriate Board not later than 60 days of the act, decision, or ruling from which relief is sought.

- A. Appeals Fees: Appeals fees shall be established by resolution.
- B. Public Hearing: Within 60 days after receiving the written request, the Board shall hold a public hearing on the appeal, with prior notice published in a newspaper of general circulation in the City of Pleasant Hope at least 30 days before the date of the hearing and specifying the date, time and purpose of the hearing.
- C. Decision of the Board (of Appeals). Within 60 days of the final adjournment of a public hearing, the Board (of Appeals) shall affirm, modify, or deny the action, decision, or ruling of the City of Pleasant Hope Public Works Department and the Pleasant Hope Fire Department or correct any omission by the City Engineer's inspection or approve, approve with conditions, or disapproved the application. The decision of the Board (of Appeals) shall be in writing and shall contain the findings and the factual basis for each finding from the record of the hearing, which shall support the decision of the Board (of Appeals). As part of any decision, the Board (of Appeals) shall direct the Public Works Director to issue any appropriate permit in conformity with its ruling and shall state a time by which such permit shall be issued, in conformity with this ordinance.
- D. Criteria for Variances. In making its determination, the Board (of Appeals) shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
3. Whether the requested variance is substantial;
4. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board (of Appeals), but shall not necessarily preclude the granting of the variance.

Chapter 225 – Criminal Code

Section 225.010: Classification of Crimes, Penalties & Fines

Sub Section A. Crimes shall be divided into five (5) parts:

1. Classifications:
2. Class A Misdemeanor
3. Class B Misdemeanor
4. Class C Misdemeanor
5. An Infraction
6. Misdemeanor

Sub Section B. Penalties for Misdemeanors and Infractions:

A person who is convicted of a misdemeanor or infraction may be sentenced to the following penalty which does not exceed:

1. For a Class A Misdemeanor, \$500 and /or a term in the Polk County Jail not to exceed 90-days.
2. For a Class B Misdemeanor, \$400 and/or a term in the Polk County Jail not to exceed 60-days.
3. For a Class C Misdemeanor, \$300 and/or a term in the Polk County Jail not to exceed 15-days.
4. For an Infraction, \$200.

If the crime is designated a misdemeanor without specifying a class or a penalty, the penalty may not exceed a fine of \$500 and a term not to exceed 90-days.

If the crime specifies a penalty that penalty shall apply in lieu of the above.

Sub Section C. Fines for Corporations:

A sentence to a pay a fine when imposed on a corporation for an offense defined in this Chapter shall be a sentence to pay an amount fixed by the Court and not exceeding:

1. For a Class A Misdemeanor, \$500.00 and /or a term in the Polk County Jail not to exceed 90-days.
2. For a Class B Misdemeanor, \$400.00 and/or a term in the Polk County Jail not to exceed 60-days.
3. For a Class C Misdemeanor, \$300.00 and/or a term in the Polk County Jail not to exceed 15-days.
4. For an Infraction, \$200.00.

If the crime specifies a penalty that penalty shall apply in lieu of the above not exceed double the amount of the corporations gain the commission of the offense.

Section 225.020: Culpable Mental State

Sub Section A. Culpable Mental State Required

1. A person acts knowingly or with knowledge with respect to his conduct or to attendant circumstances, when he is aware of the nature of his conduct or that those circumstances exist or with respect to the result of his conduct, when he is aware is practically certain to cause that result.
2. A person acts recklessly or is reckless when he consciously disregards the substantial and unjustifiable risk as circumstances exist or that a result will follow and that such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in this situation.
3. A person acts with criminal negligence or is criminally negligent when he fails to be aware of the substantial and unjustifiable risk that circumstances exist or that a result will follow and such failure

constitutes a gross deviation from the standard of care which a reasonable person would exercise in this situation.

Sub Section B. Culpable Mental State Not Required

1. If the offense is an infraction and no culpable state is prescribed by the Ordinance defining the offense, or,
2. If the Ordinance defining the offense clearly indicates the purpose to dispense with the requirement of any culpable mental state as to a specific element of the offense.

Sub Section C. Application of Culpable Mental State:

If the definition of an offense prescribes negligence as a culpable mental state, it is also established if a person acts purposely or knowingly, or recklessly suffices to establish a culpable mental state, it is also established if a person acts purposely or knowingly. When acting knowingly suffices to establish a culpable mental state, it is also established if a person acts purposely.

Section 225.030: Attempt to Commit an Offense

Sub Section A. A person is guilty of attempt to commit an offense when with the purpose of committing the offense; he does any act which is a substantial step toward the commission of the offense. A substantial step is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

Sub Section B. It is not defense to a prosecution under this section that the offense attempted was under the actual attendant circumstances factually or legally impossible of commission if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

Sub Section C. Unless otherwise provided, an attempt to commit an offense is a Class C Misdemeanor if the offense attempted is a misdemeanor of any degree.

Section 225.030: Concealing an Offense

Sub Section A. A person commits the crime of concealing an offense if:

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

Sub Section B. Concealing an offense is a Class A Misdemeanor

Section 225.040: For Future Use

Section 225.050: Hindering a Prosecution

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

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

Sub Section B. Hindering prosecution is a Class A misdemeanor.

Section 225.060: Perjury

Sub Section A. A person commits the crime of perjury if, with the purpose to deceive, he knowingly testifies falsely to any material fact upon oath or affirmation legally administered, in any official proceeding before any court, public body, notary public or other officer authorized to administer an oath.

Sub Section B. A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course of outcome of the cause, matter or proceeding.

Sub Section C. Knowledge of the materiality of the statement is not an element of this crime, and it is no defense that:

1. The defendant mistakenly believed the fact to be immaterial; or
2. The defendant was not competent, for reasons other than mental disability or immaturity, to make the statement.

Sub Section D. It is a defense to a prosecution under Sub Section (A) of this Section that the actor retracted the false statement in the course of the official proceeding in which it was made provided he did so before the falsity of the statement was exposed. Statements made in separate hearings at separate stages of the same proceeding, included but not limited to, statements made before a grand jury, a preliminary hearing, at a deposition or at previous trial, are made in the course of the same proceeding.

Sub Section E. The defendant shall have the burden of injecting the issue of retraction under Sub Section (D) of this Section.

Sub Section F. Perjury is a Class A misdemeanor.

Section 225.070: False Affidavit

Sub Section A. A person commits the crime of making a false affidavit if, with purpose to mislead any person, he, in any affidavit swears falsely to a fact which is material to the purpose for which said affidavit is made.

Sub Section B. The provisions of Sub Section (B) and (C) of Section C shall apply to prosecutions under Sub Section (A) of this Section.

Sub Section C. It is a defense to a prosecution under Sub Section (A) of this Section that the actor retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:

1. Falsity of the statement was exposed; or
2. Any person took substantial action in reliance on the statement.

Sub Section D. The defendant shall have the burden of injecting the issue of retraction under Sub Section (C) of this Section.

Sub Section E. Making a false affidavit is a Class A misdemeanor if done for the purpose of misleading a public servant in the performance of his duty; otherwise making a false affidavit is a Class C misdemeanor.

Section 225.080: False Declaration

Sub Section A. A person commits the crime of making a false declaration if with the purpose to mislead a public servant in the performance of his duty, he;

1. Submits any written false statement, which he does not believe to be true;
 - a. In an application for any pecuniary benefit or other consideration; or

- b. On a form bearing notice authorized by law that false statements made therein are punishable; or
- 2. Submits or invites reliance on;
 - a. Any writing which he knows to be forged, altered or otherwise lacking in authenticity; or
 - b. Any sample, specimen, map, boundary mark, or other object which he knows to be false.

Sub Section B. The falsity of the statement or the item under Sub Section (A) of this Section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of Sub Sections (B) and (C) of Section 225.060 shall apply to prosecutions under Sub Section (A) of this Section.

Sub Section C. It is a defense to a prosecution under Sub Section (A) of this Section that the actor retracted the false statement or item but this defense shall not apply if the retraction was made after:

- 1. The falsity of the statement or item was exposed; or
- 2. The public servant took substantial action in reliance on the state or item.

Sub Section D. The defendant shall have the burden of injecting the issue of retraction under Sub Section (C) or this Section.

Sub Section E. Making a false declaration is a Class B misdemeanor.

Section 225.090: Proof of Falsity of Statements

No person shall be convicted of a violation of Perjury, False Affidavit or False Declaration based upon the making of a false statement except upon proof of the falsity of the statement by:

- 1. The direct evidence of two witnesses; or
- 2. The direct evidence of one witness together with strongly corroborating circumstances; or
- 3. Demonstrative evidence which conclusively proves the falsity of the statements; or
- 4. A directly contradictory statement by the defendant under oath together with;
 - a. The direct evidence of one witness; or
 - b. Strongly corroborating circumstances; or
- 5. A judicial admission by the defendant that he made the statement knowing it was false. No admission, which not a judicial admission, by the defendant that he made the statement knowing it was false may constitute strongly corroborating circumstances.

Section 225.100: False Reports

Sub Section A. A person commits the crime of making a false report if he knowingly:

- 1. Gives false report to a law enforcement officer for the purpose of implicating another person in a crime; or
- 2. Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or
- 3. Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.

Sub Section B. It is a defense to a prosecution under Sub Section A (1) of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

Sub Section C. The defendant shall have the burden of injecting the issue of retraction under Sub Section A (2) of this Section.

Sub Section D. Making a false report is a Class B misdemeanor.

Section 225.110: False Alarms and Reports

Sub Section A. A person commits the crime of making a False Report if he knowingly starts or spreads any false report of fire, riot, explosion, civil disturbance, or other breach of the peace in the City of Pleasant Hope.

Sub Section B. A person commits the crime of making a False Alarm Report if he reports the existence of any fire, bomb or other hazard, medical or other emergency to the Police, Fire Department, ambulance services, first responder or any other agency empowered to deal with an emergency when such person knows the report to be false.

Sub Section C. A person commits the crime of Making a False Report to 911 if he calls 911, and reports the existence of any fire, riot, explosion, bomb, civil disturbance, the commission of any offense, medical emergency, or other incident which would require the dispatch of law enforcement personnel, fire department personnel or equipment, medical emergency personnel or equipment, or any other agency or responder when such person knows the report to be false; or calls 911 and hangs up without making a report, thereby causing the necessity for a dispatch of emergency personnel or equipment, when the person making such call has no basis to believe that any condition exists which necessitates or requires the dispatch of such emergency responders. For the purposes of this Section, the offense of Making a False Report shall be deemed to have occurred at the location of which 911 emergency calls are received, regardless of the location from which such calls are placed.

Sub Section D. A person commits the Crime of Permitting a False Report to 911 if he negligently permits, allows, encourages, condones or fails to prevent any minor under the age of seventeen (17) who is subject to such person's control supervision or direction from making a call to 911 in violation of Sub Section C of this Section.

Sub Section E. Any offense under this Section shall be deemed a Class A misdemeanor.

Section 225.120: Tampering With Physical Evidence

Sub Section A. A person commits the crime of tampering with physical evidence if he:

1. Alters, destroys, suppresses or conceals any record, document or thing with purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
2. Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceedings or investigation.

Sub Section B. Tampering with physical evidence is a Class A misdemeanor.

Section 225.130: Tampering With A Public Record

A person commits the crime of tampering with a public record if with the purpose to impair the verity, legibility or availability of a public record:

1. He knowingly makes a false entry in or falsely alters any public record; or
2. Knowing he lacks authority to do so, he destroys, suppresses or conceals any public record.
3. Tampering with a public record is a Class A misdemeanor.

Section 225.140: False Impersonation

Sub Section A. A person commits the crime of false impersonation if he:

1. Falsely represents himself to be a public servant with purpose to induce another to submit to his pretended official authority or to rely upon his pretended official acts and:
 - a. Perform an act in that pretended capacity; or
 - b. Causes another to act in reliance upon his pretended official authority; or
2. Falsely represents himself to be a person licensed to practice or engage in a profession for which a license is required by the laws of this state with purpose to induce another to rely upon such representation, and:
 - a. Performs an act in that pretended capacity; or
 - b. Caused another to act in reliance upon such representation.

Sub Section B. False impersonation is a Class B misdemeanor unless the person represents himself to be a law enforcement officer in which case false impersonation is a Class A misdemeanor.

Section 225.150: Resisting or Interfering With an Arrest

Sub Section A. A person commits the crime of resisting or interfering with an arrest if, knowing that a law enforcement officer is making an arrest, for the purpose of preventing the officer from affecting the arrest, he:

1. Resists the arrest of himself by using or threatening the use of violence of physical force or by fleeing from such officer; or
2. Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.

Sub Section B. This section applies to arrests with or without warrant and to arrests for any crime or ordinance violation.

Sub Section C. It is no defense to a prosecution under Sub Section A of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

Sub Section D. Resisting or interfering with an arrest is a Class A misdemeanor.

Section 225.160: Interference with Legal Process

Sub Section A. A person commits the crime of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he interferes with or obstructs such person.

Sub Section B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of the court.

Sub Section C. Refusing to make an employee available for service of process is a Class C misdemeanor.

Section 225.170: Refusing to Make an Employee Available for Service of Process.

Sub Section A. Any employee or any agent who is in charge of a business establishment, commits the crime of refusing to make an employee available for service of process if he knowingly refuses to assist an officer authorized by law to serve process who calls at such business establishment during working hours of an employee for the purpose of serving process on such employee, by failing or refusing to make such employee available for service of process.

Sub Section B. Refusing to make an employee available for service of process is a Class C misdemeanor.

Section 225.180: Failure to Execute an Arrest Warrant

Sub Section A. Any law enforcement officer commits the crime of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, he fails to execute any arrest warrant, capias, or other lawful process ordering apprehension of confinement of such person, which he is authorized and required by law to execute.

Sub Section B. Failure to execute an arrest warrant is a Class A misdemeanor.

Section 225.190: Refusal to Identify as a Witness

Sub Section A. A person commits the crime of refusal to identify as a witness if, knowing he has witnessed any portion of a crime, or of any other accident resulting in physical injury or substantial

property damage, upon demand by a law enforcement officer engaged in the performance of his official duties, he refuses to report or give a false report of his name and present address to such officer.

Sub Section B. Refusal to identify as a witness is a Class C misdemeanor.

Section 225.200: Escape

Sub Section A. Escape from Custody

1. A person commits the crime of escape from custody if, while being held in custody after arrest or conviction for any crime or other offense against the Ordinances of this City, he escapes from custody.
2. Escape from Custody is a Class A misdemeanor.

Sub Section B. Aiding escape of a prisoner

1. A person commits the crime of aiding escape of a prisoner if he:
 - a. Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime; or
 - b. Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of affecting the prisoner's escape from custody or confinement.
2. Aiding escape of a prisoner is a Class A misdemeanor.

Sub Section C. Permitting Escape

1. A public servant who is authorized and required by law to have charge of any person charged with or convicted of any crime commits the crime of permitting escape if he knowingly:
 - a. Suffers, allows or permits any deadly weapon or dangerous instrument or anything adapted or designed for use in making an escape, to be introduced into or allowed to remain in any place of confinement, in violation of law, regulations or rules governing the operation of the place of confinement, or
 - b. Suffers, allows or permits a person in custody or confinement to escape.
2. Permitting escape by suffering, allowing or permitting any deadly weapon or dangerous instrument to be introduced into a place of confinement is a Class A misdemeanor.

Section 225.210: Tampering With a Witness

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

1. Threatens or causes harm to any person or property; or
2. Uses force, threats or deception; or
3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness.

Sub Section B. Tampering with a witness is a Class A misdemeanor.

Section 225.220: Misconduct in Administration of Justice

Sub Section A. A public servant, in his public capacity or under color of his office or employment, commits the crime of misconduct in administration of justice if:

1. He is charged with the custody of any person accused or convicted of any crime or municipal ordinance violation and he coerces, threatens, abuses or strikes such person for the purpose of securing a confession from him;
2. He knowingly seizes or levies upon any property or dispossesses any one of any lands or tenements without due and legal process, or other lawful authority;

3. He is a law enforcement officer and violates the provisions of Section 544.170 RSMo., by knowingly:
 - a) Refusing to release any person in custody who is entitled to such release; or
 - b) Refusing to permit a person in custody to see and consult with counsel or other persons; or
 - c) Transferring any person in custody to the custody or control of another, or to another place, for the purpose of avoiding the provisions of that section; or
 - d) Preferring against any person in custody a false charge for the purpose of avoiding the provisions of that section.

Sub Section B. Misconduct in the administration of justice is a Class A misdemeanor.

Section 225.225: Excessive Force

Sub Section A. It is hereby declared to be the policy of the City of Pleasant Hope, which it will enforce in the manner hereinafter stated, to prohibit the use of excessive force by law enforcement agencies or a law enforcement officer with the corporate limits of the City against any individual engaged in non-violent civil rights demonstrations. It is further declared to be the policy of the City of Pleasant Hope, to be enforced as hereinafter set forth, for any such law enforcement agency, or any law enforcement officer with the corporate limits of the City, to physically barring of any entrance or exit to a facility or location in or at which a non-violent civil rights demonstration is occurring. It is further the policy of the City of Pleasant Hope, Missouri, to enforce all applicable State Laws regarding the subject matter of this Section.

Sub Section B. It shall be unlawful:

1. For any law enforcement agency or law enforcement officer with the corporate limits of the City of Pleasant Hope Missouri to knowingly use excessive force against any individual engaged in non-violent civil rights, demonstrations; or
2. For any person to physically bar the entrance to or exit to any facility or location at which a non-violent civil rights demonstration is occurring.

Sub Section C. Any person found guilty of a violation of this Section shall be deemed guilty of a Class C misdemeanor and shall be punished as provided in Section 225.010(B)(1)(c) of the Pleasant Hope Municipal Code.

Section 225.230: Stealing

Sub Section A. A person commits the crime of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without consent or by means of deceit or coercion.

Sub Section B. Stealing is a Class A misdemeanor.

Section 225.235: Receiving Stolen Property

Sub Section A. A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein; he receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

Sub Section B. Evidence of the following is admissible in any criminal prosecution under this section to prove the requisite knowledge or belief of the alleged receiver:

1. That he was found in possession or control of other property stolen on separate occasions from two or more persons;
2. That he received other stolen property in another transaction with the year preceding the transaction charged;
3. That he acquired the stolen property for a consideration which he knew was far below its reasonable value.

Sub Section C. Receiving stolen property is a Class A misdemeanor.

Section 225.240: Peace Disturbance

Sub Section A. Definitions for the purpose of this section:

Property of Another – means any property in which the actor does not have a possessor's interest.

Private Property – means any place which at the time is not open to the public. It includes property which is owned publicly or privately.

Public Place – means any place which at the time is open to the public. It includes property which is owned publicly or privately.

Separate Premises - if a building or structure is divided into separately occupied units, such units are separate premises.

Sub Section B. Peace Disturbance

1. A person commits the crime of peace disturbance if:
 - a. He unreasonably and knowingly causes disturbs or alarms another person or persons by:
 - i. Loud noise; or
 - ii. Offensive and indecent language which is likely to produce an immediate violent response from a reasonable recipient; or
 - iii. Threatening to commit an assault, a Class A or Class B misdemeanor, or a felony against any person; or
 - iv. Fighting; or
 - v. Creating a noxious and offensive order.
 - b. He is in a public place or on private property of another without consent and purposely cause inconvenience to another person or persons by unreasonably and physically obstructing:
 - i. Vehicular or pedestrian traffic; or
 - ii. The free ingress or egress to or from a public or private place.
2. Private peace disturbance is a Class C misdemeanor.

Section 225.250: Unlawful Assembly

Sub Section A. A person commits the crime of unlawful assembly if he knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of Missouri or of the United States or the ordinances of the City of Pleasant Hope with force or violence.

Sub Section B. Unlawful assembly is a Class B misdemeanor.

Section 225.255: Minor's Curfew; Permitting a Violation of Minor's Curfew

Sub Section A. Definitions for the purpose of this section:

Curfew Hours – means 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:30 A.M. or the following day; and 12:01 A.M. until 5:30 A.M. on any Saturday or Sunday.

Emergency – means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment – means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian – means:

- i. A person who, under court order, is the guardian of the person of a minor, or
- ii. A public or private agency with whom a minor has been placed by a court who maintains a place or residence for a minor, or
- iii. A person with whom a minor has been placed by a public or private agency or with whom a minor has been placed by a court.

Minor – (solely for the purposes of this Section but for no other provision of the Pleasant Hope Municipal Code) means any person less than seventeen (17) years of age.

Operator – means any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. The term includes the members or partners of any association or partnership and the officers of a corporation.

Parent – mean a person who is a natural parent, adoptive parent, or step-parent of a minor, or a person who is at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor. Solely for the purpose of Sub Section D and E of this Section, it does not include:

- i. a person who, although the natural or adoptive parent or guardian of a minor, does not have actual, physical custody of a minor at the time of a curfew violation as a result of a court order granting custody, temporary custody or visitation to another person, and such other person is, at the time of the violation, exercising the custody, temporary custody or visitation rights with the minor pursuant to that order; or
- ii. a person who, although the natural or adoptive parent or guardian of a minor, is not exercising actual custody, temporary custody or visitation with a minor, and who is a party to a pending legal action involving the custody of the minor and the Court before which such custody proceeding is pending has made no order relating to custody, temporary custody or visitation, but the laws of the State of Missouri grant custody of the child by virtue of the filing of such action to another person.

Private Place – means any land or building which is owned by one or more private persons, partnerships, corporations or associations. For the purpose of this Section, the term does not include:

- i. the residence and the land upon which it sits of a parent or guardian of a minor.
- ii. any other residence and the land upon which it sits occupied by persons who are eighteen (18) years of age or older at which a minor is staying with the consent of the occupants of such residence and the consent of the parent or guardian of such minor,
- iii. the common areas of any multi-dwelling unit at which the minor resides with a parent or guardian, on
- iv. the common areas of any multi-dwelling unit occupied by persons who are eighteen (18) years of age or older at which a minor is staying with the consent of the occupants of such dwelling unit and the consent of the parent or guardian of such minor.

Public Place – means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets or their right-of-ways, highway or their right-of-ways, alleys or their right-of-ways, sidewalks, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Remain – means to linger or stay, or to fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Residence – means a home, apartment, mobile home, trailer or other residential unit intended for the use and occupancy of any number of persons related to one another by blood or marriage, or no more than four (4) unrelated persons.

Serious Bodily Injury – means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sub Section B. Classes of Violations

1. *Class 1 Curfew Violation*: A minor commits the Class 1 offense of "Curfew Violation" if he is in any public or private place during curfew hours. The first offense of Class 1 Curfew Violation is an infraction. All subsequent offenses shall be a Class C misdemeanor.
2. *Class 2 Curfew Violation*: A minor commits the Class 2 offense of "Curfew Violation" if he remains in any public or private place during curfew hours. The first offense of Class 2 Curfew Violation is a Class C misdemeanor. All subsequent offenses shall be a Class B misdemeanor.
3. *Class 1 Permitting a Curfew Violation*: A parent or guardian of a minor commits the Class 1 offense of permitting a curfew violation if he negligently, by the exercise of insufficient control, allows a minor to commit a *Class 1 or Class 2 Curfew Violation*, after having first been given one (1) oral or written notice of a prior curfew violation of either class by a minor for which he is the parent or guardian. The first offense (after having received one (1) notice of a prior curfew violation of either class by a minor for which he is the parent or guardian) of *Class 1 Permitting a Curfew Violation* shall be an infraction. All subsequent violations shall be a Class C misdemeanor.
4. *Class 2 Permitting a Curfew Violation*: A parent or guardian of a minor commits the Class 2 offense of permitting a curfew violation if he knowingly allows a minor to commit a *Class 1 or Class 2 Curfew Violation*, after having first been given one (1) oral or written notice of a prior curfew violation of either class by a minor for which he is the parent or guardian. The first offense (after having received one (1) notice of a prior curfew violation of either class by a minor for which he is the parent or guardian) of the Class 2 offense of Permitting a Curfew Violation shall be a Class C misdemeanor. All subsequent violations shall be a Class B misdemeanor.
5. *Class 3 Permitting a Curfew Violation*: The operator of an establishment commits the Class 3 offense of Permitting a Curfew Violation, if such operator or any of its agents or employees, negligently allows a minor to remain in such operator's establishment during curfew hours. The first offense of Class 3 Permitting a Curfew Violation shall be an infraction. All subsequent offenses shall be a Class C misdemeanor.

Sub Section C. No Suspension of Imposition of Sentence:

Upon a finding that a person is guilty of an offense under this Section, the Court having competent jurisdiction shall not suspend the imposition of sentence except for the first conviction of an offense under the *Class 1 Permitting a Curfew Violation* or *Class 2 Permitting a Curfew Violation*.

Sub Section D. Defenses:

It is a defense to a finding of guilt under Sub-Sections "B." above of the minor if:

1. Is accompanied by his parent or guardian; or
2. Is traveling directly to or from a public or private place on an errand at the direction of his parent or guardian; or
3. Is on an emergency errand affecting the minor, his parent or guardian, grandparent, sibling or a member of the minor's household; or
4. Is traveling in interstate commerce; or

5. Is traveling directly to or from, a school, church or civic activity, or is participating in a lawful social, recreational, educational, or religious activity sponsored and supervised by a school, church, political subdivision, civic club, or other organized group of adults, with the consent of his parent or guardian; or
6. Is traveling directly to or from, or is participating in, a civil rights activity protected by the 1st Amendment to the United States Constitution; or
7. Is engaged in a lawful employment activity or is going directly to or from a lawful employment activity without any detour or stop.

Sub Section E. Procedures Involving Juveniles:

It shall be lawful for a law enforcement officer to stop and inquire of, or request identification from, any person who he has reasonable cause to believe is a minor that is violating Sub-Sections "B" of this Section. In the absence of actual knowledge of the age of the suspected violator by the officer, an officer shall have reasonable cause to stop and inquire of or request identification from a person if the person's appearance would create a doubt in the mind of a reasonable person as to whether the suspect is over the age of fifteen (15) years. If the suspect states that he is under the age of sixteen (16) years, or asserts that he is over the age of fifteen (15) years but is unable to produce identification which establishes his age, and the officer continues to have reasonable doubt of the person's age, the officer shall take such person into custody and deliver him to the home of his parent or guardian. If the parent or guardian is not home, the officer may nevertheless leave the suspect at his home if he observes no condition which appears to create a significant risk of injury or harm to the suspect. If the suspect refuses to identify himself, or upon arriving at the home of the suspect, observes any condition which appears to create a significant risk of injury or harm, the officer shall deliver the person to the Pleasant Hope Police Station, and shall promptly notify or cause to be notified the appropriate juvenile authorities. The officer shall thereafter take such actions as are directed by those authorities. In addition, the officer shall:

1. Prepare or cause to be prepared a Report to the Juvenile Officer of Suspected Curfew Violation on forms developed for this purpose by the Police Chief after consultation with the Polk County Juvenile Officer, and to assure that such report is delivered to the Juvenile Officer, and
2. Shall prepare or cause to be prepared a Notice to Parent or Guardian of Suspected Curfew Violation on forms developed for this purpose by the Police Chief, and shall assure delivery of such notice to the parent(s) or guardian(s); and
3. Shall prepare or cause to be prepared such other reports of the suspected violation as the Police Chief may direct, from time to time. If the officer has reason to believe that an adult may have violated this Section, a report shall be provided to the City Attorney.

Sub Section F. It shall be the duty of the Police Chief to:

1. Develop or cause to be developed a system of identifying those minors and parents and guardians who have previously violated this Section; and
2. Develop or cause to be developed a system of identifying those parents and guardians of minors who have been notified of a violation of this Section; and
3. To prepare or cause reports to the Board of Aldermen to be made at least quarterly which shall include, at a minimum, the following information:
 - a) The number of referrals by the Police Department during the prior month to the Juvenile Officer for all suspected juvenile offenses other than a Curfew Violation; and
 - b) The number of referrals by the Police Department during the prior month to the Juvenile Officer for all suspected Curfew Violations; and

- c) The number of offense complaints received by the Police Department for offenses which are believed by the complainant to have been committed during Curfew Hours, and
- d) The number of those referrals mentioned in Paragraph "a." for persons who are age 16, and
- e) The number of referrals to the City Attorney or the County Prosecuting Attorney for persons who are age 17, and
- f) If available, the number of visits to local medical emergency facilities by minors, by persons aged 16 and by persons aged 17 during curfew hours; and
- g) Such other information as will enable the Board of Aldermen to determine the effectiveness of this Ordinance in protecting minors and the citizens of the City from minors; and whether offenses and other incidents involving persons who are 16 and 17 years of age require consideration of expanding this Section so as to include such persons.

Sub Section G: Provisions of Section Severable:

If any word, phrase, clause or Sub-Section of Section 225.255 shall be found to be unlawful or unconstitutional, the remaining portions hereof shall not thereby be affected except as may be required by the striking of the unlawful or unconstitutional part; and the remainder thereof shall continue to be fully enforceable.

Section 225.260: Concealed Weapons

Sub Section A: A person commits the crime of dangerous and concealed weapons if:

1. He shall carry concealed upon or about his person, a dangerous or deadly weapon of any kind or description.
2. He shall go into any church or place where people have assembled for religious worship or into any schoolroom or place where people are assembled for educational, political, literary or social purposes, or to any election precinct on election day, or into any courtroom during a sitting of court, or into any other public assemblage of persons met for any lawful purpose, having upon or about his person concealed or exposed any kind of firearm, bowie knife, spring back knife, razor, metal knuckles, billy, sword, cane, dirk, dagger, sling shot, or other similar deadly weapons.
3. He shall in the presence of one or more person exhibit any deadly or dangerous weapon in a rude, angry, or threatening manner.
4. He shall have any deadly or dangerous weapon in his possession when intoxicated.
5. He shall directly or indirectly self- deliver, loan or barter to any minor any deadly or dangerous weapon, without the consent of the parent or guardian of such minor.

Sub Section B. Exceptions:

Nothing contained in this Section shall apply to legally qualified Sheriffs, police officers, and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the peace, or to persons traveling in a continuous journey, peaceably through this City.

Sub Section C. Committing the crime of dangerous and concealed weapon shall be a Class A Misdemeanor.

Section 225.270: Discharge of Firearms

Sub Section A. A person commits the crime of discharging firearms if he, within the limits of the city, shoots or discharges any gun, revolver, pistol or firearm of any description, whether the firearm is loaded

with powder and ball or shot or with loaded or blank cartridges or with any other kind of explosive whatsoever.

Sub Section B. Exceptions:

Nothing contained in this section shall apply to the following:

1. Persons discharging firearms in defense of person or property;
2. 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, or any person whose bona fide duty is to execute process, civil or criminal;
3. Discharge of firearms within the scope of professional duty by wardens, superintendents or keepers of jails and other institutions for the detention of persons accused or convicted of crime, or by federal or state probation or parole officers, including supervisors and members of the Board of probation and parole;
4. Members of the armed forces or National Guard while performing their official duties;
5. Licensed shooting galleries, or gun, rifle, or sporting clubs;
6. Performances in licensed theatres, theatrical amusements or circus exhibitions; or military funerals or patriotic observances where firing squads composed of members of veterans' associations or members of the United States or state military forces may fire salutes; or the firing of blank cartridges from pistols aimed into the air in connection with track and field events;
7. Discharge of firearms that expel projectiles commonly known as "BBs"; and
8. Discharge of firearms powered by compressed air or pressurized carbon dioxide gas which expels projectiles commonly known as "BBs" and/or "pellets."

Sub Section C. Discharging a firearm is a Class B Misdemeanor.

Section 225.280: Leaving Excavation Unguarded

Sub Section A. A person commits the crime of leaving excavation or opening unguarded if he acts with criminal negligence in causing any excavation or opening to be made in or adjoining any highway, street, or sidewalk or any public place within this City without proper guard.

Sub Section B. A proper guard shall be any sign, or other warning which would put a person on notice of the excavation or opening, visible day and night.

Sub Section C. Leaving excavation or openings unguarded shall be a Class C Misdemeanor.

Section 225.290: Sale or Use of Fireworks

Sub Section A. Definitions

"Fireworks" means any combustible or explosive composition or substance or combination of substances or article prepare for the purpose of producing a visible or audible effect by combustion, explosion, detonation or deflagration, but shall not include devices using paper caps containing 25/100ths grains or less of explosive compound.

"Seasonal Retailer" shall have the meaning prescribed by the Missouri Division of Fire Safety pursuant to the provisions of 11 CSR 40-3.010(2)(A)(2)(E) or the comparable provisions of any future Code of State Regulations.

"*Consumer Fireworks*" shall have the meaning prescribed by the Missouri Division of Fire Safety pursuant to the provisions of 11 CSR 40-3.010(2)(A)(2)(E) or the comparable provisions of any future Code of State Regulations.

"*Fireworks Season*" shall have the meaning prescribed by the Missouri Division of Fire Safety pursuant to the provisions of 11 CSR 40-3.010(2)(A)(2)(E) or the comparable provisions of any future Code of State Regulations.

Sub Section B. Except as provided in Sub-Sections (C) and (D) of this Section, a person commits the crime of sale or use of fireworks if he shall knowingly offer for sale, possess, manufacture or explode any fireworks within the City Limits of Pleasant Hope, Missouri

Sub Section C. Exceptions:

During the Fireworks Season in each year in all areas of the City, except the central business district as defined in Section 300.010 of the Pleasant Hope Municipal Code, an individual may possess and use, in a careful and prudent manner, fireworks that produce only a visible effect when lighted and which are not designed nor intended to explode, propel or produce an audible explosion. Examples of permitted fireworks include those commonly known as sparklers, fountains, snakes and smoke bombs. A person commits the crime of unlawful use of fireworks if he knowingly uses fireworks (whether or not otherwise permitted) within fifteen feet of a structure, or who knowingly throws any permitted fireworks.

1. Fireworks may be sold or used for pyrotechnic displays given by any civic or public organization or group of individuals, which shall have first obtained a permit for such display from the Mayor of the City of Pleasant Hope. No such permit shall be issued, except upon written application therefore, made at least ten (10) days prior to the date of the proposed display, setting forth the following information:
 - a) The names of the individuals, organization or group sponsoring the display, together with the names of the persons actually in charge of the firing of the display;
 - b) The date and time of the day and hours during which the display is to be held;
 - c) The exact location planned for the display;
 - d) A description setting forth the age and experience of the persons who are to do the actual discharging of the fireworks;
 - e) The number and kinds of fireworks to be discharged;
 - f) The manner and place of storage of such fireworks prior to the display, outlining safety precautions to be taken therein;
 - g) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of buildings, highways or roads and other lines of communication, the lines behind which the audience will be restrained, and the location of all nearby shade or ornamental trees, telegraph or telephone lines, or other overhead obstructions;
 - h) The names and addresses of the individuals or organization responsible for the clean-up of the premises after the display is concluded.

The Mayor shall issue such permit only upon being satisfied that the display is being made by responsible persons and that the fireworks will be kept, maintained and fired in a safe and prudent manner. The Mayor may require such changes in the plans as may reasonably appear to be necessary to insure adequate protection of persons and property.

Sub Section D. Notwithstanding the provisions of Ordinance 222, Section 225.290(B), it shall be lawful for a Seasonal Retailer to sell "Consumer Fireworks" during the Fireworks Season subject to the following terms, provisions, conditions and restrictions.

1. Each Seasonal Retailer shall obtain and maintain a permit issued by the Missouri Division of Fire Safety pursuant to the provisions of 11 CSR 40-3.010(2)(A)(2)(E) or the comparable provisions of any future Code of State Regulations.
2. Each Seasonal Retailer shall obtain an annual permit from the City of Pleasant Hope in addition to the Retailer's State permit. The application for a permit shall be on forms provided for that purpose by the City Clerk. The Application shall provide the exact name, business address and business telephone number of the Applicant, the name, address and telephone number of each partner (if the applicant is a partnership), member (if the Applicant is a limited liability company), and director and officer (if the Applicant is a corporation), shall describe the proposed location for the sale of Consumer Fireworks during the Fireworks Season and describe the building, tent or other structure from which the sales are proposed to be made, shall attach a copy of the Applicant's State permit, shall set forth a verifiable and current State Sales Tax number, and shall certify under oath that the Applicant meets all requirements for a Seasonal Retailer Permit as set forth in 11 CSR 40-3.010 and in this Ordinance. No permit shall be issued to any person, or to an applicant if any partner, member, director or officer has been found or has pleaded guilty (whether or not sentenced as a result of such plea or finding) of a felony or misdemeanor involving any violation of the provisions of the laws or regulations of the United States or any State law or regulation, or of any municipal ordinance of the State of Missouri, regulating the manufacture, importation, transportation, distribution, sale or display of fireworks, or of the laws of the United States or any State relating to arson, within five (5) years from the date of completion of any sentence or period of probation that was imposed as a result of such plea or finding of guilt. Each Application shall certify under the penalty of making a false affidavit that each Applicant, and each partner, member, director or officer of an Applicant, meets the requirements of this Sub-Section. Each Application shall be accompanied by a Permit Fee equal to one-half (1/2) of the fee charged from time to time by the State of Missouri for the sale of Consumer Fireworks during the Fireworks Season.
3. No permit shall be issued to any Applicant, or if a Partner, Member, Director or Officer of the Applicant, is delinquent in the payment of any taxes due the State of Missouri or the City of Pleasant Hope, unless the validity of such taxes is being lawfully contested by proper administrative or legal procedure.
4. No Consumer Fireworks shall be sold from a commercial building that solicits consumers to the building for the sale of products other than Consumer Fireworks.
5. No Consumer Fireworks shall be sold within any location that is not zoned for the sale at retail of consumer goods.
6. No Consumer Fireworks shall be sold from any building, tent or other permanent or temporary structure that is located closer than 50 feet to a building that is used or occupied for any commercial or business purpose or closer than 150 feet to any residential structure.
7. Each location for the sale of Consumer Fireworks may be inspected at any time by the City Fire Chief for compliance with the requirements of State law and regulations and of this Ordinance.
8. The regulations set forth herein shall be in addition to and not in lieu of any state law or regulation on the same subject, and in the event of a conflict between the provisions of this Ordinance, and the present or any future provisions of State law or Regulations, the more stringent of the two shall apply.

The City Clerk shall suspend the permit of any Seasonal Retailer of Consumer Fireworks who he has reasonable cause to believe has or is violating any of the provisions of Chapter 3 of Division 40 of Title 11

of the Code of State Regulations or of this Ordinance. The permittee shall be notified of any suspension and of the basis therefore in writing to be personally delivered by a law enforcement officer of the City of Pleasant Hope or County of Polk to the permittee, or to any partner, member, director or officer of a permittee, or mailed certified, return receipt requested, postage fully prepaid, to the address shown in the Application of the permittee. Any suspension may be appealed within ten (10) days of the date of service or mailing by written appeal deliver or mailed to the City Clerk. If no appeal is made, the suspension shall become a revocation. If the suspension is appealed, an appeal hearing shall be held before the Fire Committee of the Board of Aldermen with five (5) business days following the receipt of such appeal. The City Clerk, represented by the City Attorney, shall present evidence that the permittee has or is violating any of the provisions of 11 CSR 40-3 or of this Ordinance, and the permittee shall be permitted to present evidence that no such violation has occurred or is occurring. If the Fire Committee finds by a preponderance of the evidence in favor of the action of the City Clerk, it shall affirm the suspension of the permit and either establish a date certain for an expiration of the suspension (which may be immediate) or shall order the license revoked. Such decision shall be based upon the Committee findings as to the materiality of the violation, and its effect or potential effect on the safety, health and welfare of the residents and visitors to the City of Pleasant Hope, or its effect or potential effect on the City. No permittee whose permit is revoked shall be eligible for a permit for the Seasonal Sale of Consumer Fireworks within the city limits of the City of Pleasant Hope for a period of three (3) years following the year of revocation.

Sub Section E. It shall be lawful for the City Police or other law enforcement officer to confiscate and destroy any fireworks found in the possession of any person in violation of this Section.

Sub Section F. The sale or use of fireworks shall be an ordinance violation punishable upon conviction with a fine up to \$500.00 and/or up to ninety (90) days in the county jail. (Ordinance 262 03/07/2011)

Sub Section G. The fee for a permit to sell fireworks shall be \$50.00. (Ordinance 262 03/07/2011)

Sub Section H. The illegal sale of fireworks shall be an ordinance violation punishable upon conviction with a fine up to \$500.00 and/or up to ninety (90) days in the county jail. (Ordinance 262 03/07/2011)

Section 225.300: Failure to Remove Snow

Sub Section A. A person commits the crime of failure to remove snow if he shall knowingly allow snow or ice to remain on sidewalks which abut a street and which lie on or adjoining property which he owns, leases, or has control of, for a period of more than twenty-four (24) hours after the snow or ice has fallen. This Section shall not apply to the owner, tenant or occupant of property abutting sidewalks if such property is used for single family or two-family residential dwelling purposes; or to the tenants of multiple family dwellings.

Sub Section B. Failure to remove snow is an infraction.

Section 225.310: Obstructing Street

Sub Section A. A person commits the crime of obstructing streets, sidewalk, sewer, ditch, or drain if he acts with criminal negligence in obstructing street, sidewalk, sewer, ditch or drain.

Sub Section B. Obstruction as used in the above section shall be construed in the broadest sense to include anything which would impede travel upon the streets or sidewalks, or change or obstruct the course of flow of any sewer or drain, sewer, ditch, drainage ditch, or any other area which commonly drains adjoining areas.

Sub Section C. This section shall not apply to police, firemen, or other city employee in the discharge of their duties of any other person who is authorized by city police and gives adequate warning of the obstruction as described in Section 225.280.

Sub Section D. Obstructing streets, sidewalks, sewer, ditch, or drain shall be a Class C Misdemeanor.

Section 225.320: Unlawful Burning

Sub Section A. A person commits the crime of unlawful burning if he knowingly causes any item to burn upon any street, sidewalk or other public area of the City.

Sub Section B. This section shall not apply to the burning of leaves in ditches on the public right-of-way in a safe, prudent, and guarded manner so long as such burning is not permitted to touch or damage the paved streets, alleyways, or waterways of the City.

Sub Section C. Unlawful burning shall be a Class C misdemeanor.

Section 225.330: Improper Slaughtering of Animals

Sub Section A. A person commits the crime of improper slaughtering of livestock and fowl if he shall knowingly allow blood, filth or remains to accumulate on the property, or shall allow feathers to be scattered on his property.

Sub Section B. Improper slaughtering of livestock and fowl shall be a Class C Misdemeanor.

Section 225.340: Assault

Sub Section A. A person commits the crime of assault if:

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

Sub Section B. Assault is a Class A misdemeanor unless committed under subdivision (3) or (5) of Sub Section (A) in which case it is a Class C misdemeanor.

Section 225.350: Tampering

Sub Section A. A person commits the crime of tampering if he:

1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another; or
2. Unlawfully operates or rides in or upon another's automobile, airplane, motorcycle, motorboat or another motor-propelled vehicle; or
3. Tamper or makes connection with property of a utility.

Sub Section B. Tampering is a Class A Misdemeanor.

Section 225.355: Possession of Public, Parking, Street, or Traffic Sign or Signal

Sub Section A. A person commits the offense of possession of a public, parking, street, or traffic sign or signal if he knowingly possesses within the corporate limits of the City any public sign, parking sign, traffic sign, or traffic signal, including but not limited to, no trespassing signs, belonging to a City, city, or county of this State or of another state in the United States of America, the State of Missouri or any other state in the United States of America, or the United States of America or any agency or department of any such entities;

Sub Section B. This ordinance shall not apply to an employee, agent, officer or contractor of any public body who possesses a public sign, parking sign, street sign, traffic sign or traffic signal with authority to do so from the public body;

Sub Section C. Possession of public, parking, street, traffic sign or signal shall be deemed a Class B Misdemeanor.

Section 225.360: Property Damage

Sub Section A. First Degree:

1. A person commits the crime of property damage in the first degree if;
 - a) He knowingly damages property of another, or the City of Pleasant Hope, to an extent exceeding Five Hundred and no/100 Dollars (\$500.00), or
 - b) He damages property to an extent exceeding Five Hundred and no/100 Dollars (\$500.00) for the purpose of defrauding an insurer.
2. Property damage in the first degree is a Class A misdemeanor.

Sub Section B. Second Degree:

A person commits the crime of property damage in the second degree if;

- a) He knowingly damages property of another, or the City of Pleasant Hope or
- b) He damages property for the purpose of defrauding an insurer.
- c) Property damage in the second degree is a Class B misdemeanor.

Section 225.370: Destruction of Bills or Notices

Sub Section A. A person commits the crime of destruction of bills or notices if he shall knowingly deface or tear down any poster, bill, notice, sign, or walls of any building.

Sub Section B. This shall not apply to persons who are authorized to take down bills or notices or signs by the person who placed the sign, notice, or bill.

Sub Section C. Destruction of notices or bills shall be a Class C misdemeanor.

Section 225.380: Trespassing

Sub Section A. First Degree:

1. A person commits the crime of trespass in the first degree if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
2. A person does not commit the crime of trespass in the first degree by entering or remaining upon

real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

- a) Actual Communication to the actor; or
- b) Posting in a manner reasonably likely to come to the attention of intruders.

3. Trespass in the first degree is a Class B misdemeanor.

Sub Section B. Second Degree

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

Sub Section C. Third Degree

- 1. A person commits the offense of trespass in the third degree if he knowingly enters an area in a building or inhabitable structure (including Public buildings) or upon an area of real property (including an area of Public property) which has been designated by actual communication to the actor or posting in a manner reasonably likely to come to the attention of intruder that a particular area of a building, inhabitable structure or real property is not open to the public or third parties.
- 2. Trespass in the third degree is a Class B misdemeanor.

Section 225.390: Littering

Sub Section A. For the purposes of this Ordinance the following terms, phrases, and words shall have the meaning given herein:

- 1. Handbill is any printed or written matter which (1) advertises for sale or promotional gifts or prizes any merchandise, product, commodity or thing; (2) directs attention to any business or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales or by other means; (3) directs attention to or advertises any meeting, exhibition, theatrical or other performance or event of any kind for which an admission fee is charged; (4) is predominately and essentially an advertisement, even though containing reading or pictorial matter other than advertising matter, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor; (5) any other printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed matter or literature which is not delivered by the United States mail, except that handbills shall not include a newspaper.
- 2. Newspaper is any publication that primarily publishes news, items and events, stories and other articles (even though the same may incidentally contain advertising matter) and which has a regular list of paid subscribers.
- 3. Litter shall mean and include any uncontainerized man-made or man-used waster which, if deposited within the City otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare, or to impair the environment of the people of the City. Litter may include but is not limited to garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or noxious or offensive matter of any kind of any object likely to injure any person, or to create a traffic hazard.
- 4. Park shall mean and include a public or private park, reservation, playground, beach, recreation center or any public or private area devoted to active or passive recreation.

5. Parking lots shall mean and include any private or public property with provisions for parking vehicles to which the public is invited or which the public is permitted to use, or which is visible from any public place or private premises.
6. Private premises shall mean and include any dwelling house, building or other structure designed to be used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited, or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mail box, or other structure belonging or appurtenant to such dwelling house, building, or other structure.
7. Public place shall mean and include any and all streets, boulevards, avenues, lanes, alleys or other public ways and parks, squares, plazas, grounds, sidewalks and buildings frequented by the general public, whether publicly or privately owned.
8. Elements shall mean and include any element whether created by nature or created by man, which with reasonable foreseeability could carry litter from one place to another. Elements shall include, but not be limited to, air current, rain, water current, and animals.

Sub Section B. Any of the following shall be deemed "littering." It shall be unlawful for any person to knowingly:

1. Transport in any vehicle or by any other means or manner, any loose material or articles, including but not limited to litter, in such a manner that it is likely such material or article will shift, fall, spill, or be blown about on any park, parking lot, private premises or public place.
2. To fail to immediately gather up or cause to be gathered up any loose material or article, including but not limited to litter, that shall become blown or scattered upon any park, parking lot, private premises or public place from any vehicle.
3. Throw, scatter, cast, sell or hand out handbills in or upon any public place within the City; provided, however, it shall not be unlawful for any person to hand out or distribute handbills in a public place to any person willing to accept such handbill without payment therefore.
4. Deposit or unlawfully distribute any handbill in or upon private premises except by handing or transmitting any such handbill directly to the occupant of such private premises; provided however, that in case of private premises which are not posted against the receiving of handbills or similar material, such person unless requested by any one upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any park, parking lot, private premises, or public place except mail boxes may not be so used when prohibited by Federal Postal Law or Regulation, and provided further that this Section shall not apply to the distribution upon private premises of newspapers or political literature if securely bound in a manner so as to minimize the chance that they will be carried or deposited by the elements upon any public place, park, parking lot or other private premises.
5. Deposit, drop, throw, scatter, cast or otherwise spread any litter within the City except in a public receptacle, authorized private receptacles, or duly licensed disposal facility.

Sub Section C. Littering is a Class B misdemeanor.

Section 225.400: Tampering with Water Supply System

Sub Section A. A person commits the crime of Tampering with the Water Supply System if he knowingly tampers with any buildings, pumps, pipes, lines, towers, fire hydrants or other components of the City's water supply system.

Sub Section B. For the purposes of this Section the term "tamper" means causing damage to or defacement of any component that constitutes a part of the City water supply system; entering into any building or facility housing any component of the City water supply water system; discharging any water from a fire hydrant or any other component of the City water supply system; or removing any cap, cover or other protective device that is a part of or attached to any component of the City water supply system.

Sub Section C. This Section shall not apply to employees of the City of Pleasant Hope Municipal, voluntary fireman or persons acting under contract with the City of Pleasant Hope when in the discharge of their official duties or contractual obligations.

Sub Section D. Tampering with the water supply system is a Class A Misdemeanor.

Section 225.405: Tampering with the Water Supply:

Sub Section A. A person commits the crime of Tampering with the Water Supply if he knowingly tampers with the water supply of the City of Pleasant Hope, Missouri.

Sub Section B. For the purposes of this Section the term "tamper" means:

1. To introduce a contaminant into the water supply of the City of Pleasant Hope with the intention of harming persons, or
2. Otherwise interfering with the normal operations of the City of Pleasant Hope public water supply system with the intention of harming persons.

Sub Section C. Tampering with the Water Supply is a Class A Misdemeanor.

Section 225.406: Recklessly Tampering with Public Water Supply:

Sub Section A. A person commits the crime of Recklessly Tampering with the Water Supply if he recklessly tampers with the water supply of the City of Pleasant Hope, Missouri.

Sub Section B. For the purposes of this Section, the term "tamper" means:

To introduce a contaminant into the public water system with conscious disregard of a substantial or unjustifiable risk that persons may be harmed or made ill; or

To recklessly interfere with the operation of the public water supply system with conscious disregard of a substantial and justifiable risk that the normal operations of the water supply system will be interrupted.

Sub Section C. Recklessly Tampering with the Water Supply is a Class B Misdemeanor.

Section 225.410: Use of City or Private Refuse Receptacles:

1. No person except employees or agents of the City of Pleasant Hope, Missouri authorized to do so as a part of their duties shall deposit any residential or commercial refuse in or about a trash receptacle placed by the City of Pleasant Hope, Missouri on or about any public street, sidewalk, park or other property owned, leased, occupied or otherwise controlled by the City of Pleasant Hope, Missouri.
2. No person shall deposit any residential or commercial refuse in or about a trash receptacle placed by any private refuse collection company or any person, firm, corporation, political subdivision or other entities, without the express consent of the person, firm, corporation, political subdivisions or other entities exercising control over the use of such receptacle.
3. For the purposes of this Section, the following terms shall have the meanings given below:
 - a) The term "*refuse*" shall mean refuse, garbage, trash, rubbish, debris of any nature including without limitation food waste, rejected vegetable matter, paper, clothing, grass, leaves, ashes, tires, cans, bottles, butchering waste, dead animals, trees, brush, white goods and discarded furniture and solid waste of any nature whatsoever.

- b) The term "*residential refuse*" shall include any refuse generated by occupants of residential units including houses, apartments or other living quarters.
 - c) The term "*commercial refuse*" shall include any refuse generated as a by product of any commercial or industrial operation.
 - d) The term "*trash receptacle*" shall mean any can, barrel, container, holder, repository, basket, bin, box, or other type of receptacle designed, used or intended for use for trash disposal.
4. The use of City or private refuse receptacles for residential or commercial refuse disposal shall be a Class C misdemeanor.

Section 225.430: Permitting Fowl to Run at Large

Sub Section A. A person commits the crime of permitting fowl to run at large if he shall recklessly allow any domestic fowl which he owns or over which he has control to be on any city streets, sidewalks, or public places or on the premises of another without permission.

Sub Section B. This Sub Section shall not apply to the fowl in the public park owned by the City of Pleasant Hope.

Sub Section C. Permitting fowl to run at large shall be a Class C misdemeanor.

Section 225.440: Running at Large of Stock Prohibited

Sub Section A. A person commits the crime of running at large of stock if he shall allow any animal of the species of horse, mule, cattle, sheep, goat, or swine, to be on streets of Pleasant Hope without proper control or on the property of another without permission within the city.

Sub Section B. Any person who keeps any of the above-named animals shall keep fences in such a condition to prevent their escape from that person's property.

Sub Section C. Running at large of stock shall be an infraction.

Sub Section D. If any of the above-named animals shall be found running at large within the City of Pleasant Hope, the city police or whoever they appoint shall impound the animal.

Sub Section E. The Pleasant Hope city police shall then send notice to the owner of the animal or post such notice in a conspicuous location in the area where the animal shall be found if the owner is not known, stating that such animal has been impounded.

Sub Section F. The owner may reclaim the animal upon payment of a reasonable fee for the taking and keeping of the animal and upon proof of ownership as may be required by the City Police.

Sub Section G. If the owner does not claim the animal within three (3) days the Mayor of Pleasant Hope may order the animal sold, and shall place a notice in the newspaper of general circulation within the City setting forth a description of the animal, the date, time and place of sale, and the right of the owner to claim the animal upon payment of costs and proper proof of ownership. Upon the sale of the animal and payment of the purchase price to the City Clerk, the charge for taking and keeping and selling the animal shall be deducted from that sale price and the balance shall be kept for six (6) months to be paid to any person who proves ownership of the animal sold. After six (6) months the money shall go into the General Fund of the City of Pleasant Hope.

Section 225.460: Pornography - Offenses Concerning

Sub Section A. Definitions:

"*Pornography*" - any material or performance is pornographic if, considered as a whole, apply contemporary community standards:

Its predominant appeal is to prurient interest in sex, and

It depicts or described sexual conduct in a patently offensive way, and

It lacks serious literary, artistic, political or scientific value. In determining whether any material or performance is pornographic, it shall be judged with reference to its impact upon ordinary adults.

"*Material*" - means anything printed or written, or any picture, drawing, photograph, motion picture film, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication.

"*Material*" includes undeveloped photographs, holds, printing plates and other latent representational objects.

"*Performance*" - means any play, motion picture firm, dance or exhibition performed before an audience.

"*Promote*" - means to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.

"*Furnish*" - means to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit, or otherwise provide.

"*Minor*" means any person under the age of eighteen (18).

"*Pornographic For Minors*" - any material or performance is "pornographic for minors" if it is primarily devoted to description or representations, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse and:

Its predominant appeal is to prurient interest is sex; and

It is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

It lacks serious literary, artistic, political, or scientific value for minors.

"*Nudity*" - means the showing of post-pubertal human genitals or pubic area, with less than fully opaque covering.

"*Sexual Conduct*" - means the acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification.

"*Sadomasochistic Abuse*" - means flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

"*Explicit Sexual Material*" - means any pictorial or three dimensional material depicting humans masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation of unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post-pubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition.

"*Displays Publicly*" - means exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others.

Sub Section B. Promoting Pornography:

A person commits the crime of promoting Pornography if, knowing its content and character, he:

1. Promotes or possesses with the purpose to promote any pornographic material for pecuniary gain; or
2. Produces, presents, directs or participates in any pornographic performance for pecuniary gain.
3. Promoting pornography is a Class A misdemeanor.

Sub Section C. Furnishing Pornographic Materials To Minors:

A person commits the crime of furnishing pornographic material to minors if, knowing its content and character, he:

1. Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard to the likelihood that such person is a minor; or
2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard to the likelihood that a minor is viewing the performance.

Furnishing pornographic material to minors is a Class A misdemeanor.

Sub Section D. Evidence in Pornography Cases:

In any prosecution under this section evidence shall be admissible to show:

1. What the predominant appeal of the material or performance would be for ordinary adults or minors;
2. The literary, artistic, political or scientific value of the material or performance;
3. The degree of public acceptance in this state and in the local community;
4. The appeal to prurient interest in advertising or other promotion of the material or performance;
5. The purpose of the author, creator, furnisher, or Publisher of the material or performance.
6. Testimony of the author, creator, promoter, furnisher, publisher, or expert testimony, relating to factors entering into the determination of the issues of pornography shall be admissible.

Sub Section E. Public Display of Explicit Material:

A person commits the crime of public display of explicit sexual material if he knowingly:

1. Displays publicly explicit sexual material; or
2. Fails to take prompt action to remove such a display from property in his Possession after learning of its existence.

Public display of explicit sexual material is a Class A misdemeanor.

Sub Section F. Injunctions and Declaratory Judgment:

1. Whenever material or a performance is being or is about to be promoted, furnished, or displayed in violation of this Section, a civic action may be instituted in the Circuit Court by the City Attorney of the City of Pleasant Hope, against any person violating or about to violate these sections in order to obtain a declaration that the promotion, furnishing or display of such material or performance is prohibited.
2. Such an action may also seek an injunction appropriately restraining promotion, furnishing, or display.

3. Such an action may be brought only in the Circuit Court of Polk County where the promotion, furnishing or display is taking place or is about to take place.
4. Any promoter, furnisher or displayer of, or a person who is about to be a promoter, furnisher, or displayer of the material or performance involved may intervene as of right as a party defendant in the proceedings.
5. The trial court and the appellate court shall give expedited consideration to actions and appeals brought under this section. The defendant shall be entitled to a trial of the issues within one day after joinder of issue and a decision shall be rendered by the court within two (2) days of the conclusion of the trial. No restraining order or injunction of any kind shall be issued restraining the promotion, furnishing or display of any material of performance without a prior adversary hearing before the court.
6. A final declaration obtained pursuant to this section may be used to form the basis for an injunction and for no other purpose.
7. All laws regulating the procedure for obtaining declaration judgments or injunctions which are inconsistent with the provisions of this section shall be inapplicable to proceedings brought pursuant to this section. There shall be no right to Jury trial in any proceedings under this section

Section 225.470: Indecent Exposure

Sub Section A. A person commits the crime of indecent exposure if he knowingly exposes his genitals, buttocks, or anal region under circumstances in which he knows that his conduct is likely to cause affront or alarm.

Sub Section B. Indecent exposure is a Class A misdemeanor.

Section 225.480: Prostitution - Offenses Concerning

Sub Section A.. Definitions:

"Prostitution" - a person commits "prostitution" if he engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person.

"Patronizing Prostitution" - a person "patronizes prostitution" if:

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

"Sexual Conduct" occurs when there is:

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

"Something Of Value" means any money or property, or any token, object or article exchangeable for money or property.

Sub Section B. Prostitution:

1. A person commits the crime of prostitution if he performs an act of prostitution.
2. Prostitution is a Class B misdemeanor.

Sub Section C. Patronizing Prostitution:

1. A person commits the crime of patronizing prostitution if he patronizes prostitution.
2. Patronizing prostitution is a Class A misdemeanor.

Sub Section D. Prostitution And Patronizing Prostitution - Sex Of Parties No Defense When:

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

Sub Section E. Prostitution Houses Deemed Public Nuisances:

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

Section 225.500: Alcoholic Beverages in Public

Sub Section A. A person commits the crime of consumption or possession of alcoholic beverages in public if he/she shall knowingly possess or consume any intoxicating liquor (as defined in Chapter 311, Revised Statutes of Missouri) or non- intoxicating beer (as defined in Chapter 312, Revised Statutes of Missouri) upon the streets, public square, or public place of the City, or upon any premises in this City occupied by another, without the consent of the occupier of the premises.

Sub Section B. Possession or consumption of alcoholic beverages in public shall be a Class C misdemeanor.

Section 225.535: Maintaining a Dangerous Building

Sub Section A. 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 the 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 Pleasant Hope, Missouri.

Sub Section B. Dangerous buildings defined. All buildings that are detrimental to the health, safety or welfare of the residents of the City of Pleasant Hope and that have any or all of the following defects shall be deemed "dangerous buildings":

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three (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.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human being who live or may live therein.
7. Those having inadequate facilities or egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
9. Those that are because of their condition unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

Sub Section C. 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 herein.

Sub Section D. 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.

1. 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.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this City or statute of the State of Missouri, it shall be repaired or demolished.

Sub Section E. Building inspector

The City Building Inspector and the City Zoning Administrator and other City employees designated by the Board of Aldermen from time to time shall be building inspectors within the meaning of this ordinance.

Sub Section F. Duties of building inspector: procedure and notice.

The building inspector shall have the duty under this ordinance to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places a dangerous building when he has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this ordinance, and the building inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the fire or police departments of this City as probably existing in violation of this ordinance.
4. Notify in writing, either by personal service or by certified mail, return receipt requested or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the and records of the Recorder of Deeds of Polk 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:

- a) The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this ordinance;
 - b) The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;
 - c) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Polk County, Missouri, may, at his own risk, repair, vacate, or demolish the building and clean up the property or have such work done, provided that any person notified under this Sub Section to repair, vacate or demolish any building, or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work;
5. The notice provided for in this section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above Sub Section;
 6. Report in writing to the City building commissioner the noncompliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay;
 7. Appear at all hearings conducted by the building commissioner and testify as to the condition of dangerous buildings.
 8. Immediately report to the building commissioner concerning any building found by him 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 and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the recorder of Deeds of Polk 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.

Sub Section G. Building Commissioner

The City Administrator shall act as Building Commissioner under this ordinance. In the absence of the City Administrator or if the office of City Administrator shall be vacant, the Mayor shall be the Building Commissioner under this ordinance.

Sub Section H. Duties of the building commissioner

The building commissioner shall have the power pursuant to this ordinance to:

1. 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 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.
2. 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 ten (10) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the recorder of deeds in the county wherein the land is located, to appear before the building commissioner of the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspector's notice as provided herein.

Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 2.
4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the building commissioner shall issue an order based upon 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 and to clean up the property, provided that any person so notified, shall have the privilege of

either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City 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 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.

5. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the building commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the building commissioner shall certify the cost of the work borne by the City for such repair, vacation or demolition or cleaned up to the City Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360 Revised Statutes of Missouri. Except as provided in Sub Section 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 ten percent (10%) per annum until paid.
6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the building commissioner as provided in Sub Section 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 Sub Section. This Sub Section 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:
 - a) The insurer shall withhold from the covered claim payment up to twenty-five (25) percent of the covered claim payment, and shall pay such moneys to the City or deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the ordinance.
 - b) The City shall release the proceeds and any interest that has accrued on such proceeds received under subdivision a of this Sub Section to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance moneys, unless the City has instituted legal proceedings under the provisions of Sub Section 5 of this section. If the City has proceeded under the provisions of Sub Section 5 of this section, all moneys in excess of that necessary to comply with the provisions of Sub Section 5 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.
7. If there are no proceeds of any insurance policy as set forth in Sub Section 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.
8. Sub Section 6 of this section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

9. Sub Section 6 of this section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
10. The building commissioner may certify in lieu of payment of all or part of the covered claim under Sub Section 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 Sub Section 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 form this Sub Section.

Sub Section I. 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 off 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 Section 67.430 of the Revised Statutes of Missouri.

Sub Section J. 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 and the property is cleaned up, the building inspector shall report such facts to the building commissioner and the building commissioner may cause the immediate repair, vacation or demolition of such dangerous building and cleanup of the property. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Sub Section L.

Sub Section K. 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 Sub Section L.

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 Sub Section L.

Sub Section L. 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 225.540: Excessive Growth of Vegetation

Sub Section A. A person commits the crime of excessive growth of vegetation if he shall allow vegetation to grow to heights greater than twelve (12) inches on property which he owns or controls within the City of Pleasant Hope.

Sub Section B. Exceptions

This Sub Section shall not apply to cultivated garden plants, flowers, shrubbery, ornamental trees, shade trees, or fruit trees, nor shall this apply to any property being used for the agricultural purpose of growing grasses or seeds.

Sub Section C. Excessive growth of vegetation shall be an infraction and each day that the violation shall continue to exist shall be a separate offense.

Section 225.550: Smoke Nuisance

Sub Section A. The emission or discharge into the open air of dense smoke within the city limits of Pleasant Hope is hereby declared to be a public nuisance. The owners, lessees, occupants, managers, or

agents of any building, establishment, or premises from which dense smoke is so emitted or discharged shall be deemed guilty of a misdemeanor.

Sub Section B. Upon conviction thereof, he shall pay a fine of not less than Twenty-Five and no/100 Dollars (\$25.00) nor more than One Hundred and no/100 Dollars (\$100.00).

Section 225.560: Power to Abate Nuisances

The Mayor, or whoever he shall appoint, shall have the power to abate a health hazard or nuisance within the city limits of Pleasant Hope. The expense for abating the nuisance shall be assessed against the owner/occupant of the property and against the property on which the nuisance is committed.

Section 225.570: Deceptive Business Practice

Sub Section A. A person commits the crime of deceptive business practice if in the course of engaging in a business, occupation or profession, he recklessly:

1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or
2. Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service; or
3. Takes or attempts to take more than the represented quantity of any commodity or service when a buyer he furnishes the weight and measure; or
4. Sells, offers or exposes for sale of altered, or mislabeled commodities; or
5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

Sub Section B. Deceptive business practice is a Class A misdemeanor.

Section 225.580: False Advertising

Sub Section A. A person commits the crime of false advertising if, in connection with the promotion or the sale of or to increase the consumption of, property or services, he recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

Sub Section B. False advertising is a Class A misdemeanor.

Section 225.590: Bait Advertising

Sub Section A. A person commits the crime of bait advertising if he advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:

1. At the price which he offered them; or
2. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
3. At all.

Sub Section B. Bait advertising is a Class A misdemeanor.

Section 225.600: Window Peeping

Sub Section A. A Person commits the crime of "window peeping" if he knowingly enters upon real property of another without the consent of owner or occupant of said real estate and peers or looks into a

window, door, or other glassed area of a residence, apartment, mobile home or other residential unit that is occupied by one or more persons, regardless of whether a person or persons are then physically present in such residence, apartment, mobile home or other residential unit.

Sub Section B. "Window peeping" is a Class A misdemeanor.

Section 225.610: Sale and Possession of Eggs on Halloween

Sub Section A. It shall be unlawful for any person, partnership, or corporation to knowingly sell, transfer or give away eggs from any fowl or animal between the hours of 3:00 p.m. and midnight in each year on the Holiday known as Halloween and between Midnight and 5:00 a.m. in each year on the morning immediately following the holiday known as Halloween.

Sub Section B. It shall be unlawful for any person, firm, partnership, or corporation to knowingly possess eggs from any fowl or animal between the hours of 3:00 p.m. and midnight in each year on the Holiday known as Halloween and between Midnight and 5:00 a.m. in each year on the morning immediately following the holiday known as Halloween, except as follows:

1. Eggs may be possessed and/or used as a food item within residences, restaurants, and other places that commonly purvey prepared foods.
2. Eggs may be possessed and held for resale (but not actually sold during the time period in which sales are prohibited by Section 225.610 (Sub Section A), within the confines of any grocery store, convenience store, and other place that normally sells food stuffs.
3. Eggs may be possessed by a producer or wholesaler solely within the confines of the premises of the producer or wholesaler or solely within the confines of any vehicle ordinarily used for the delivery of eggs and other food stuffs, or during transfer from such delivery vehicle to a wholesaler or retainer of food items or purveyor of prepared foods.

For the purposes of this Section, eggs found in a motor vehicle shall be deemed possessed by all occupants thereof, unless such person can establish by a preponderance of the evidence that they did not have any knowledge of the presence of such eggs.

Sub Section C. It shall be lawful for the police to confiscate and destroy all eggs found in the possession of any person in violation of Section 225.610(Sub Section B).

Sub Section D. It shall be unlawful at any time for any person to knowingly throw, hurl, drop or smash eggs at or on any person, motor vehicle, or structure, or to act in concert with any person doing such acts, or to encourage, aid or abet any such acts.

Sub Section E. Violation of Section 225.610 (A) and (B) shall be deemed a Class C misdemeanor and violation of Section 225.610 (D) shall be deemed a Class A misdemeanor and shall be punished as provided by Section 225.010 of the Pleasant Hope Code.

Section 225.620: Loitering

Sub Section A. In this Section the following words and phrases shall have the meanings respectively ascribed to them:

"Loiter" or "Loitering" shall mean to be dilatory; to be slow in movement; to stand around or move about slowly; to stand idly around; to spend time idly, to saunter; to delay; to idle; to linger; to lag behind; to stand around, and shall also include the colloquial expressions hanging around or hanging out.

"Public Place" shall mean a place to which the general public has a right to resort; not necessarily a place devoted solely to the uses of the public; but a place which is in point of fact public rather than private; a place visited by many persons, and usually accessible to the neighboring public; a place exposed to the public and where the public gather together or pass to and fro. It shall also include the front or immediate

area of any store, shop, restaurant, tavern or other place of business, and also public grounds, areas or parks.

Sub Section B. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a parking lot or other public place that is in fact privately owned property if contrary to the express wish of the owner, lessee, managing agent or person in control or charge of the property. Property owners may give simple written instructions to the City that provide the uses of their property that are contrary to their wishes. Property owners must provide conspicuous written notice on the premises in order for a person to be found guilty under this Sub Section.

Sub Section C. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place so as to:

1. Obstruct any public street, public highway, public sidewalk, or any other public place or public or private building by hindering, impeding, or intending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians; or
2. Commit in or upon a public street, public highway, public sidewalk, or any other public place or building any act which is an obstruction to or interference with the uninterrupted use of property or with any business lawfully conducted by anyone in or upon, or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto; or
3. Obstruct or hinder the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the express wish of the owner, lessee, managing agent or person in control or charge of the building or premises; or
4. Use any vile, vulgar, threatening or angry words or gestures which an ordinary person would consider intimidating or frightening; and which do intimidate or frighten members of the general public.

Sub Section D. When any person causes or commits any of the conditions listed in Sub Section C, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions, and to move on or disburse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section. It shall be deemed to be a refusal to obey such order if a person is found committing any of the acts specified in Sub Section 3 hereof within the City within twelve (12) hours of the officer's order.

Sub Section E. A violation of Section 225.620 shall be deemed to be a misdemeanor and shall be punished as provided in Section 225.010 of the Pleasant Hope City Code.

Sub Section F. If any Sub Section, sentence, clause, phrase or word of this section shall be found to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this section.

Section 225.630: Parental Responsibility

Sub Section A. A person commits the offense of FAILING TO SUPERVISE A MINOR if: The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 18 years of age and the child has been found on private property or premises open to the public in violation of any provision of Pleasant Hope Municipal Code.

Sub Section B. It shall be a defense to the offense of failure to supervise a minor if the child's violation of the Code occurred in the presence of the Person. It shall be a defense to the offense of failure to supervise a minor if the violation occurred on private property of the Person. It shall be a further affirmative defense that the person: took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise, and reported the conduct of the child to the appropriate authorities.

Sub Section C. In addition to any fine or penalty imposed pursuant to this ordinance, the Court may order the Person to pay any restitution to a victim of the minor's conduct. The amount of restitution ordered pursuant to this ordinance shall not exceed \$2,500.00.

Sub Section D. Failure to supervise a minor is a Class A misdemeanor.

Section 225.640: Endangering the Welfare of a Child

Sub Section A. A person commits the crime of endangering the welfare of a child if:

1. He knowingly acts in a manner that creates a substantial risk to the life, body or health of a child less than eighteen years old; or
2. He knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (of Sub Section 1 or subdivision (3) of Sub Section 1 of section 211.031, RSMo; or
3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years old, he recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of paragraph (d) of subdivision (2) of Sub Section 1 or subdivision (3) of Sub Section 1 of section 211.031, RSMo.

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

Sub Section C. Endangering the welfare of a child is a class A misdemeanor.

Section 225.650: Loud Sound Amplification Systems Prohibited

No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from without or upon the vehicle so that the sound is plainly audible at a distance of fifty (50) feet or more from the vehicle.

Sub Section A. Definitions

1. 'Sound amplification system' means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.
2. 'Plainly audible' means any sound produced by a sound amplification system from without or upon the vehicle, which can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible, and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street highway, alley, parking lot or driveway at the time of measurement.
3. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, under any of the following circumstances:
 - a) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
 - b) The vehicle was an emergency or public safety vehicle;
 - c) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with ordinances of the City of Pleasant Hope; or
 - d) The vehicle was used in authorized public activities, such as parades, which have the approval of the City of Pleasant Hope, Missouri.

Sub Section B. Noise Disturbance Prohibited

1. No person shall unreasonably make, continue or cause to be made any noise disturbance. Non-commercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section. The following acts, and the causing thereof, are declared to be in violation of this section.
2. Operating playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a public right-of-way or public space.
 - a) "*Noise disturbance*" means any sound which annoys or disturbs a reasonable person of normal sensitivities.

Sub Section C. A separate offense is committed each day a violation of the sections regarding Loud Sound Amplification Systems and Noise Disturbances are found to exist or continue to exist.

Sub Section D. Loud Sound Amplification System and Noise Disturbance violations shall be an infraction.

Section 225.660: Failure to Appear in Court:

Sub Section A. In addition to the forfeiture of any security which was given or pledged for a person's release, any person who willfully fails to appear before the Pleasant Hope Municipal Court after having received a citation, summons, or other instrument directing said person to appear at a date and time certain, or who has been ordered by the Court to appear at a date and time certain, shall be guilty of the misdemeanor of Failure to Appear in Court punishable under Sub Section B of this Section.

Sub Section B. A person committing the crime of Failure to Appear in Court shall receive a sentence not to exceed the maximum fine or maximum period of imprisonment which could be imposed for the offense for which the accused was cited, summoned or arrested.

Sub Section C. Nothing in this Section shall prevent the exercise by the Municipal Court of its power to punish for contempt or issue warrants."

Section 225.670: Officers of City; Unlawful Interference In Performance Of Duties.

Sub Section A. A person is guilty of Unlawful Interference if he shall interfere with, hinder or obstruct any officer of the city in the performance of the duties of his office. The term "officer of the city" as used in this section shall include all persons appointed or elected to office under the government of the city, including, but not limited to the city administrator, department and division heads, City Clerk, city license officer, city collector, inspectors enforcing specific provisions of this Code or other ordinances and the members of the police department.

Sub Section B. The following acts, among others, shall be considered as interfering with, hindering or obstructing an officer of the city in the performance of his duties:

1. Resisting lawful arrest;
2. Assaulting such officer while he is engaged in the performance of his duties;
3. Using abusive or profane language toward such officer while he is engaged in the performance of his duties;
4. Inciting disobedience to lawful orders of such officer by any other person or persons;

5. Tampering with any apparatus of the city being used by or in the custody of such officer; and
6. Physically holding, forcibly detaining or willfully obstructing any officer engaged in the performance of his duties.

Sub Section C. Unlawful interference in performance of duties is a class A misdemeanor.

Chapter 226 - Major Case Squad

Section 226.010: Safety and Welfare of the Residents of the City of Pleasant Hope

Sub Section A. Pursuant to the authority granted by §70.835 RSMo 1986, and in furtherance of the safety and welfare of the residents of the City of Pleasant Hope, Missouri, the City, acting by and through its Police Department, is hereby authorized to enter into a cooperative agreement for the formation of a major case squad made up of police and/or other law enforcement agencies in the Southwest Missouri area for the purpose of intensive, professional investigation of crimes which may occur in Pleasant Hope, Polk County, and/or this geographic area.

Sub Section B. In furtherance of the provisions of Sub-Section A of this Section, the City is specifically authorized to enter into a cooperative arrangement regarding the formation of a major case squad with the Police Departments of the Cities of Billings, Branson, Clever, Nixa, Ozark, Republic, Rogersville, and Springfield, and such other city or county law enforcement agencies as a majority of the representatives of said case squad may determine.

Sub Section C. The Police Department of the City of Pleasant Hope, Missouri, acting by and through its Police Chief, or those whom he may designate, is hereby authorized to cooperate and participate in the activities of the major case squad hereby authorized, including, but not necessarily limited to, the attendance at organizational, planning or operational meetings; the provision of manpower and other law enforcement resources to conduct investigations into major crimes which may occur in the geographic area wherein the participating agencies are located; and to provide manpower and other law enforcement resources in the conduct of investigations of suspected criminal offenses of an on-going nature such as, but not necessarily limited to, the manufacture, distribution, and sale of illegal drugs and other controlled substances.

Chapter 227 - Concealed Weapons

Section 227.010: Firearms in City Buildings

Sub Section A. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Section 571.094 RSMo or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City.

Sub Section B. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the City stating that carrying of firearms is prohibited. Where the City owns, leases or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building occupied by the City stating that carrying of firearms is prohibited.

Sub Section C. This section shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges, or private dwellings owned, leased or controlled by the City.

Sub Section D. Any person violating this section may be denied entrance to the building or ordered to leave the building. Any City employee violating this section may be disciplined. No other penalty shall be imposed for a violation of this section; provided, if a person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for refusing to comply with the order to leave the premises and, upon conviction, be assessed a fine of not more than One Hundred Dollars (\$100.00) for the first offense, a fine of not more than Two Hundred Dollars (\$200.00) for the second offense within a six-month period, and a fine of not more than Five Hundred Dollars (\$500.00) for a third offense within one (1) year of the first offense. In addition, it shall be the duty of the Municipal Judge to notify or cause the Clerk thereof to notify the Sheriff of the County that issued the certificate of qualification for a concealed carry endorsement and the Missouri Department of Revenue of a conviction under this section.

Sub Section E. No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the Director of Revenue begins issuing concealed carry endorsements in July, 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City.

Chapter 230 - Alcoholic Beverages in Public Park

Section 230.015: Possession of Alcoholic Beverages in Public Park

Sub Section A. A person commits the crime of possession of alcoholic beverages in Public park if he shall knowingly possess or consume any Intoxicating liquor (as defined in Chapter 311, Revised Statutes of Missouri) or non-intoxicating beer (as defined in Chapter 312, Revised Statutes of Missouri), in open view within the limits of any public park in the City of Pleasant Hope.

Sub Section B. Possession of alcoholic beverages in Public Park shall be a Class C misdemeanor.

Sub Section C. The classification of the offenses set forth in this section and the penalties therefore are the same as those established and imposed in (Ordinance 222 Section 225.010, 12/11/2006)

Chapter 240 - Lost, Stolen, Unclaimed or Confiscated Property

Section 240.010: Disposition of:

All property which is now or which may hereafter come into the possession of the Pleasant Hope Police Department after having been lost, stolen, strayed, abandoned, unclaimed or confiscated, and which is not contraband or the possession of which is not unlawful shall be held and disposed of in accordance with the provisions of this Chapter.

Section 240.020: Time Period for Keeping

All personal property of the character described in Section 240.010 above shall be kept by the Police Department for a period of sixty (60) days, unless the owner or person entitled to the possession of such property shall sooner claim such property and establish his ownership and right to possession thereof.

Section 240.030: Failure to Claim Property

If the owner or person entitled to the Possession of property described in this Chapter shall fail to claim such property within sixty (60) days and the Police Department is unable to locate the owner after diligent effort, then at such time, or at any time thereafter, the Chief of Police may cause a notice to be published in a weekly newspaper of general circulation in the City of Pleasant Hope, Polk County, Missouri, for two (2) successive weeks setting forth a detailed description of the property and stating that unless the same be claimed within ten (10) days following the first date of publication, such property will be sold at public auction to the highest bidder for cash and stating the time and place of such sale.

Section 240.040: Proof of Ownership upon Advertisement

If the owner or person entitled to the possession of property advertised for sale under the provisions of Section 240.030 of this Chapter shall fail to claim the same, make adequate proof of ownership as above required before the date of such sale, then on the date and at the time advertised, such property shall be sold at public venue to the highest bidder or bidders for cash and the purchaser thereof shall take a good and perfect title thereto.

Section 240.050: Contract Services of Auctioneer

If, because of the nature of the property or the amount thereof, the Mayor of the City of Pleasant Hope shall determine that such sale should be handled by an auctioneer, the Mayor is hereby authorized to contract for the services of an auctioneer, and for clerks for said sale and all costs for such services and the publication of notice shall be paid from the proceeds of said sale.

Section 240.060: Funds Received from Sale

Any funds received from the sale of any property, as provided in this Section, less expenses of sale, shall be paid into the General Fund of the City of Pleasant Hope, Missouri.

Section 240.070: Destruction of Certain Property

The Chief of Police shall order the destruction of all property for which no bid is received when it is offered for sale at a public auction. Said property shall be destroyed in the presence of two police officers who shall sign a certificate of said destruction. These certificates shall become part of the permanent records kept by the Police Department.

Chapter 245 - Possession and Disposition of Certain Controlled Substances

Section 245.010: Possession, Etc. of Certain Substances; Unlawful

It is unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, distribute or compound any substance which is now, or which may hereafter be declared unlawful to Possess, have under his control, sell, prescribe, administer, dispense, distribute or compound under the provisions of Chapter 195 of the Revised Statutes of Missouri and the Rules and Regulations of the Missouri Department of Health propounded pursuant to the authority of said Chapter except such possession, control, sale, prescription, administration and disposition, distribution or compounding which is specifically authorized under the provisions of said Chapter 195; or to possess any apparatus, device, or instrument for the unauthorized use of any such controlled substance.

Section 245.030: Violation and Penalty

Any person found guilty of a violation of this chapter shall, upon conviction, be deemed guilty of a Class A misdemeanor and shall be punished as provided in Section 225.010(B)(1)(a).

Section 245.020: Definitions

For the purpose of this Chapter, all definitions made under the provisions of Chapter 195 of the Missouri Revised Statutes are hereby adopted as the definitions of terms hereunder.

Chapter 250 - Sale and Possession of Intoxicating Liquor and Non-Intoxicating Beer

Section 250.010: Definitions

Whenever in this Chapter the following terms are used, they shall have the meaning respectively ascribed to them in this Section:

Sub Section A. Definitions:

INTOXICATING LIQUOR: The term "intoxicating liquor" as used in this Chapter shall mean and include alcohol for beverage purposes, alcoholic spirituous, vinous, fermented, malt, or other liquids, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of three and two-tenths per cent of alcohol by weight.

NON-INTOXICATING BEER: The phrase "non-intoxicating beer" as used in this Chapter shall be construed to refer to and to mean 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, and free from all harmful substances, preservative and adulterants, and having an alcoholic content of more than one-half of one percent by volume and not exceeding three and two-tenths percent by weight.

Section 250.020: Sale to Minor - Certain other Persons, Misdemeanor, Exceptions

Any licensee under the laws of the State of Missouri, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor 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 a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician.

Section 250.030: Misrepresentation of Age by Minor to Obtain Liquor

Any person of the age of seventeen years and under the age of twenty-one years who shall represent that he or she has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of a misdemeanor. Any person under the age of seventeen years who shall represent that he or she has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, may be considered a delinquent child and may be dealt with in accordance with the provisions of Chapter 210, RSMo. 1949.

Section 250.040: Purchase or Possession by Minor, a Misdemeanor

Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his possession, any intoxicating liquor as defined in this ordinance is guilty of a misdemeanor.

Section 250.050: Sale of Non-intoxicating Beer to Certain Persons Prohibited

Any legal licensee under the laws of the State of Missouri, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor 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 a habitual drunkard, shall

be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to any person under the age of twenty-one for medical purposes only, or the administering of said intoxicating liquor to any person by a duly licensed physician.

Section 250.060: Misrepresentation of Age by Minor to Obtain Beer a Misdemeanor - How dealt with

Sub Section A. Any person of the age of seventeen years and under the age of twenty-one years who represents that he has attained the age of twenty-one for the purpose of purchasing, asking for or in any way receiving non-intoxicating beer, shall, upon conviction be deemed guilty of a misdemeanor.

Sub Section B. Any person under the age of seventeen years who represents that he has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving non-intoxicating beer, shall be dealt with in accordance with the provisions of Chapter 211, RSMo.

Section 250.070: Purchase or Possession by a Minor a Misdemeanor

Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his possession, any intoxicating beer as defined in this ordinance, is guilty of a misdemeanor.

Section 250.080: Penalties for Violation of Section Concerning Non-Intoxicating Beer

Any person violating any of the provisions of any Section of this Chapter Shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not more than one year, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) or by both such fine and jail sentence.

Chapter 255 - Nuisances

Section 255.010: Public Nuisances

Pursuant to the provisions of Section 67.398 RSMo and all other applicable provisions of the Revised Statutes of Missouri, the following conditions are hereby declared to be Public Nuisances, subject to abatement as provided in the following Sections:

Sub Section A. Debris Defined.

1. Debris includes:
 1. cuttings;
 2. cut and fallen trees and shrubs;
 3. overgrown vegetation and noxious weeds which are twelve (12) inches or more in height;
 4. Rubbish and trash of every type, whether located on or under the ground (except that located in an approved and licensed landfill), except that which is stored in hard plastic or metal, water tight containers awaiting pickup for disposal by licensed trash disposal companies which are placed at curbside no more than 24 hours before the expected time for pick up;
 5. Lumber not piled or stacked twelve (12) inches or more off of the ground;
 6. Rocks, fill dirt or bricks except those delivered and neatly stacked or stockpiled for use in connection with on-going new construction and/or repairs or improvements and which are actually used for that purpose within ninety (90) days of the date of delivery;
 7. Tin, steel, or parts of derelict cars or trucks;
 8. Inoperable or unlicensed motor vehicles;
 9. Broken furniture, or inoperable or unused appliances;
 10. Flammable material except that which is maintained for ordinary household, commercial or industrial uses if stored in containers designed for the specific material and the container is not maintained unreasonably near a source of heat, flame or combustion;
 11. Any condition that is or is likely to be a breeding ground or home for insects or rodents including but limited to pools of stagnant water or other liquids;
 12. Stables, sheds, pens or yards in which any type of animal has been or is being kept in which animal waste shall collect or continue to exist;
 13. Dead animal carcasses or parts of animals

Sub Section B. Dangerous Condition Defined:

Any condition of property which is likely to cause or contribute to the injury or death to persons, including but not limited to sidewalks which are in a dangerous or defective condition, tree limbs which project over streets at an elevation of less than twelve (12) feet or over sidewalks at an elevation of less than eight (8) feet, or the maintenance of explosive devices in any area not zoned for heavy industrial uses or in a manner not recommended by the manufacturer of the substance.

Sub Section C. Maintenance of Debris or Dangerous Condition a Nuisance:

The maintenance of debris or a dangerous condition by the owner or occupant of any property in the City of Pleasant Hope is hereby declared to be a public nuisance.

Sub Section D. Enforcement: Enforcement of this Section shall be the responsibility of the Code Enforcement Officer (hereinafter referred to as the "Enforcement Officer"), as designated by the Mayor pursuant to Section 520.017 of the Pleasant Hope Municipal Code.

1. A Notice of Violation and Correction Order shall be provided in accordance with the procedures set forth in Section 520.025 of the Pleasant Hope Municipal Code.
2. Appeal of Code Enforcement Officer's Decision and/or Correction Order shall be available in accordance with the procedures set forth in Section 520.030 of the Pleasant Hope Municipal Code.

Sub Section E. Abatement of Nuisance:

1. If a property owner or occupant
 - a) fails to comply with the Correction Order by abating the nuisance within the time provided in the Correction Order, and
 - b) fails to request an appeal pursuant to Section 520.030 of the Pleasant Hope Municipal Code, or
 - c) fails to obtain a reversal of the Code Enforcement Officer's decision after such appeal process, the Code Enforcement Officer may cause the same to be abated.

The costs of abatement may include a fee for the city's costs in administering this Ordinance, including the time reasonably expended by all city employees or officers who are called upon the assist with the matter based upon their hourly wage (determined in the case of salaried employees by dividing their annual salary by 2080) plus an additional 33 1/3% for benefits, and a reasonable charge for all equipment or tools of the city which are used in abating the nuisance.

The Enforcement Officer may call upon other employees and city equipment to abate the nuisance, or may contract with third parties to do so if the City has inadequate personnel and/or equipment to abate the condition, and shall certify the cost of such abatement to the City Clerk or other officer in charge of finance. Such costs shall be included in a special tax bill, which shall be due, and payable upon receipt, and shall be delinquent if not paid within thirty (30) days following its mailing. The special tax bill shall bear interest at the rate of 1% per month for each month, or fraction of a month, that the same remains delinquent.

The owner and the occupant of the lot or tract of land shall be jointly and severally liable for the payment of the special tax bill, and, in addition, the bill shall become a lien upon the lot or tract of land upon the filing of a copy of the fee bill certified by the City Clerk in the office of the Polk County Recorder of Deeds, which bill shall contain a legal description of the property sufficient to identify the same.

The Fee Bill may be enforced in the same manner as are delinquent real estate taxes under the laws of the State of Missouri and the Ordinances of the City. This shall be true notwithstanding the fact that no regular taxes have been levied against the property.

2. Violation a Misdemeanor: A person who shall fail to comply with a Notice as provided in this Section shall be deemed guilty of the offense of "Failure to Abate a Nuisance" and, upon conviction, shall be guilty of a Class C misdemeanor, subject to punishment as provided in Section 225.010 of the Pleasant Hope Municipal Code."

Chapter 265 - Fair Housing

Section 265.010: Definitions

Sub Section A. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein unless the context otherwise indicates.

1. The word "person" shall include one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.
2. The phrase "unlawful discriminatory housing practice" shall mean any discrimination or segregation or separation against any person or group of persons because of race, sex, national origin or ancestry, and religion, and shall include only those types of unlawful practices and acts as set forth in Section 3 of the Ordinance.
3. The word "owner" shall mean and include the owners, lessee, sub-lessee, assignee, manager, agent, or other person, firm, or corporation, having the right to sell, rent, or lease any housing accommodation or real property within the corporate limits of the City.
4. The term "real estate broker" shall mean any person who, for a fee or other valuable consideration, sells, purchases, exchanges, rents, negotiates, offers, or attempts to negotiate the sale, purchase, exchange, or rental of housing accommodations or real property of another person.
5. The term "real estate salesman or agent" shall mean any person employed by a real estate broker to perform, or to assist in the performance of, any or all of the functions of a real estate broker.
6. The term "financial institution" shall mean any person regularly engaged in the business of lending money or guaranteeing loans on housing accommodations or real property.
7. The term "real property" shall include all real estate, leaseholds, and any vacant land offered for sale or rent.
8. The term "housing accommodation" shall mean: Any building or portion thereof, whether such building or portion is constructed or is to be constructed, used or intended for use as the residence or sleeping place of one or more persons.

The term "housing accommodation" shall not mean or include:

- a) The rental of a dwelling, or a portion thereof, containing accommodation for no more than two families, one of which is occupied by the owner or his family at the time of rental.
 - b) The rental of less than four (4) rooms in a one-family dwelling to another person or persons by the owner or occupant of such accommodation in which he or members of his family reside.
9. The phrase "familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:
- a) A parent or another person having legal custody of such individual or individuals; or
 - b) The designee of such parent or other person having such custody with the written permission of such parent or other person.

10. All protections afforded against discrimination under this Chapter on the basis of familial status shall apply to any person who is pregnant, or who is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Section 265.020: Unlawful Discriminatory Housing Practices

Sub Section A. It shall be an unlawful discriminatory housing practice:

1. For the owner, real estate broker, real estate salesmen, or employees or agent thereof:
 - a) To refuse to sell, rent, assign, lease, or sublease, or offer for sale, rental, lease, assignment, or sublease, or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or portion thereof which is in fact listed or available for sale, rent, lease, or sublease to any person who has shown the financial ability to satisfy the terms and conditions of a sale, rental, assignment, lease, or sublease of said property, or to otherwise deny or withhold any housing accommodations or real property or any part or portion thereof to or from any person because of the race, color, sex, religion, national origin, ancestry or familial status of such person;
 - b) To discriminate against any person because of his race, color, sex, religion, national origin ancestral or familial status in the terms, conditions, or privileges of the sale, lease, rental, assignment, or sublease of any housing accommodations or real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; or
 - c) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted, or mailed, any statement, advertisement, publication, or sign, or use any form of application for the purchase, rental, lease, assignment, or sublease of any housing accommodations or real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, sex, religion, national origin, ancestry or familial status or any intent to make any such limitation, specification, or discrimination.
2. For any persons or financial institution or loan institution to which application is made for financial assistance for the purchase, acquisition, or construction of any housing accommodations or real property or part or portion thereof, or any agent or employee thereof:
 - a) To discriminate against any person because of the race, color, sex, religion, national origin, ancestry or familial status of such person or of prospective occupants or tenants of such housing accommodations or real property or part or portion thereof in the granting, withholding, extending, modifying, or renewing, or in the fixing of the rates, terms, conditions or provisions of any such financial assistance or, in the extension of services in connection therewith; or
 - b) To use any form of application for such financial assistance or to make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, sex, religion, national origin, ancestry, or familial status, or any intent to make any such limitation, specification, or discrimination.
3. For any person, owner, real estate broker, real estate salesman, or agent thereof;
 - a) To discriminate against any person because of the race, color, sex, religion, national origin, ancestry or familial status of such person or of prospective occupants or tenants of such housing accommodations or real property or part or portion thereof, in the granting, withholding, extending, modifying, or renewing, or in the fixing of the rates, terms, condition or provisions of any such financial assistance or in the extension of services in connection therewith; or

- b) To use any form of application for such financial assistance or to make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, sex, religion, national origin, ancestry, or familial status, or any intent to make any such limitation, specification, or discrimination.
 - c) To discriminate in the sale or rental of housing on the basis of handicap of that buyer or renter, a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that buyer or renter. The design and construction of new multi-family dwellings containing four (4) or more units is required to meet certain adaptability and accessibility requirements in accordance with Section 804 of the 1988 Fair Housing Amendments Act.
 - d) To discriminate in the sale or rental of housing on the basis of familial status or because a family has children, exempting certain types of buildings that house older persons (e.g. section 202 housing) in accordance with Section 807 of the 1988 Fair Housing Amendment Act.
4. For any person, owner, real estate broker, real estate salesman, or agent thereof:
- a) To discriminate or to engage in economic or other reprisals against another person because such person complies with the provision of this ordinance or has opposed any practice forbidden under this act, or has filed a complaint, testified, or assisted in any proceedings under this ordinance.
 - b) To aid, abet, incite, compel, coerce, cooperate, or participate in the doing of any act declared to be a discriminatory practice under the provisions of this ordinance, or to obstruct or prevent compliance with the provisions of this ordinance, or to attempt directly or indirectly to commit any act declared by this ordinance to be a discriminatory practice.
 - c) To induce or attempt to induce the sale or listing for sale of any dwelling unit, commercial unit, or real property or any part or portion thereof by representing that a change has occurred or will or may occur with respect to the racial, religious, or ethnic composition of the block, neighborhood, or area in which the property is located, or to induce or attempt to induce such sale by representing that the presence or anticipated presence of persons of any particular race, religion, sex, or national origin, ancestry or familial status, or color in the area will or may result in:
 - i. The lowering of property values;
 - ii. The change in the racial, religious, or ethnic composition of the block, neighborhood, or area in which the property is located.
 - iii. An increase in criminal or anti-social behavior in the area.
 - iv. (A decline in the quality of the schools serving the area.

Section 265.030: Exemptions

Sub Section A. Nothing in this Chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization organized, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rentals, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons.

Sub Section B. Nothing in this Chapter shall prohibit a private; club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for another than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

Sub Section C. Nothing in this Chapter shall prohibit the discrimination on the basis of familial status with respect to "housing for older persons, as defined by Section 802(B)(2) of the Fair Housing Act, as amended, (42 USC 3607)."

Section 265.035: Discrimination

The Board of Aldermen does further find and declare that it is contrary to the policy of this City for any person to discriminate against persons who are handicapped (as defined by the Fair Housing Act, as amended) in the provision of housing and states its intention to incorporate in any future building code adopted by the City, provisions requiring the contractors and other persons to comply with the provisions of the Fair Housing Act relating to handicapped persons in accordance with the terms of said act."

Section 265.040: Administration of this Ordinance

Sub Section A. Any person claiming to be aggrieved of an unlawful discriminatory housing practice, hereinafter referred to as "complainant", may on his own behalf, or by his attorney, make, sign, and file with the City Clerk a complaint in writing, under oath, which shall state the name and address of the person alleged to have committed an unlawful discriminatory housing practice. The City Clerk will then refer the complaint to the Board of Aldermen. Said complaint shall set forth the particulars thereof and contain such other information as maybe required by the City Clerk of the city of Pleasant Hope, Missouri.

Sub Section B. Alternatively, the Board of Aldermen may issue, in like manner a verified complaint of an alleged unlawful discriminatory housing practice.

Sub Section C. Any complaint filed under this Chapter must be filed within thirty (30) days after the date of the alleged incident.

Sub Section D. In the event of a complaint being filed pursuant to this section, a true copy of such complaint shall forthwith be transmitted by certified United States mail postage prepaid, addressed to the person complained against.

Sub Section E. Every complaint of a violation of this Chapter shall be referred to the City Clerk of the City of Pleasant Hope, Missouri; and the Board Aldermen shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Board of Aldermen, after investigation, finds there is no merit to this complaint, the same shall be dismissed. If the Board of Aldermen finds that there is merit to the complaint, in its opinion, then and in that event, it will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.

Sub Section F. If the Board of Aldermen, within thirty (30) days from the receipt of such complaint, "is unable to eliminate the alleged discriminatory practice by a conference or conferences and conciliation, then and in the event, the City Clerk of the City of Pleasant Hope, Missouri shall return the complaint to the City Attorney for handling; and, after the final determination of whether or not to prosecute on said complaint, the City Attorney may commence a proceeding in the Municipal Court for the prosecution of said complaint as permitted by law.

Section 265.050: Penalties

Sub Section A. Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class 3 misdemeanor and upon conviction thereof shall be punished as provided in Section 223.010(B)(1)(b) or Section 225.010(c)(2) of the Pleasant Hope City Code.

Sub Section B. Any person making false, malicious, or unfounded accusations against any person under the provisions of this Ordinance shall be deemed guilty of a Class B misdemeanor and upon conviction thereof shall be punished as provided in Section 225.010(B)(1)(b), Pleasant Hope City Code.

Chapter 300 - Traffic Code: General Provisions

Section 300.010: Defining Certain Words and Phrases

Sub Section A. Definitions

The following words and phrases when used in this Chapter mean:

ALLEY OR ALLEYWAY: any street with a roadway of less than twenty feet in width;

ALL-TERRAIN VEHICLE: any motorized vehicle manufactured and used exclusively for off-highway use which is 50 inches or less in width, with an unlading dry weight of 600 pounds or less, traveling on three, four, or more low pressure tires, with a seat designed to be straddled by the operator, and handle bars for steering control.

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

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

COMMERCIAL VEHICLE: every vehicle designed, maintained, or used primarily for the transportation of property;

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

CROSS WALK:

- a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;
- b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

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

DRIVER: every person who drives or is in actual physical control of a vehicle;

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

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

INTERSECTION:

- a) the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then

- b) the lateral boundary lines of the roadways to two highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;
- c) where a highway includes two roadways thirty feet or more apart, then every crossing of each
- d) roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

LANED ROADWAY: a roadway which is divided into two or more clearly marked lanes for vehicular traffic;

MOTOR VEHICLE: any self-propelled vehicle not operated exclusively upon tracts, except farm tractors;

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

OFFICIAL TIME STANDARD: whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the City;

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

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

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

PEDESTRIAN: any person afoot;

PERSON: every natural person, firm, co-partnership, association or corporation;

POLICE OFFICER: every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

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

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

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

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

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

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

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

STOP: when required, complete cessation from movement;

STOPPING or STOP: when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control signs or signals;

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

STATE HIGHWAY: a highway maintained by the State of Missouri as a part of the state highway system;

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

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

TRAFFIC CONTROL SIGNAL: any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed;

TRAFFIC DIVISION: the traffic division of the Police department of the City, or in the event a traffic division is not established, then said term whatever used herein shall be deemed to refer to the police department of the City;

VEHICLE: every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Chapter 305 - Traffic Administration

Section 305.020: Duty of Police Department

The Police Department, shall enforce the street traffic regulations of the City and all of the state vehicle laws applicable to street traffic in the City, to make arrests for traffic violations, to investigate accidents and to cooperate with other officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the Department by this Chapter and the traffic ordinances of the City.

Section 305.030: Records of Traffic Violations

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

Sub Section B. All such records and reports shall be public records.

Section 305.040: Police Department to Investigate Accidents

It shall be the duty of the Police Department to investigate traffic accidents, prepare reports of accidents and place the report on file at Police Department Headquarters.

Section 305.050: Traffic Accident Studies

Whenever the accidents at any particular location become numerous, the Police Department shall cooperate in conducting studies of such accidents and determining remedial measures.

Section 305.060: Traffic Accident Reports

The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed according to date of occurrence.

Section 305.070: Chief of Police to Submit Annual Traffic Safety Report

The Police Department shall annually prepare a traffic report which shall be filed with the Mayor. Such report shall contain information on the traffic matters in the city as follows:

1. The number of traffic accidents,
2. the number of persons killed,
3. the number of persons injured, and
4. other pertinent traffic accident data;
5. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
6. The plans and recommendations of the division for future traffic safety activities.

Section 305.090: Emergency and Experimental Regulations

Sub Section A. The Chief of Police is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the City and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than (90) ninety days.

Chapter 310 - Enforcement Of and Obedience to Traffic Regulations

Section 310.010: Authority of Police and Fire Department Officials

Sub Section A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the City and all of the state vehicle laws applicable to street traffic in the City.

Sub Section B. Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

Sub Section C. Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic there at or in the immediate vicinity.

Section 310.020: Obedience to Police and Fire Department Officials

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

Section 310.030: Persons Propelling Push Carts or Fading Animals to Obey Traffic Regulations

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

Section 310.040: Use of Coasters, Roller Skates and Similar Devices Restricted

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

Section 310.050: Public Employees to Obey Traffic Regulations

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

Section 310.060: Authorized Emergency Vehicles

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

Sub Section B. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this Title;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limit so long as he does not endanger life or property;
4. Disregard regulations governing direction of movement or turning in specified directions.

Sub Section C. The exemption herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a right light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

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

Section 310.070: Operation of Vehicles on Approach of an Authorized Emergency Vehicles

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

Chapter 315 - Accidents

Section 315.010: Immediate Notice of Accident

The driver of a vehicle involved in an accident resulting in injury to or death of any Person or total damage to all property to an apparent extent of twenty-five dollar or more shall immediately by the quickest means of communication give notice of such accident to the Police department if such accident occurs within the City.

Section 315.020: Written Report of Accident

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

Section 315.030: When Driver Unable to Report

Sub Section A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 315.010 above (Immediate Notice of Accident), and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant will give, or cause to be given, the notice not given by the driver.

Sub Section B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 315.020 above and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after the accident make such report not made by the driver.

Section 315.040: Leaving Scene of Accident

No person driving a vehicle, knowing that an injury has been caused to a person or damage has been caused to property arising out of the operation of such vehicle, shall leave the place of such injury, damage or accident without stopping and giving his name, residence (including city and street number), motor vehicle number and chauffeur's or registered operator's number, if any, to the injured party or to the police officer, or, if no police officer is in the vicinity, then to the nearest police officer or judicial officer.

Section 315.050: Public Inspection of Reports Relating to Accidents

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

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

Chapter 320 - Traffic Control Devices

Section 320.010: Authority to Install Traffic Control Devices

MoDOT (Missouri Department of Transportation) shall place and maintain traffic control signs, signals, and devices when and as required under the traffic ordinances of the City to make effective the provisions of said ordinances, and may place and maintain such additional traffic control devices as may be deemed necessary to regulate traffic under the traffic ordinances of the City or under state law or to guide or warn traffic.

Section 320.020: Manual and Specifications for Traffic Control Devices

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

Section 320.030: Obedience to Traffic Control Devices

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

Section 320.040: When Official Traffic Control Devices Required for Enforcement Purposes

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

Section 320.050: Official Traffic Control Devices - Presumption of Legality

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

Sub Section B. Any official traffic control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title.

Section 320.060: Traffic Control Signal Legend

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

1. Green Indication:
 - a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibited either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;
 - b) Pedestrians facing any green signal may proceed across the roadway within any marked or unmarked crosswalk.

2. Steady Yellow Indication:
 - a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection;
 - b) Pedestrians facing a steady yellow signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
3. Steady Red Indication:
 - a) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown;
 - b) Pedestrians facing a steady red signal alone shall not enter the roadway.
4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a Sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

Section 320.070: Flashing Signals

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

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

Section 320.080: Display of Unauthorized Signs, Signals or Markings

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

Sub Section B. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and may be removed without notice.

Sub Section C. This Section shall not be deemed to prohibit the erection upon private property adjacent to highways of Signs giving useful directional information and of a type that cannot be mistaken for official signs.

Section 320.090: Interference with Official Traffic Control Devices or Railroad Signs or Signals

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

Section 320.100: MoDOT to Designate Crosswalks and Establish Safety Zones

The MODOT is hereby authorized:

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

Section 320.110: Traffic Lanes

Sub Section A. MoDOT is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

Sub Section B. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

Chapter 325 - Turning Movements

Section 325.010: Required Position and Method of Turning at Intersection

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

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

Section 325.020: Authority to Place and Obedience to Turning Markers

Sub Section A. City of Pleasant Hope City Council in conjunction with MoDOT and the recommendations of the Pleasant Hope Police Department is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

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

Section 325.030: Authority to Place Restricted Turn Signs

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

Section 325.040: Obedience to No-Turn Signs

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

Section 325.050: Limitations on Turning Around

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

Chapter 330 - Stop and Yield Intersections

Section 330.010: Signs Required at Through Streets

Whenever any ordinance of the city designates and describes a through street it shall be the duty of the City of Pleasant Hope City Council in conjunction with MoDOT and the recommendations of the Pleasant Hope Police Department to place and maintain a stop sign, or at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the City of Pleasant Hope City Council in conjunction with MoDOT and the recommendations of the Pleasant Hope Police Department.

Section 330.020: Other Intersections Where Stop or Yield Required

The City of Pleasant Hope City Council in conjunction with MoDOT and the recommendations of the Pleasant Hope Police Department is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right of way to vehicles on a different street at such intersection. He shall cause to be erected a yield sign at every place where obedience thereto is required.

Section 330.030: Stop and Yield Signs

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

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

Section 330.040: Vehicle Entering Stop Intersection

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

By this act, all streets, or portions thereof, within said City which are marked State Highway H, or KK, are hereby declared throughways, and all traffic operating in the Municipality of Pleasant Hope, Missouri, shall come to a complete stop before operating onto or across said street or streets.

Section 330.050: Vehicle Entering Yield Intersection

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

Section 330.060: Right of Way at Intersections

The following rules shall govern right of way at intersections:

1. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different street; provided that there is no form of traffic control at such intersection.
2. When two vehicles enter an intersection from different streets at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the driver of the vehicle on the right. This Sub Section shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a turn.
3. The driver of a vehicle within an intersection to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
4. The driver of any vehicle shall stop as required by this Section at the entrance to a through street and shall yield the right of way to other vehicles which have entered the intersection on the through street as to constitute an immediate hazard.
5. The driver of a vehicle about to enter or cross a street from an alley or driveway shall stop before entering the street and yield the right of way to all vehicles approaching on such street.
6. The driver of a vehicle intending to make a left turn into an alley or driveway shall yield the right of way to any vehicle approaching from the opposite direction when the making of such a left turn would create a traffic hazard.

Section 330.070: Emerging from Alley, Driveway or Building

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

Section 330.080: Stop When Traffic Obstructed

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

Chapter 335 - Miscellaneous Driving Rules

Section 335.010: Vehicle Shall Not be Driven on a Sidewalk

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

Section 335.020: Limitations on Backing

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

Section 335.030: Opening and Closing Vehicle Doors

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

Section 335.040: Following Fire Apparatus Prohibited

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm

Section 335.050: Crossing Fire Hose

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

Section 335.060: Driving Through Funeral or Other Procession

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Title.

Section 335.070: Driving in Procession

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

Section 335.080: Funeral Procession to be Identified

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

Section 335.090: Operator's License Required

No person shall operate a motor vehicle upon the streets of the City unless such person shall have a valid operator's or chauffeur's license recognized under the laws of the state. Failure to exhibit an operator's or chauffeur's license upon the request of a police officer shall be prima facie evidence of a violation of this section.

Section 335.095: Allowing Unauthorized Operator

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway, street or alley in the City by any person who is not authorized to operate a motor vehicle under provisions of Chapter 302 of the Missouri Revised Statutes as now in effect or as may hereafter be amended from time to time or who is operating the same in violation of any of the provisions of Section 302.010 to 302.060 RSMo.; as now in effect or as may hereinafter be amended from time to time.

Section 335.100: Equipment on Motor Vehicle Generally

No person shall drive a motor vehicle not complying with the following requirements as to equipment:

Brakes: All motor vehicles, except motorcycles, shall be provided at all times with two sets of adequate brakes, kept in good working order. Motorcycles shall be provided with one set of adequate brakes kept in good working order.

Signaling Devices: Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the street and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.

Mirrors: All motor vehicles which are so constructed or loaded that the driver cannot see the street behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the street behind and be visible from the driver's seat.

Mufflers and Muffler Cutouts: Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device or other parts or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet exhaust noises insofar as possible. Any cutouts or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open or be opened or operated while such vehicle is in motion.

Section 335.110: Lights on Vehicle

No person shall drive a vehicle during the period from one-half hour after sunset to one-half hour before sunrise without front and rear lights, which shall meet all the requirements of state law.

Section 335.120: Objects Projecting from Vehicle

All vehicles carrying poles or other objects which project more than five feet from the rear of such vehicle shall, during the period when lights are required by this Title, carry a red light at or near the end of the pole or object so projecting. At other times a red flag or cloth not less than sixteen inches square shall be displayed at the end of such projections.

Section 335.130: Obstruction to Driver's View

No person shall drive a vehicle when it is so loaded or when they are in a front seat such number of persons exceeding three as to obstruct the view of the driver to the front or sides of a vehicle or so as to interfere with the driver's control over the vehicle. No passenger in any vehicle shall ride in such position as to interfere with the view of the driver or with the driver's control over the vehicle.

Section 335.135: Specifications for Sun Screening Device Applied To Windshield or Windows

1. Any person may operate a motor vehicle with front side-wing vents or windows located immediately to the left and right of the driver that have a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent. Except as provided in Sub Section 5 of this section, any sun screening device applied to front side-wing vents or windows located immediately to the left and right of the driver in excess of the requirements of this section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front side-wing vents or windows located immediately to the left and right of the driver that have a sun screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Sub Section, may be issued by the department of public safety to a person having a serious medical condition which requires the use of a sun screening device if the permittee's physician prescribes its use. The director of the department of public safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree by consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child, and grandchild of a person, who resides in the household. Except as provided in Sub Section 2 of this section, all sun screening devices applied to the windshield of a motor vehicle are prohibited.
2. This section shall not prohibit labels, stickers, decalcomania, or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in section 700.010, RSMo, provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.
3. Any person who violates the provisions of this section is guilty of a class C misdemeanor.
4. Any vehicle licensed with a historical (State) license plate shall be exempt from the requirements of this section.

Section 335.140: Boarding or Alighting from Vehicles in Motion Prohibited

No person shall board or alight from any vehicle while it is in motion.

Section 335.150: Riding on Portions of Vehicles not Designed for Passengers Prohibited

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

Section 335.170: Throwing of Trash, Glass, Nails, Etc., on Streets Prohibited

No person shall throw or place on any street any trash, tacks, nails, wire, scrap metal, glass, crockery, sharp stones or other substances injurious to the feet of persons or animals or to the tires of vehicles. Any person who has purposely or accidentally dropped any such substance upon the street shall immediately clear such street of the same.

Section 335.180: Hauling of Rubbish or Loose Material

No vehicle shall be used to haul rubbish, trash, loose bottles, tin cans, brush, waste paper, loose dirt, rocks or material of similar nature upon the public streets without first having been equipped with the

proper equipment, as set out in this section, to prevent the load, or any part thereof, from falling, dropping or being blown off the vehicle while in motion. The bed and sidewalks of such vehicle shall be so constructed that the load or any part thereof shall not drop through or from the vehicle. The vehicle shall not be loaded in such a manner that any part of the load extends above or over the sidewalls of the truck bed. When the vehicle is being used for carrying loose paper or other material that may be blown from the load, a tarpaulin or screen cover of sufficient mesh shall be used to cover the load to prevent its being blown from the vehicle while in motion.

Section 335.190: Signs and Stickers on Vehicle Windows

No person operating a motor vehicle in the City shall have affixed to the windshield or any of the windows thereof any sign, sticker, insignia or other obstructions or defects that limit visibility, except the city license sticker or other sign, insignia or sticker required by any law or regulation, federal, state or city. Such city license shall be placed in the lower right hand corner of the windshield and such other lawfully required sign, sticker or insignia shall be placed in such place and in such manner as not to obstruct the view of the driver; provided, that stickers that do not occupy more than five percent of the glass area may be affixed to the rear window in such manner and place so as not to obstruct the view of the driver.

Section 335.200: Dimming of Lights Required Upon Approach of Other Vehicles

Every person operating a motor vehicle shall depress his headlights from a high beam to a low beam within five hundred feet when approaching another vehicle traveling in the opposite direction.

Section 335.210: Growing of Shrubs, Etc., Near Intersections

No person shall permit any shrub, tree, hedge, flower or other form of vegetation to grow within thirty feet of the intersection of the curb lines of two intersecting streets to a height in excess of two feet above the lowest grade of the two intersecting streets; provided, that trees now growing in such areas may grow above such height if the limbs are trimmed to a minimum height of eight feet.

Section 335.220: Unattended Motor Vehicles

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key; provided, that this shall not apply to local delivery trucks while in the process of making delivery when the name of the owner of such truck is lettered thereon. When any motor vehicle is left standing upon any perceptible grade, the driver or operator shall, before leaving such motor vehicle, effectively set the brake thereon and turn the front wheels to the curb or side of the street.

Section 335.230: Clinging to Vehicles Prohibited

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Section 335.240: Serial Numbers, Motor Numbers, Etc. of Motor Vehicle

No person shall destroy, remove, cover, alter or deface or cause or permit to be destroyed, removed, covered, altered or defaced the manufacturer's number, the motor number, the serial number or other distinguishing number on any motor vehicle. Each violation in reference to any one motor vehicle shall constitute a separate offense.

Section 335.250: Same as Above - Record to be kept by Motor Vehicle Dealers

Every motor vehicle dealer shall make and keep a permanent written record, in a book set aside for that purpose, of the manufacturer's number, the serial number, or other distinguishing number of every motor vehicle which such dealer sells or exchanges or offers for sale or exchange. Such record shall be kept upon the dealer's premises and shall be subject to inspection and examination by police officers at any time. Each violation in reference to any one motor vehicle shall constitute a separate offense.

Section 335.260: Hand and Mechanical Signals for Turn and Stops

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

Sub Section A. An operator or driver, when stopping or when checking the speed of his vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend his arm at an angle below horizontal so that the same may be seen from the rear of his vehicle.

Sub Section B. An operator or driver intending to turn his vehicle to the right shall extend his arm at an angle above horizontal so that the same may be seen from the front of and from the rear of his vehicle, and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which he is proceeding before turning.

Sub Section C. An operator or driver intending to turn his vehicle to the left shall extend his arm in a horizontal position so that the same may be seen from the rear of his vehicle and shall slow down and approach the intersecting highway so that the left side of his vehicle shall be as near as practicable to the center line of the highway along which he is proceeding before turning.

Sub Section D. The signals required by this Section shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition. However, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device.

Sub Section E. A vehicle shall be considered as so constructed or loaded that a hand & arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen feet, which limit of fourteen feet shall apply to single vehicles or combinations of vehicles.

The provisions of this sub-section shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling said trailer. The provisions of this section, as far as mechanical devices on vehicles so constructed that the hand and arm signal would not be visible both to the front and rear of such vehicle, shall only be applicable to new vehicles registered within this state after the first day of July, 1954.

Section 335.270: Vehicles Pulling Away From the Curb

The driver moving a vehicle from the curb or side of the street into the traffic lane shall yield the right of way to all vehicles which are in motion on such street.

Section 335.280: Passing Other Vehicles Traveling in Same Direction - Generally

1. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions contained in the City of Pleasant Hope Traffic Code:
2. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
3. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
4. No vehicle shall at any time overtake and pass or attempt to pass or operate his vehicle to the left

side of the roadway under the following conditions:

- a. When approaching the crest of a grade or upon a curve of the road 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. Within 100 feet of any bridge, viaduct, tunnel, intersection or railroad crossing.
5. It shall be unlawful for the operator of a motor vehicle to overtake and pass another vehicle to the right, except:
- a. The operator of a motor vehicle may pass on the right if such movement may be safely made in the case of streets or highways with two or more clearly marked lanes of traffic traveling in the same direction and the passing movement is made solely within one of the clearly marked traffic lanes; or
 - b. The operator of a motor vehicle may pass another motor vehicle that is in a clearly marked turning lane in the case of a street or highway with three or more lanes of traffic, one of which is designated exclusively for turning movements, if the passing movement is made solely within a clearly marked traffic lane.

Section 335.290: Following Other Vehicles

No driver of a vehicle shall follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the street.

Section 335.300: Manner of Operation of Motor Vehicles

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

Section 335.310: Driving While Intoxicated or with Excessive Blood Alcohol Content

Sub Section A. Definitions

As used in this section, the term "drive," "driving," "operate," or "operating" means physically driving or operating or being in actual physical control of a motor vehicle.

As used in this section, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

Sub Section B. Driving While Intoxicated

1. A person commits the crime of driving while intoxicated if he operates a motor vehicle while in an intoxicated or drugged condition.
2. Driving while intoxicated is for the first offense, a Class A misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years.

Sub Section C. Excessive Blood Alcohol Content

1. A person commits the crime of driving with excessive blood alcohol content if he operates a motor vehicle in this city with eight-hundredths of one percent or more by weight of alcohol in his blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood and may be shown by urine. For purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041 RSMo. 1978, as amended.
3. For the first offense, driving with excessive blood alcohol content is a Class A misdemeanor.

Sub Section D. Subsequent Convictions

1. Any person convicted of violating the provisions of Section 2 or Section 3 of this ordinance, for the second or subsequent offenses or for violating the provisions of Section 2 or Section 3 of this ordinance after previously having been convicted of a violation of the provisions of any county or municipal ordinance or state law for driving while intoxicated or for driving with excessive blood alcohol content shall be guilty of a Class A misdemeanor, provided, however, that a second offense or a first offense after a previous conviction of one of the others of such sections or any one of such ordinances or laws which occurs more than ten years after the previous offense shall be treated as a first conviction.
2. No Court shall suspend the imposition of sentence as to such person.
3. Evidence of prior convictions shall be heard and determined by the trial court and in the case of a jury trial out of the hearing of the jury prior to the submission of the case to the jury, and shall include, but shall not be limited to, evidence of convictions received by a search of the records of combination thereof.

Sub Section E. Classification of Offenses and Penalties

The classification of the offenses set forth in this section and the penalties therefore are the same as those established and imposed in Section 225.010.

Section 335.320: Open Container in a Motor Vehicle

Sub Section A. No person shall knowingly transport in any vehicle operating upon a public highway, street or alley within the corporate city limits of Pleasant Hope, any intoxicating liquor (as defined in Chapter 311, Revised Statutes of Missouri) or non-intoxicating beer (as defined in Chapter 312, Revised Statutes of Missouri) except in the original container which shall not have been opened, and the seal upon which shall not have been broken, and from which the original cap or cork shall not have been removed, unless the open container be in a locked glove compartment, or be in the rear trunk or rear compartment, which is not accessible to the driver or any other person in such vehicle while it is in motion. In the case of a pickup truck, station wagon, hatchback, or other similar vehicle, the area behind the last upright seat shall not be considered accessible to the driver or any other person.

Sub Section B. Violation of this Section shall be deemed a misdemeanor and upon conviction shall be punished as provided in Section 365.110 and 365.120 of this Code.

Section 335.330: Registration (State) License Required

No person shall operate any motor vehicle on the streets of the City unless said vehicle has proper and current state registration license plates properly displayed.

Section 335.340: Driving While License is Cancelled, Revoked, or Suspended

Any person whose operator's or chauffeur's license and driving privilege as a resident or non-resident has been cancelled, suspended or revoked under the provisions of Section 302.010 to 302.340, Section 302.500 to 302.540, Section 544.046, RSMo. or under the provisions of Chapter 577, RSMo. and who drives any motor vehicle upon the streets or highways of the City of Pleasant Hope, Missouri, while such

license and privilege is cancelled, suspended, or revoked, and before an official reinstatement notice or termination notice is issued by the Director of Revenue of the State of Missouri, or other official authorized by him to make such reinstatement or termination notice, is guilty of a class A misdemeanor. No court shall suspend the imposition of sentence as to such a person nor sentence such a person to pay such a fine in lieu of a term of imprisonment, nor shall such a person be eligible for parole or probation until he has served a minimum of forty-eight (48) consecutive hours of imprisonment, unless as a condition of such parole or probation such a person performs at least ten (10) days involving at least forty (40) hours of community service under the supervision of the Court in those jurisdictions which have a recognized program for community service.

Section 335.350: Unnecessary Motor Acceleration

No person shall accelerate a motor vehicle in such a manner that the tires of such vehicle lose traction and thereby squeal, squall or spin, nor decelerate a motor vehicle in such a manner that the tires of such vehicle lock and skid, except when reasonably necessary in an attempt to avoid an accident or collision with another vehicle or with an object, person or animal.

Any person violating the provisions of this Section shall, upon conviction, be deemed guilty of a misdemeanor, and be punished as provided by Section 365.1 10 and 365.120 of this Title.

Section 335.360: Motor Vehicle Noise - Excessive

Sub Section A. A person commits the crime of excessive motor noise if he/she fails to cause any motor vehicle he/she is driving to be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles.

Sub Section B. Motor vehicle noise shall be a Class "C" Misdemeanor as defined in Chapter 225.

Section 335.370: Operation of Motor Vehicle on the Right Half of the Roadway

Sub Section A. Upon all public highway, roads and alleys within the City of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction when such movement is lawful under City Ordinance and State Law.
2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions City ordinance and State law.
3. When the right half of a roadway is closed to traffic while under construction or repair.
4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one way traffic.

Sub Section B. Violation of this Section shall be deemed a misdemeanor and upon conviction shall be punished as provided in Section 365.110 and 365.120 of this Code.

Sub Section C. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
2. Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except for traffic entering such roadway by a left turn, until the vehicle may safely merge into the proper lane of traffic, in preparation for a left turn, or where such center lane is at the time allocated

exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation, the center lane shall not be used for passing a vehicle traveling in the same direction except for emergency vehicles where such movement may be safely made.

Section 335.377: Prohibition against Roller Skating or Skateboarding on Sidewalks

Sub Section A. It shall be unlawful to roller skate or skateboard on any sidewalk in the central business district as defined in this Chapter between the hours of 6:00 A.M. and 8:00 P.M. on Monday through Saturday

Sub Section B. Any person violating the provisions of this Section shall be deemed guilty of an infraction and upon conviction, shall be punished as provided by Section 225.010(B)(l)(d) of the Pleasant Hope Municipal Code.

Sub Section C. No culpable mental state is necessary to constitute a violation of the provisions of this Section.

Section 335.380: Cruising.

Sub Section A. For the purposes of this Section, the terms "cruise" or "Cruising" shall mean the practice of driving a motor vehicle through, onto, over, or across private property, private ways, commercial parking lots, or other non-public areas, except for the purpose of conducting social or commercial business with the owner, tenant, or occupant of such premises.

Sub Section B. It shall be lawful for the owner, tenant, or occupant of any lot, parcel, or tract of land in the City of Pleasant Hope, Missouri, to post such property in a conspicuous manner and at all normal entrances thereof with signs reading:

NO "CRUISING"
VIOLATORS SUBJECT TO PROSECUTION UNDER SECTION
335.380 OF THE PLEASANT HOPE CITY CODE

Sub Section C. It shall be unlawful for any person to "cruise" on any premises posted in accordance with Sub Section B hereof.

Sub Section D. Violation of this Section shall be deemed an infraction punishable as provided in Section 225.010 of the Municipal Code of the City of Pleasant Hope, Missouri.

Chapter 340 - Regulation of Speed

Section 340.010: Maximum Limits - Within Central Business Districts

No person shall drive a vehicle at a speed in excess of twenty five miles per hour within a central business district.

Section 340.020: Outside Central Business Districts

Sub Section A. No person shall drive a vehicle at a speed in excess of thirty five miles per hour outside a central business district; provided, that the City of Pleasant Hope City Council is empowered to increase the speed limit on streets wherein, in his opinion by reasons of distance from the center of population width and conditions of roadway, and the amount of traffic thereon, a higher limit is reasonable and free from undue hazard.

Sub Section B. Adequate and clearly legible signs stating such increased speed limit shall be placed along all such streets and roadways.

Sub Section C. No person shall drive a vehicle at a speed in excess of the limits hereby designated.

Section 340.030: Speed Limit - Approach to Certain Intersections

No person shall drive a vehicle at a speed in excess of twenty miles per hour within one hundred feet of intersections plainly marked with such speed limits.

Section 340.040: Speed Limit - In School Zones

No person shall operate a vehicle in excess of fifteen miles per hour on any day when school is in session along the following streets between 8:00 A.M. to 4:00 P.M.:

1. On Main Street from West Cowden Street North to 500 N. Main Street
2. On Lewis Street from 100 West Lewis West to Pirate Lane.
3. On Pirate Lane from Hwy 215 to W. Cowden St.

Section 340.050: Speed Greater Than Reasonable and Prudent

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 340.060: Minimum Speed

No person shall unnecessarily drive a motor vehicle at such a slow speed as to impede normal traffic.

Section 340.080: Special Speed Zones in Construction Areas

"Notwithstanding any speed limit created by this chapter or by an ordinance as reflected in the Schedule I to Title III, the Director of City Services and Engineering is hereby authorized, by an order in writing, to establish a speed limit that is less than that provided by these ordinances along any portion of an alley, road, street, or highway where there is ongoing construction of either roadway or other utilities within the right of way for such alley, road, street or highway. Such speed limits shall be reasonable and consistent with the conditions created by virtue of the construction and expected construction, and all such reduced speed limits shall be visibly posted at either end of the stretch of alley way, road way, street or highway on, over or under which construction is ongoing or is imminently planned and shall also be placed at intervals of no less frequently than one-half (1/2) mile, if the total stretch of roadway where speed limits are to be limited is greater than that length. Upon the entry of an order consistent with this ordinance, such order shall be filed by the Director of City Services and Engineering with the City Clerk and shall be presented to the Mayor and Board of Aldermen at the next regular meeting of the Board of Aldermen who shall then, or at any later date, have the right to amend such order by ordinance in any manner that the Board shall

deem appropriate. However, the order of the Director shall be effective as of the date that it is filed with the office of the City Clerk and shall continue in effect unless and until the Board of Aldermen shall amend the same by ordinance or until it is earlier rescinded or amended by the Director and written notice thereof provided to the City Clerk."

Section 340:070: MoDOT Posted Speed Limit Signs (Ordinance 215, 07/10/2006)

City of Pleasant Hope allows Missouri Department of Transportation to post at each entrance to the City of Pleasant Hope, Missouri, on state and county roads, speed limit signs that state: SPEED LIMIT IS 35 MPH EXCEPT WHERE POSTED.

Section 340:080: Transition Speed limit Changes

Sub Section A. Adding a 45 mph transition speed limit on the north and south section of Highway H and East and West on Highway 215. Highway KK will be posted at 55mph.

Missouri Department of Transportation shall post the following speed limits within the City of Pleasant Hope on state and county roads as follows; (Ordinance 229 7/16/2007)

- Highway H: 35 mph from 1640' south of MO 215 to 1830' north of MO 215
 35 mph from 3790' north of MO 215 to 4610' north of MO 215
 45 mph from 1640' south of MO 215 to 2800' north of MO 215
 45 mph from 4610' north of MO 215 to 6095' north of MO 215
 25 mph from 1830' north of MO 215 to 3790' north of MO 215
 55 mph on Highway H in locations not specified above.
- MO 215: 35 mph from Highway H to 1480' east of Highway H
 45 mph from 1480' east of Highway H to 2495' west of Highway H
 45 mph from Highway H to 2325' west of Highway H
 55 mph from MO 215 in locations not specified above.
- Highway KK: 55 mph within the city limits.

Chapter 341 - School Buses

Section 341.010: School Buses, Drivers to Stop For.

Sub Section A. The driver of a vehicle upon any public way in this City, including alleys, streets and highways, upon meeting or overtaking from any direction any school bus which has stopped on the public way 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 said school bus and shall not proceed until such school bus resumes motion or until signaled by the driver to proceed.

Sub Section B. If any vehicle is witnessed by a Peace Officer or the driver of a school bus to have violated the provisions of this Section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person or persons in whose name such vehicle is registered committed the violation, but in the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and Court costs may be assessed against only one (1) of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle was rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the Peace Officer or City Attorney with a copy of the rental or lease agreement in effect at the time of the violation. The City Attorney shall not bring any legal proceedings against the rental or leasing company under this section, unless prior written notice that the violation has been given to that leasing company by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen (15) days of receipt of such notice. Any lessee shown on a copy of the rental or lease agreement during the period of when the violation occurred shall rebuttably be presumed to be the person who committed the violation.

Section 341.020: School Buses, Signs Required on Buses

Sub Section A. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop while bus is loading and unloading." Each school bus subject to the provisions of Sections 340.050 to 340.070 RSMo shall be equipped with a mechanical and electrical signal device approved by the State Board of Education which will display a signal plainly visible from the front and rear and indicating intention to stop.

Section 341.030: School Bus Driver Responsibilities

Sub Section A. The driver of a school bus in the process of loading and unloading students upon a public way in this City shall activate the mechanical and electrical signaling devices in the manner prescribed by the State Board of Education to communicate to drivers of other vehicles as students are loading or unloading. No driver of a school bus shall take on or discharge passengers at any location upon a public way consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall he take upon or discharge passengers while the vehicle is on the public way proper unless the vehicle so stopped is plainly visible for at least one hundred (100) feet in each direction to drivers of other vehicles upon the public ways and only at such time as actually necessary to take on and discharge passengers.

Sub Section B. The driver of any school bus driving from the public ways of this City after loading or unloading school children should remain stopped if the bus is followed by three (3) or more vehicles until such vehicles have been permitted to pass the school bus if the conditions prevailing make it safe to do so.

Section 341.040: Penalties for Violations

Sub Section A. Any person violating the provisions of this Ordinance shall upon conviction be punished as provided by Section 365.110 (C) of the Pleasant Hope Municipal Code.

Chapter 342 - All-Terrain Vehicles

Section 342.010: All-Terrain Vehicles, Use within the City

No person shall operate an all-terrain vehicle, as defined in Section 300.010 of the Pleasant Hope Municipal Code, upon the streets and highways of this City, except as follows:

Sub Section A. All-terrain vehicles owned and operated by a governmental entity for official use.

Sub Section B. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.

Sub Section C. All-terrain vehicles whose operators carry a special permit issued by this City pursuant to Section 304.013 RSMo., and Section 342.060 of the Pleasant Hope Municipal Code.

Section 342.020: Operation within Waterways

No person shall operate an off-road vehicle as defined in Section 304.001 RSMo., within any stream or river within this City, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns or has permission to be upon.

Section 342.030: Conditions Of Operation

A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Chapter shall have a valid operator's or chauffeur's license, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than 30 miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than 7 feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

Section 342.040: Manner of Operation

No person shall operate an all-terrain vehicle:

In any careless way so as to endanger the person or property of another;

While under the influence of alcohol or any controlled substance; or

Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise repelled by an all-terrain vehicle unless the individual is at least 18 years of age.

Unless a certificate of ownership is obtained and is registered as required by Chapter 304 RSMo.

Section 342.050: Passengers on All-Terrain Vehicles

No operator of an all-terrain vehicle shall carry a passenger except for agricultural purposes. Section 342.060: Special Use Permits for All-Terrain Vehicle

The City of Pleasant Hope may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways and streets within the City Limits for the following purposes:

For use in a parade or motorcade that has a validity obtained permit as provided under Chapter 640 of the Pleasant Hope Municipal Code;

For use as a towing vehicle for commercial purposes (e.g., towing frozen food items for sale to individuals or for the purpose of towing lawn care equipment).

Section 342.070: Equipment

Every all-terrain vehicle, except those used in competitive events, shall have the following equipment:

1. A lighted head lamp and tail lamp which shall be in operation at any time in which an all-terrain vehicle is being used on any street or highway in this City pursuant to Section 342.010, Pleasant Hope Code.
2. An equilateral, triangular emblem to be mounted on the rear of such vehicle at least two feet above the roadway when such vehicle is operated upon any street or highway pursuant to Section 342.010 of the Pleasant Hope Municipal Code. The emblem shall be constructed of substantial material with a fluorescent yellow-orange finish and a reflective, red border at least one inch in width. Each side of the emblem shall measure at least ten inches;
3. A braking system maintained in good operating condition; An adequate muffler system in good working condition, and a United States Forest Service qualified spark arrester.

Section 342.080: Violations

A violation of this Chapter shall be a Class C misdemeanor and upon conviction shall be punished as provided by Section 365.110.C of the Pleasant Hope Municipal Code.

Chapter 343 - Seat Belts and Child Restraints

Section 343.010: Seat belts required for passenger cars

Passenger cars defined—exceptions-failure to comply, effect on evidence and damages—penalty.

Sub Section A. As used in this Section 343.010, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and tracks.

Sub Section B. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this City, shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that, a child less than four years of age shall be protected as required in Section 343.050 of the Pleasant Hope City Code. Each driver of a motor vehicle transporting a child four years of age or more, but less than sixteen years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt. No person shall be stopped, inspected, or detained solely to determine compliance with this Sub Section. 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.

Sub Section C. Each person who violates the provisions of Sub Section B of this section, shall be guilty of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person for a violation of this section.

Section 343.050: Passenger restraint system required for children under four years of age

Sub Section A. Every person transporting a child under the age of four (4) years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this city, for providing for the protection of such child. Such children shall be protected by a child passenger restraint system approved by the department of public safety.

Sub Section B. Any person who violates this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than Ninety-Seven Dollars and court costs.

Sub Section C. The provisions of this section shall not apply to any public carrier for hire.

Chapter 344 - Failure to Exhibit an Insurance Identification Card to a Peace Officer

Section 344.010: Exhibiting Insurance Identification Card, Penalty

Sub Section A. An insurance identification card, as is defined by RSMo. 303.024 shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer who lawfully stops such operator or investigates an accident while that officer or is engaged in the performance of the officer's duties. If the operator fails to exhibit an insurance identification card, the officer shall notify the director of revenue, in the manner determined by the director, and the officer may issue a citation to the operator pursuant to Sub Section 2 of this section. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder or receipt which contains the policy information is required by RSMo.303.024 shall be satisfactory evidence of insurance in lieu of an insurance identification card.

Sub Section B. Any person failing to exhibit an insurance identification card or other satisfactory evidence of insurance in lieu of such card upon the demand of any peace officer pursuant to Sub Section 1 of this section is guilty of a class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer wrote the citation.

Chapter 345 - Stopping, Standing and Parking

Section 345.010: Signs Required for Enforcement of Parking Regulations

Wherever by any provisions of this Chapter a parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the traffic engineer to erect appropriate signs giving notice thereof. No such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense.

Section 345.013: Director of City Services - Amending Map and Erecting Signs:

Erect signs at all entrances and other conspicuous locations as he deems appropriate, setting forth the parking restrictions imposed in this Chapter.

Section 345.020: Standing or Parking, Close to Curb

No person shall park a vehicle within a public right-of-way other than parallel with the edge of the roadway headed in the direction of lawful traffic movement, except in the case of designated angle or diagonal parking. In the case of angle or diagonal parking, no person shall stand or park a vehicle other than with the front of such vehicle directed toward the front or curb of such angle or diagonal parking space.

Section 345.030: Obedience to Signs or Markings

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

Section 345.040: Stopping, Standing or Parking Prohibited In Specified Places

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk or parkway;
2. In front of a public or private driveway or within five feet thereof;
3. Within an intersection;
4. Within eight feet of a fire hydrant;
5. On a crosswalk or within twenty feet thereof;
6. Within thirty feet from the approach to any flashing beacon, stop sign, yield right-of-way sign or traffic control signal located at the side of a roadway;
7. Within twenty feet of the nearest rail or railroad crossing;
8. Within fifteen feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance when property sign-posted;
9. Along or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

10. On the roadway side of any vehicles stopped or parked at the edge or curb of a street;
11. On the outer or inner drive of the Public Square;
12. Upon any bridge, viaduct, overpass, underpass, or any other type of grade separation, and upon the approaches to same;
13. In front of any place of business assembly during the period of public assemblage therein or of a principal exit or entrance to a school, hotel, theatre, hospital, or public building.
14. So as to obstruct or impede traffic in any manner.
15. Within four feet of a repository for United States Mail which is designed to be accessible by United State Post Office employees from a public right of way.

Notwithstanding any other requirements of this Section, no sign shall be required to be posted at any of the locations enumerated in this section for the enforcement of this section.

Section 345.050: Parking Not To Obstruct Traffic

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to obstruct or impede the regular flow of traffic on the roadway.

Section 345.055: Standing or Parking Inoperable or Disabled Vehicle for More Than 48 Hours

Sub Section A. No person shall stand or park a disabled, unlicensed or inoperable vehicle within a public right-of-way or angled or diagonal parking space for a period to exceed 48 hours.

Sub Section B. A motor vehicle shall be determined to be inoperable when it does not have a current state license plate or when it has a current state plate, but is disassembled or wrecked in part or whole and is unable to move under its own power.

Sub Section B. A motor vehicle shall be determined as disabled when a vehicle is unable to move under its own power; or requires mechanical or other work to be able to move under its own power; or has one or more flat tires.

Section 345.060: Parking in Alleys

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

Section 345.070: Parking of Vehicles on Roadway for Purpose of Selling or Repairing, Etc. Prohibited

No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale or advertising;
2. Washing, greasing, or repairing such vehicle, except repairs necessitated in an emergency.

Section 345.080: Parking Near School - Generally

The traffic engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking upon either side of a

street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

Section 345.090: Parking Near Schools - Commercial Vehicles

No person shall stop, stand or park any commercial vehicle upon either side of any street adjacent to any school property between the hours of 11:30 a.m. and 1:00 p.m. and between 3:30 p.m. and 4:00 p.m. on any day on which school is in session or otherwise open for school activities or community programs, for any purpose except loading or unloading of merchandise.

Section 345.100: Stopping, Standing or Parking near Hazardous or Congested Places

The City of Pleasant Hope City Council is hereby authorized to determine and designate by proper signs placed not exceeding one hundred feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay in traffic. When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand, or park a vehicle in any area or designated place.

Section 345.110: Standing In Passenger Curb Loading Zone

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

Section 345.120: Stopping, Standing or Parking of Buses and Taxicabs

The following rules shall govern the stopping, standing and parking of buses and taxicabs:

1. Except in the operation of a charter or special bus, the operator of a bus shall not stop, stand or park any bus upon any street other than at a bus stand or any other location commonly used to take on and discharge passengers.
2. Except in the operation of a charter or special bus, the operator of a bus shall not stop such vehicle upon any passengers or their baggage other than at a bus stop, bus stand or passenger loading zone or any other location commonly used for discharging and picking up passengers.
3. The operator of a bus shall enter a bus stop, but stand or passenger loading zone or other location where passengers are normally discharged or picked up in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position as close to the curb as possible, so as not to impede unduly the movement of other vehicular traffic.
4. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand designated by the traffic engineer. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading and unloading of passengers.

Section 345.130: Restricted Use of Bus and Taxicab Stands

No person shall stop, stand or park a vehicle other than a .bus in a bus stop or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Section 345.140: Stopping, Standing or Parking Prohibited During Certain Hours on Certain Streets

When signs are erected in a block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified.

Section 345.150: Parking of Common Carriers on Street at Night Prohibited

No person shall park a truck, tractor or trailer with a capacity of one ton or larger or the chassis thereof on any street in the business district; nor shall any person use any street for the purpose of repairing or reconditioning any such truck, trailer or any common carrier or any part thereof, except when such repairs shall be necessitated by an emergency.

Section 345.160: Parking of Certain Vehicles on Public Right-of-Way in a Residential District

Sub Section A. Excluding pick-up trucks, it shall be unlawful for any person to park any truck, commercial vehicles, van, or recreational vehicles having an overall length of more than eighteen (18) feet, or having an overall width of more than seven (7) feet, or any truck tractor with or without trailer, on any residential street for a period of time longer than two (2) hours; and if any truck or commercial vehicle is used for the transportation of livestock or flammable or caustic liquids and gases, the same shall not be parked at any time, within one hundred and fifty (150) feet of any dwelling occupied by any person or family other than the person or family owning or using such truck or commercial vehicle.

Sub Section B. Residential Street shall be defined as all streets which are adjacent to or located in residential zoning districts as set forth on the official zoning map of the City.

Section 345.170: Parking on Private Property, Lots and Areas

Sub Section A. No person shall park a vehicle on any private property without the consent of the owner, lessee or occupant or other person having charge of such premises; and no person shall park a vehicle on any public property except in designated parking lots or parking areas without the consent of the City or other public entity that owns or controls such property.

Sub Section B. No person shall park a vehicle on a privately owned parking lot or designated parking area or a publicly owned parking lot or designated parking area unless such person shall be of the class of those permitted to park therein as such class shall be plainly specified by signs prominently displayed by the owner, leaser, occupant or other person having control of a private parking lot or area or a public entity in the case of property owned or controlled by such entity.

Sub Section C. No person shall park a vehicle on a privately or publicly owned or controlled parking lot or designated parking area except between the hours authorized for such parking, or for longer than the time designated, by signs prominently displayed plainly specifying such hours or time limitations, by the owner, lessor, occupant or other person having charge of a private parking lot or designated parking area or by the public entity that owns or has control of such parking lot or designated parking area. However, no such vehicles shall be removed pursuant to the provisions of this Section unless said signs contain notification that vehicles of violators may be towed at the owner's expense.

Sub Section D. In the case of property owned or controlled by the City of Pleasant Hope, no parking or parking limitations may be designated by order of the Director of City Services and Engineering. Any such order shall be in writing, shall be delivered to the City Clerk for delivery to the Mayor and Board of Aldermen at its next regular meeting and shall be annexed to the minutes of such meeting. Such order shall be effective at 12:01 a.m. on the date immediately following the regular meeting at which the order is presented to the Board of Aldermen unless, by motion, resolution or ordinance, such order is disapproved or modified, and in case of modification, said order shall be effective at 12:01 a.m. on the next date following the regular meeting as modified by the Board of Aldermen. Any such disapproval or modification shall be by majority vote of the members present at such meeting.

Sub Section E. Any person, corporation or public entity in lawful possession of a public off-street parking facility may designate reserve parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to Section 301.071 or 301.142 of the Revised Statutes of Missouri as close as possible to the nearest accessible entrance. Such designation shall be made by posting immediately adjacent to and visible from each space a sign upon which there is inscribed the international symbol of accessibility in white on a blue background and may also include any appropriate wording to indicate spaces reserved for the exclusive use of vehicles which display a distinguishing a license plate or card.

Sub Section F. No person shall park a vehicle in a space designated for physically disabled persons unless that vehicle properly displays a distinguishing license plate or card upon which is inscribed the International Symbol of Accessibility and the word "Disabled" issued pursuant to Section 301.071 or 301.142 RSMO., or a distinguishing license plate or card issued by any other state. However, no such vehicles shall be removed pursuant to the provisions of this Section unless there shall be posted immediately adjacent thereto and readily visible from such space, a sign on which is inscribed the International Symbol of Accessibility in white on a blue background.

Sub Section G. Any person who parks in a space reserved for physically disabled persons and is not displaying distinguishing license plates, or a card, is guilty of an infraction and shall be imposed a penalty as provided in Section 225.010(B)(1)(D) of the Pleasant Hope City Code, provided however that such fine shall not be less than Fifty Dollars (\$50.00).

Sub Section H. Any police officer of the City is hereby authorized to cause the removal of any vehicle parked in violation of this section. Any vehicle that shall be towed pursuant to the provisions of this Section may be claimed within thirty days (30) thereafter by paying reasonable towing costs and storage fees. Any vehicle not claimed within thirty (30) days shall be considered as an abandoned vehicle and may be disposed of by the holder in any manner provide by State Laws.

Sub Section I. The provisions in this Section insofar as it relates to public parking areas shall not include those areas defined in Chapter 370 and the Amended Map Number 2 of Controlled Parking Areas Downtown Business District, City of Pleasant Hope, Missouri, as adopted under the provisions of said Chapter, and as amended from time to time.

Sub Section J. Any person that violates the provisions of this Section shall be deemed guilty of a misdemeanor and shall be subject to punishment as provided in Section 365.110.

Section 345.180: Creation of Presumption for Parking Violations

If any vehicle is found upon a street, alley or other location within the City of Pleasant Hope, Missouri in violation of any provisions of Chapter 345 and for which a fine is payable pursuant to the provisions of Section 365.120(b) the owner or person in whose name such vehicle is registered in the records of any City, County or State shall be held prima facie responsible for such violation, if the driver thereof is not present.

Chapter 350 - Rights and Duties of Pedestrians

Section 350.010: Right of Way in Crosswalks

When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

Section 350.020: Vehicle Not to Pass Other Vehicle Stopped to Permit Pedestrians to Cross Roadway

Whenever any vehicle has been stopped at a marked crosswalk or at any intersection or permit a pedestrian to cross the roadway, it shall be unlawful for the driver of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

Section 350.030: Crossing at Other than Crosswalks

No pedestrian shall cross the roadway within a business district at any place other than a crosswalk. Outside the business districts, any pedestrian crossing at a point other than a crosswalk shall yield the right of way to motor vehicles upon the roadway; provided that this section shall not relieve the driver of a motor vehicle from the duty to exercise the highest degree of care under circumstances for the safety of pedestrians.

Section 350.040: Rights and Duties at Controlled Intersections

At intersections where traffic is controlled, pedestrians shall not cross the roadway against a red signal and shall not cross at any place except a crosswalk. A pedestrian crossing or starting across any such crosswalk on a green signal shall have the right of way over all vehicles, including those making turns until such pedestrian has reached the opposite curb or safety zone.

Section 350.050: Crossing Roadway at Right Angles

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

Section 350.060: Walking Along Roadway

Where sidewalks are provided, no person shall walk along and upon an adjacent roadway.

Section 350.070: Soliciting Rides

No person shall be in or near a roadway for the purpose of soliciting a ride from the driver of a private vehicle.

Section 350.080: Penalty for Violation

Any person violating or failing to comply with any of the requirements of these sections shall be guilty of a misdemeanor.

Chapter 351 - Laser Safety Act (Ordinance 180, 06/14/1999)

Section 351.100: Definitions

Laser - means any device that projects a beam or point of light by means of light amplification by stimulated emission of radiation; or, a device that emits light which simulates the appearance of a laser.

Law Enforcement Officer - means police officer; peace officer; sheriff; sheriff's deputy; corrections officer; parole officer; judge; magistrate; or, any employee of a governmental agency who is authorized by law to engage in the investigation, arrest or prosecution of, or to supervise the incarceration of any person for any violation of law, and has statutory powers of arrest.

Section 351.200: Projection of a Laser

Any person who knowingly projects a laser, as defined in Section 351.100, on or at a law enforcement officer without the officer's consent while the officer is acting within the scope of his or her duties, shall be guilty of a misdemeanor.

Section 351.300: Penalty for Projection of a Laser

Any person who commits a violation of Section 351.200 shall be punished by a fine of not less than \$50.00 nor greater than \$500.00, and imprisonment for a term of not more than 30 days.

Chapter 355 - Bicycles

Section 355.010: Applicability of Traffic Regulations to Persons Riding Bicycles

Every person riding a bicycle upon a city street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by this or other city traffic ordinances applicable to the driver of a vehicle, except as to special regulations in this Chapter and except as those provisions of laws and ordinances which, by their nature, can have no application.

Section 355.020: Obedience to Traffic Control Devices

Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey regulations applicable to pedestrians.

Section 355.030: Manner of Riding - Generally

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Section 355.040: Riding on Streets and Roadways

Every person operating a bicycle upon a street or roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Persons riding bicycles upon a city street or roadway shall not ride more than two abreast.

Section 355.050: Speed

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 355.060: Emerging from Alley or Driveway

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley-way, yield the right of way to all pedestrians approaching on such sidewalk or sidewalk area; and upon entering a street or roadway, shall yield the right of way to all vehicles approaching on such roadway.

Section 355.070: Carrying Articles

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

Section 355.080: Parking

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

Section 355.090: Riding on Sidewalks

No person shall ride a bicycle upon a sidewalk within a business district. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Section 355.100: Lamps and Other Equipment

Every bicycle when in use at night time shall be equipped with a lamp on the front which will emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light to the rear may be used in addition to the red reflector. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal for a distance of at least one hundred feet; except, that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clear pavement.

Chapter 360 - Motorcycles, Motor Bikes, Motor Scooters

Section 360.010: Riding on Motorcycles

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other Person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the Permanent and regular seat it designed for two persons, or upon another seat firmly attached to the rear or side of the operator, and motorcycle must be equipped with footrests for passenger.

Section 360.020: Safety Helmet or Headgear Required

It shall be unlawful for any person to operate or occupy as a passenger any motorcycle, motor bike or motor scooter upon any public street, alley, sidewalk, or other thoroughfare or in any public park within the city limit unless such person is wearing a type of safety helmet or headgear, the minimum protective standards for which shall be determined by the Chief of Police. Said Chief of Police, in determining such minimum protective standards for safety helmets or for protective headgear for vehicular users as approved by the American Standards Association now in effect or as hereafter amended by such association. Said minimum protective standards specifications shall be currently maintained by said Chief of Police and made available at all times for public inspection.

Section 360.030: Requirements for Persons Leasing Such Vehicles

Sub Section A. It shall be unlawful for anyone to rent, lease or lend any motorcycle, motor scooter or motor bike to any person without first ascertaining that such a person or passenger is equipped with a safety helmet or headgear, the minimum standards for which have been determined by the Chief of Police as provided for in paragraph above. If such person is not so equipped, he shall provide same before renting, leasing or lending any motorcycle, motor scooter or motor bike to such person.

Sub Section B. Every motorcycle, motor bike or motor scooter leased, rented or loaned by any individual must have proper state registration.

Sub Section C. No person shall rent, lease or lend any motorcycle, motor scooter or motor bike to any person without first ascertaining that such person possesses a valid state operator's license for the operation of a motor vehicle upon the public street.

Section 360.040: Requirement for Persons Operating Such Vehicles

No one shall operate any motorcycle, motor scooter or motor bike without possessing a valid state operator's license.

Section 360.050: Lamps

It shall be unlawful for any person to ride or operate any motorcycle, motor scooter or motor bike upon the public street, alleys or other thoroughfares, or in any public park within the City limits after sundown unless such motorcycle, motor scooter or motor bike is equipped with a light on the front and rear of such vehicle and such lights are burning.

Chapter 365 - Violations, Procedure on Arrest and Penalties

Section 365.010: Forms and Records of Traffic Citations and Arrests

The City shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the municipal court.

Section 365.020: Procedure of Police Officers Issuing Citations

Except when authorized or directed under state law to immediately take a person before a magistrate for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and who does not take such a person into custody under arrest shall take the name, address, the registration number of the motor vehicle involved and such other pertinent information as may be necessary, and shall issue to him in writing, on a form provided by the City, a traffic citation containing a notice to answer to the charge against him in the municipal court at a time to be specified in such citation.

Section 365.030: Disposition of Traffic Citations, Warrants and Complaints

The following rules shall govern the disposition of traffic records:

1. Every police officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this State or of any provision of this traffic code, shall deposit the original and a duplicate copy of the citation at the direction of the Chief of Police, who shall cause the original to be delivered to the municipal court and the duplicate copy to the records section of the police department.
2. Upon the filing of such original citation in the municipal court of this City as aforesaid, such citation may be disposed of only by trial in such court or by other official action, including forfeiture of bail or by payment of a fine to a representative of the presiding officer of such court.
3. The Chief of Police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department a record of the disposition of the charge of the Municipal Court.
4. The Chief of Police shall also maintain or cause to be maintained a record of all warrants issued by the municipal court on such traffic violation charges and which are delivered to the police department for service, and of the final disposition of all such warrants.
5. It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter or deface a traffic citation or any copy thereof or the record of the issuance or disposition of any traffic citation, complaint or warrant in a manner other than is required in this Section; provided, that nothing in this Section shall prevent the City attorney or City prosecutor from changing the charge in a citation.

Section 365.040: Illegal Cancellation of Traffic Citations

It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this Title.

Section 365.050: Placing of Citations on Illegally Parked Vehicles

The Presence of Illegally Parked vehicle is Prima Facie Evidence That Owner Committed or Authorized Violation.

Sub Section A. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this section, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the City, for the driver or registered owner to answer the charge against him during the hours and at a place specified in the citation.

Sub Section B. The fact that a motor vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation.

Section 365.060: Failure to Comply with Traffic Citation Attached to Parked Vehicle

If a violator of the restrictions on stopping, standing or parking under this Title does, not appear in response to a traffic citation affixed to such motor vehicle within the specified time of citation, the clerk of the municipal court shall send to the owner of the motor vehicle to which traffic citation was affixed a notice by mail informing him of the violation and warning him that in the event such notice is disregarded for a period of five days a warrant of arrest will be issued.

Section 365.070: Issuance of Warrant for Failure to Comply with Summons

Sub Section A. Directing Appearance In Municipal Court.

In the event any person fails to comply with a traffic citation given to him or attached to a vehicle belonging to him or fails to make appearance pursuant to a summons directing an appearance in municipal court, or if any person fails or refuses to deposit bail as required and within the time permitted by this or other City ordinances, the clerk of the municipal court shall secure and issue a warrant for his arrest.

Section 365.080: Record of Traffic Cases; Report of Convictions to State

The municipal court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to such court, and shall keep a record of every official action by such court in reference thereto, including but not limited to a record of every conviction, forfeiture resulting from every such traffic complaint or citation deposited with or presented to such court. The municipal court shall make reports to the state department of revenue, driver's license registration bureau, in accordance with state law.

Section 365.090: Disposition of Traffic Fines and Forfeitures

Sub Section A. All fines or forfeitures, collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this Title shall be deposited monthly by the Judge of the municipal court or his clerk with the Treasurer of the City of Pleasant Hope, to be credited to the General Fund of the City.

Sub Section B. Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture to comply with the provisions of this section shall constitute misconduct in office and shall be grounds for removal there from.

Section 365.100: Authority of Police to Impound and Tow Away

Certain vehicles and disposal if not claimed

Sub Section A. The police department is hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety under the circumstances hereinafter enumerated:

1. When any article is left unattended on or under any bridge or overpass where such vehicle constitutes an obstruction to traffic.
2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal.
3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
4. When any vehicle is left continuously and unattended upon any street for a period of time of more than forty-eight hours; and
5. Any time a vehicle is parked in a prohibited area that is so designated by signs or other official markings.

6. Whenever an operator of a vehicle is arrested or detained by a law enforcement officer, and such arrest or detention would leave such vehicle unattended.

Sub Section B. Whenever this City police department removes a vehicle from a Street as authorized in this Section and the police department knows, or is able to ascertain from the registration records in the vehicle, the name and address of the owner thereof, such police department shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place of which such vehicle has been removed.

Sub Section C. Whenever the police department removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in this Chapter, and in the event the vehicle is not returned to the owner within a period of three days, then the police department shall immediately mail a written report of such removal to the state department whose duty is to register motor vehicles. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, the name of the garage or place where the vehicle is stored. If information as to owner and/or holder of valid security interest is obtained, each is to be notified by registered mail to the last address of said persons.

Sub Section D. The owner of any vehicle, or the holder of a valid security interest thereon, which is in default, may reclaim it from the garage or repair shop, upon proof of ownership or valid security interest which is in default and payment of all reasonable charges for the towing and storage of the vehicle.

Sub Section E. The owner of the garage or repair shop may sell the vehicle at public auction if it is unclaimed for at least 20 days after coming into his possession, after posting public notices for at least ten days at his place of business, the City Hall of the City in which his place of business is located, and at one other public place in the City where the vehicle was found. The notices shall include the description of the vehicle, including any identifying marks or numbers, the date and place it was found, and the time and place of public auction.

Sub Section F. The proceeds of the sale shall be used first to pay the person who tows the vehicle from the City street or highway located in the City the sum of ten dollars, the person who stores such vehicle the sum of one dollar per day for each day the vehicle is stored; and the balance of the proceeds, if any, shall be paid into the General Fund of the City, to be paid to the owner or holder of liens against the same if claimed within ninety days of date of sale.

Section 365.110: Penalties

Sub Section A. The Judge of the Police Court who hears traffic cases shall designate the specified offense under this law or under the traffic ordinances of the City in respect to which payments of fines may be accepted by regular clerical personnel on duty at City Hall of said City 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 appearance before the court.

Sub Section B. Any person violating the provisions of Section 335.300 shall, upon conviction thereof be punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for a term not exceeding one (1) year or by both such fine and imprisonment.

Sub Section C. Excluding Section 335.300 and 335.310 and 335.340 and Chapter 370, a person who violates any provision of this title shall be deemed guilty of a misdemeanor and shall be punished by imprisonment 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 fine and imprisonment together with costs of prosecution.

Sub Section D. The classification of the offense set forth in Section 335.340, or any other section of this Title stating that a violation is a Class A, Class B, or Class C misdemeanor shall be punishable under and the penalties therefore are the same as those established and imposed in Section 225.010.

Article III - City Utilities

Chapter 100 – City of Pleasant Hope Water Facilities

Section 110.101: Historical Development of the Water System

Sub Section A: Protecting the City Water Supply and Deep Well from Contamination or Pollution and Prohibiting the Drilling Of Water Wells within the Corporate Limits (Ordinance 29, 10/04/1971). The drilling of water wells by any private citizens, persons, corporations firms, partnerships or corporations within the corporate limits of the City of Pleasant Hope, Missouri, shall be and is hereby prohibited. Any citizen, person, firm, partnership or corporation that violates the terms of this Chapter shall be termed guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 and/or ninety (90) days in the County Jail. That the right of the City of Pleasant Hope, Missouri to seek injunctive relief to prevent violation of this Ordinance is hereby reserved.

Sub Section B. The Water System Department and the Sewer System Department is combined into a single system (Ordinance 130 11/29/1988)

Sub Section C. Water Tower Replacement

A special election held in the City of Pleasant Hope, Missouri, on Tuesday, November 7, 1995, on the following question: Shall the City of Pleasant Hope, Missouri, issue its combined waterworks and sewage system revenue bonds in the amount of \$450,000 for the purpose of improving and extending its combined waterworks and sewage system, including the acquisition and construction of a stand pipe, an additional water well and additional water lines, the cost of operation and maintenance of said system and the principal of and interest on said revenue bonds to be payable solely from the revenues derived by the City from the operation of its combined waterworks and sewage system, including all future extensions and improvements thereto? Results: Yes-71, No-28. (Ordinance 154 1/9/1996). The City of Pleasant Hope, Missouri hired Charles Ankrom, Attorney-at-Law (Ordinance 155 2/12/1996) to assistance in the initial negotiation and closing of a loan with for the construction and operation of a waterworks system, and such legal work as may be needed in conjunction with the construction and operation of the waterworks system. The City of Pleasant Hope, Missouri advertised for construction bids for water system improvement; water standpipe storage facility, foundation, erection, painting and system tie-in line and demolition of existing 14 foot x 55 foot steel standpipe. (Ordinance 158 9/9/1996). Bidding was closed by Ordinance 159, 10/14/1996. Bids were opened on Monday October, 1996 at a regular meeting of the Board of Aldermen. Three bids were received. The contract was awarded to Circle P Welding for a sum of \$140,688. (Ordinance 160 10/14/1996)

Sub Section D. Second Well

In August 2000, the City of Pleasant Hope, Missouri entered into an Engineering Service Agreement with Simmons Engineering Company of Republic, Missouri for services regarding the expansion and of city utilities, streets and infrastructure. (Ordinance 183 8/28/2000). The Board of Aldermen resolved (Resolution 1-00) on August 28, 2000 to comply with various requirements necessary to obtain financial assistance from the United States of America, acting through the Farmers Home Administration and the Department of Agriculture. The City of Pleasant Hope entered into an employment agreement with Charles Ankrom, Attorney-at-law (Ordinance 184 8/28/2000) for the purpose to providing legal serve for the construction for water system improvements funded by United State Department of Agriculture (USDA). The Board of Alderman approved the final contract documents and drawings from Simmons Engineering and authorizes the advertisement for construction bids for water system improvements; a state approved well, pump and pump house. (Ordinance 190 7/14/2003). On August 5, 2003 (Ordinance 191 9/3/2003) the Board of Aldermen award the construction bid to Flynn Well Drilling for a sum of \$149,300.60. On December 8, 2003 (Ordinance 192 12/8/2003) the Board of Aldermen authorized the issuance of \$250,000 principle amount of the Combined Waterworks and Sewage System Revenue Bonds, Series 2004.

Sub Section E. Third Well and All New Pipe

In May 2005 the City of Pleasant Hope, Missouri Board of Aldermen called for a Special Bond Election (Ordinance 198 5/9/2005) asking the citizens if the City should the City pursue a \$1,250,000 combined waterworks and sewage system improvement project that would include road repairs resulting from the installation of new water lines, the cost of operation and maintenance of the combined waterworks and sewage

system. The authorization of the Bonds will authorize the City to fix, establish, maintain and collect rates and charges for the services provided by the City. August 2005 the City authorized Simmons Engineering to design and prepare contract documents for the new water system improvements. (Ordinance 202 8/8/2005). The City of Pleasant Hope (Ordinance 208 2/13/2006) authorized title searches and acquisition of easements for the new water system improvements. The City of Pleasant Hope approved the contract documents and drawings and authorized the advertisement for construction bidding of State Approved Well, Pump, Block Pump House, Tie-In Lines and Water Main Distribution System. (Ordinance 216 09/11/2006). The City of Pleasant Hope opened all bids on November 1, 2006; at a Special Meeting of the Board of Aldermen of the City of Pleasant Hope, Polk County, Missouri. The Board of Aldermen of the City of Pleasant Hope, Polk County, Missouri awarded contracts as follows (Ordinance 218 11/08/2006):

Reavis Water Well & Construction in the amount of \$174,979.00 for the Water System Improvements Project Contract No. 1, Well, Submersible Pump, Pump house, Controls and Tie-In Lines as provided for in the Contract Documents prepared by Simmons Engineering Company, is hereby approved and accepted pending the approval of USDA Rural Development.

The adjusted bid of J & N Utilities Inc. in the amount of \$1,097,734.75 for the Water System Improvements Project Contract No. 2, Water Main Distribution System, as provided for in the Contract Documents prepared by Simmons Engineering Company, is hereby approved and accepted pending the approval of USDA Rural Development.

The Borrower (City of Pleasant Hope) deems it advisable and appropriate to finance on an interim basis through the Missouri Public Utilities Commission (the "Authority"), the cost of the Project which will be permanently financed through the United States of America, Department of Agriculture, Rural Development (Ordinance 220, 12/11/2006). USDA took over the loan and the City terminated its membership with Missouri Public Utilities Commission. (Ordinance 266 9/19/2011) The Board of Aldermen authorizing \$1,057,000 Combined Waterworks and Sewage System Revenue Bonds. The actual bond with principal and interest payable in installments is located in the City Clerk's Office (Ordinance 221, 12/11/2006). The Board of Aldermen appoints Mayor Patrick Murphy to serve as the Authorized Representative for the Water System Improvements Project. (Ordinance 201 8/8/2005). Patrick Murphy left office in April 2007. The Board of Aldermen appoints Mayor John Homer to serve as the Authorized Representative for the Water System Improvements Project. (Ordinance 225, 05/21/2007). Final contract documents and drawings for the asphalt road repairs project were submitted by Simmons Engineering Company and advertisement for the road repair construction bids was approved by (Ordinance 234 10/17/2007).

Section 110.110: Water Rules and Regulations (Ordinance 243 10/06/2008)

Section 110.112: General

These Rules and Regulations have been adopted to govern the water services furnished by the Owner in a uniform manner for the benefit of the Owner and its water users and are subject to change as herein provided without notice to any water users or any other person. The United States Department of Agriculture Rural Development Administration must approve all such changes. Any amendment or change to these Rules and Regulations shall be effective on the date such amendment or change is passed by the Owner, as herein provided, or on such other date as the Owner may by resolution designate. Such amendment or change shall be ineffective only if not approved by the United States Department of Agriculture Rural Development Administration, as herein before provided, but in the event such approval is given by the United States Department of Agriculture Rural Development Administration, said approval shall be retroactive to the date of such change or amendment, as provided herein or as otherwise provided by resolution of the Owner. If any portion of these Rules and Regulations shall be declared invalid by competent authority, such invalidity shall not affect the validity of the remaining portion.

Section 110.115: Definitions

The following expressions, words and terms when used herein shall have the meaning stated below:

Owner - City of Pleasant Hope

USDA - The "United States Department of Agriculture Rural Development Administration" will be referred to as the USDA in this document.

Applicant - Any individual, firm, partnership, corporation, the Federal or State Government or any unit, agency, political corporation, or subdivision of either Federal or State Government, or other agency applying for a water user's agreement.

User - Any individual, firm, partnership, corporation, the Federal or State Government, or any unit, agency, political corporation or subdivision of either the Federal or State Government, or other agency receiving water services, or to whom water services are made available from the Owner's system pursuant to a written water user's agreement.

Point of Delivery - The point of delivery shall be at the meter, unless otherwise specified in the water user's agreement or in any other agreement where it shall be mentioned.

Service - The term "service" when used in connection with the supplying of water service shall mean the availability for use by the water user, subject to the provisions of these "Rules and Regulations. Service shall be considered as available when the Owner maintains the water supply at a minimum of 20 psi at the point of delivery, with the service line static, and in readiness for the water user's use, regardless of whether the water user makes use of it.

Landowner - Any person owning property served by the water system of the Owner or who has a leasehold interest therein with more than a year to run. The term "Landowner" shall also include life tenants but the Owner may at its discretion require tenants to enter into any agreement required with the property owner under these Rules and Regulations, and the tenant shall be bound by these Rules and Regulations in all respects.

Water User's Agreement - The written contract between the water user and the Owner pursuant to which water service is supplied or made available.

State Director - The State Director of the USDA RURAL DEVELOPMENT, or his successor.

Water Service - A water service shall consist of facilities for supplying water to one residence or business establishment located on land within the jurisdiction of the Owner.

Special Service - Water service may be supplied outside of the jurisdiction of the Owner when special conditions meet the standards of the Owner.

Section 110.120: Rate Schedule (Ordinance 291 11/18/2013)

Sub Section A. Generally

Rate schedules for combined water and sewer service are fixed by the Owner. The rate schedule is subject to change by action of the Owner with the approval of the USDA, so long as the Owner has unpaid obligations, which are held or insured by the USDA. If a provision of the Rules and Regulations conflicts with the provision of the rate schedule, the provisions of the rate schedule shall prevail. If the total amount of revenue and income derived from the collection of the water rates is insufficient to meet the payment of the costs of operation, maintenance, depreciation, necessary extensions and enlargements, and payment of the principal and interest on any general and special obligation bonds, then outstanding with their attendant obligations pursuant to the terms of the bonds and the authorizing resolutions, the Owner shall increase the water rates for the first month thereafter in an amount sufficient to meet these costs and obligations.

Sub Section B. Definitions:

Residential is: single or multi-family dwellings inside the city limits
single or multi-family dwellings outside the city limits

Residential Business: is the operation of a commercial enterprise from a residence.

Small Size Business: is a commercial enterprise with a store front that uses
<2500 gallons on average per month

Intermediate Size Business: is a commercial enterprise that uses

>2500 but <100,000 gallons on average per month

Large Business / Industrial Business: is a commercial enterprise with that uses
> 100,000 gallons on average per month

Sub Section C. Water and Sewer Rate for Residence and Businesses:

		Water Base Rate	Water Rate per 1000 thereafter	Sewer Base Rate	Sewer Rate per 1000 thereafter	Total bill for first 1000 gal
Residential	Inside City Limits	\$33.46	\$2.90	\$11.00	\$2.70	\$44.46
Residential Business	Inside City Limits	\$33.46	\$2.90	\$11.00	\$2.70	\$44.46
Small Business	Users of <2,500 gal	\$33.46	\$2.90	\$11.00	\$2.70	\$44.46
Intermediate Business	Users of >2,500 <100,000 gal	\$60.00	\$2.90	\$22.00	\$2.70	\$82.00
Large Business/Industrial	Users of >100,000 gallons	\$100.00	\$2.90	\$50.00	\$2.70	\$150.00

* Churches are charged resident rates.

* All customers active at the time of this Ordinance are grandfathered.

Sub Section D. Additional Charges Assessed

The City will assess additional charges for a Missouri Department of Nature Resources Primacy Fee for water, Connection Fee for Wastewater and Missouri Sales Tax Rates for residential and commercial users as required by the State of Missouri.

Section 110.130: Applications

Applications for a water user's agreement shall be made to the Owner. Such applications shall be in writing and the Owner shall prescribe the form of such application.

Section 110.140: Deposits (Ordinance 290 11/18/2013)

Sub Section A. Definitions:

Residential is: single or multi-family dwellings inside the city limits
single or multi-family dwellings outside the city limits

Residential Business: is the operation of a commercial enterprise from a residence.

Small Size Business: is a commercial enterprise with a store front that uses
<2500 gallons on average per month

Intermediate Size Business: is a commercial enterprise that uses
>2500 but <100,000 gallons on average per month

Large Business / Industrial Business: is a commercial enterprise with that uses
> 100,000 gallons on average per month

Landlord: is the owner of the single or multi-family dwell or business

Water Deposits by Definitions

Residential	\$100.00
Residential Business	\$150.00
Small Business	\$150.00
Intermediate Business	2x the expected avg.- \$275.00 minimum
Large Business/Industrial	2 x the expected avg.- \$1200.00 minimum
Landlords	\$100 for each multi-unit building and \$100 for every four (4) units that are being leased or rented inside city limits.

Sub Section B. *Renter deposits* will be refunded upon notification of moving and final payment of all outstanding charges on the account.

Sub Section C. *Homeowner deposits* will be refunded upon request after 12 consecutive months of “on time, paid in full billing cycles”.

Section 110.150: Water Service

Sub Section A. Requirements:

1. *Readiness to Accept* - Before installing a service extension and providing water, the Owner may require the applicant to pipe his home and be in readiness to accept the service.
2. *Service for Sole Use of the Water User* - The standard water service connection is for the sole use of the water user, and does not permit the extension of pipes to transfer water from one property to any other consumer nor will the user share, resell or sub-meter water to any other consumer. If an emergency or specific situation should make such an arrangement advisable, it shall be done only on specific written permission of the Owner for the duration of the emergency. No more than one residence shall be served by one water service connection. A farm containing one residence and other buildings for use in the farming operation shall be considered as one residence and the water user may use water from one meter for all such buildings; provided that in the event that a farm contains two or more residences, a meter shall be required for each residence, unless the Owner shall find such to be an unusual hardship upon the water user, in which case a special agreement may be made concerning such additional residence, and the Rules and Regulations shall be applied to determine the rate for such farm containing two residences.
3. *Hardship Agreements* - The Owner may enter into a special agreement whereby a right of entry is granted to the Owner to read a meter placed on private property for the remotely located residences or remotely located water uses, where the location of the meter as provided in these Rules and Regulations would, in the Owner's opinion, cause undue hardship and expense on the water user. Such special agreements must be written and no water user or applicant for water service shall have any right to force the Owner into such a special agreement, but such agreement s must be entered into solely at the discretion of the Owner. The Owner may in the alternative apply the multi-unit residence rule stated in these Rules and Regulations.
4. *Continuity of Service* - The Owner will make all reasonable efforts to supply continuous, uninterrupted service. However, the Owner shall have the right to interrupt service for the purpose

of making repairs, connections and extensions or for other necessary work. Efforts will be made to notify water users whenever possible that may be affected by such interruptions, but the Owner will not accept responsibility for losses, which might occur due to such necessary interruptions. The Owner does not accept responsibility and shall not be liable for losses that might occur due to interruptions to service for any cause and does not accept responsibility for losses due to failure of the Owner to notify any water user of any such interruption.

5. *Services* - The Owner will install all water service pipes from its mains to the meters on property abutting the right-of-way along which the main is installed insofar as its current financial responsibilities, obligations and conditions will permit, and insofar as adequate water pressure is available at the point of delivery requested by the applicant or water user. The service pipe shall not be less than $\frac{3}{4}$ inch in size and the Owner will also install and pay for the Owner's main connection, meter and meter setting. The meter will be set at the point on the water user's premises designated by the Owner. The charge for services to be made by the Owner shall be that amount specified in the Rules and Regulations, or as otherwise provided by the Owner, but in no event shall it be less than the cost to the Owner.
6. *Right to Inspect* - Representatives of the Owner shall have the right at all reasonable hours to enter upon the water user's premises to read and test meters, inspect piping, and to perform other duties for the maintenance and operation of service, or to remove its meters and equipment upon discontinuance of service by the water user.
7. *Piping Work to be Inspected* - All piping work in connection with pipe and services connected with the Owner's main shall be submitted to the inspection of the Owner before such underground work is covered up. Whenever the Owner determines that a job of plumbing is obviously defective, although not in direct violation, the Owner may prescribe the type of materials and the standard of workmanship to be followed in enforcing this section.
8. *Intercepting Tank Required for Large Customers* - Service pipes shall not be connected to the suction side of pumps. The supply for use of a character requiring a large quantity of water within a short period will not be permitted except through intercepting or intermediate storage tanks.
9. *Check Valves, Flush Valves and Vacuum Breaker* - Water users having boilers or hot water systems connected with mains of the Owner must have a check valve in the supply pipe to the boilers and hot water heating systems, together with a release valve at some point between the check valve and the heating system. All water users are hereby cautioned against danger of collapse of boilers since it is sometimes necessary to shut off the supply of water without notice, and for this reason, a vacuum valve should be installed in the steam lines to prevent collapse in case the water supply is interrupted. The Owner, however will not be responsible for accidents or damages resulting from the imperfect action or failure of said valves.
10. *Cross-Connections and Interconnections* - The Owner will not allow to be made any physical connection in its water supply system to that of any other pipe system or equipment, where such other pipe system or equipment in any manner receives all or any part of its supply of water directly or indirectly from wells, streams, or any source other than that of the Water System of the Owner.

No interconnection or cross-connection, as defined below, shall be permitted. The making, causing or permitting of the installation or existence of any interconnection shall constitute a violation of the Rules and Regulations of the Owner and such prohibited connection shall be removed forthwith in a manner acceptable to the Owner and the duly constituted public health officials.

Failure to do so within two days from and after date of notification by the Owner may result in discontinuance of water service without further notice. When used in these Rules and Regulations, the following words and phrases shall have the meaning provided.

- a) *Cross- Connection* - A cross-connection is any pipe, valve or other arrangement or device, connecting the pipe lines of the Owner or facilities directly or indirectly connected therewith to

and with pipes or fixtures supplied with water from any source other than the lines of the Owner directly connected.

- b) *Interconnection* - An interconnection is a plumbing arrangement, other than a cross-connection, by which contamination might be admitted or drawn into the distribution system of the Owner, or into lines connected therewith, which are used for the conveyance of potable water.

The Owner shall have the right at all hours to enter upon water user's premises for the purpose of inspection and enforcement of this provision.

11. *Applicants Having Excessive Requirements* - In the event of an applicant whose water requirements are bound to exceed the Owner's ability to supply it from existing physical assets without adversely affecting service to other water users, the Owner will not be obligated to render such service, unless and until suitable financing is provided by the applicant to cover the additional physical assets. The Owner has no obligation to reimburse the applicant for any physical assets provided.
12. *Customer's Duty Regarding Service Lines* - The water user's service pipe and all connections and fixtures attached thereto shall be subject to the inspection of the Owner before the water will be turned on, if the Owner so elects, and all properties receiving a supply of water and all service pipes, meters and fixtures, including any and all fixtures within any improvements or buildings on said properties, shall at all reasonable hours be subject to inspection by any duly authorized agent of the Owner.

All service pipes shall be laid at all points at least forty-two (42) inches below the surface of the ground and shall be placed on firm and continuous earth so as to give unyielding and permanent support. They shall not be laid in sewer ditches. It shall be installed in the trench at least eighteen (18") inches in a horizontal direction, in undisturbed earth, from any other trench wherein are laid gas pipes, sewer pipes, or for other facility public or private. Such service lines shall not pass through premises other than that to be supplied unless the Owner shall so agree in writing.

Water user shall, at his own cost and expense, make all changes in the service pipe required or rendered necessary on account of changes in the street grades, relocation of mains, or other causes.

No fixture shall be attached to, or any branch made in, the service pipe between the main of the Owner and the water meter.

Any repairs or maintenance necessary to the service pipe or any pipe or fixture in or upon the water user's premises shall be performed by the water user at his sole expense and risk.

Service pipes must be kept and maintained in good condition and free from all leaks, and for failure to do so the water supply may be discontinued.

The Owner shall in no event be liable for any damage done or inconvenience caused by reason of any break, leak or defect in, or by water escaping from service pipes, or from fixtures on the premises of the owner or water user.

13. *No One But Owner's Employee's May Turn Water Off or On* - No one but an employee or a person authorized by the Owner shall turn on water or shut off water to any water user's property.
14. *Water Users Requiring Uninterrupted Supply* - The Owner will endeavor to give reasonable service, but does not guarantee a sufficient or uniform pressure, or an uninterrupted supply of water, and water users are cautioned to provide sufficient storage of water where an absolutely uninterrupted supply must be assured, such as for steam boilers, hot water heating systems, gas engines, etc. Fixtures or devices taking a supply of water directly from the service pipes, depending upon the hydraulic pressure of the pipe system of the Owner for supplying same under working pressure,

would do so at the risk of the parties making such attachments, as the Owner will not be responsible for any accidents or damages to which such fixtures or devices are subject.

Section 110.140: Fire Hydrants

Private fire hydrants may be installed by a written agreement with the Owner, provided that the Owner shall take into account all possible costs to the Owner and charge an equitable price therefore, all cost factors considered. Public fire hydrants may be installed by special agreement with the state, a municipality, political subdivision or political corporation and the Owner shall take into consideration the same factors when entering into such a contract.

In the event that the Owner undertakes to furnish fire hydrants as a part of the service to the water users of the Owner then all water users of the Owner shall be furnished with substantially the same degree of benefit from such hydrants and in the event that this is impossible, then those receiving a higher degree of benefit shall pay an additional charge above the rates for water herein provided for which shall be for such additional benefit. Such rates shall be equitable to all water users and shall depend upon cost studies made by the Owner's employees or consultants.

Section 110.150: Meters

Sub Section A. *Meters Furnished by Owner* - Meters will be furnished, installed, owned, inspected, tested and kept in proper operating condition by the Owner, without cost to the water user, except that such water user shall pay a connection fee as set forth in these Rules and Regulations, which shall not be refundable. The complete record of tests and histories of meters will be made according to methods of the American Waterworks Association by the Owner as often as deemed necessary by the Owner.

Sub Section B. *Meter Accuracy* - Service meter errors which do not exceed two per cent (2%) fast or slow shall be considered as being within the allowable limits of accuracy for billing purposes. The percentage of error will be considered as that arrived at by taking the average of the error at full load and that at ten per cent (10%) load, unless a water user's rate of usage is known to be practically constant, in which case the error at such constant use will be used.

Sub Section C. *Meter Location* - Meters shall be set in an accessible location on the outside of buildings, except where otherwise directed by the Owner. All meters shall be set horizontally and never connected into a vertical.

Sub Section D. *Requested Meter Tests* - Meter tests requested by water users shall be performed without cost to the water user if the meter is found to be in excess of two (2%) of the legal limits. Otherwise, the water user for whom the requested test was made will be charged for the cost of making the test.

Sub Section E. *Water User's Responsibility* - The water user shall be responsible for any damage to the meter installed for his service for any cause other than the test.

Section 110.160: Water User's Bill (Ordinance 243(c) 5/17/2010)

Sub Section A. Meters are read between the 20th and 25th of the month. Bills are mailed on or before the 5th of each month. Payment is due by the 15th of each month. Any payments received after the 15th of the month are subject to a 5% penalty. Shut-Offs for non-payment will begin on the 25th of the month and be completed by the last working day of the month. NO NOTICE IS REQUIRED. If water service is shut off for non-payment, a disconnect fee of twenty-five dollars (\$25.00) will be assessed by the Owner against that account. An additional fee of twenty-five dollars (\$25.00) shall be assessed by the Owner for reconnection of services. Reconnection of service will occur when all outstanding water and sewer charges plus the service fees for disconnect/reconnect are paid in full.

Sub Section B. All user accounts of the water and sewer service as provided by the Owner, having had services discontinued for non-payment shall be forwarded to a collection service, as contracted to by the Owner, by the 15th day following the disconnection of service. Any account abandoned shall immediately be forwarded to collections upon discovery. It shall be the responsibility of the user to notify the owner upon departure from the location and to finalize their account. The first date of notification shall be used in

assessing the final charges. In the event the user fails to notify the owner, the first notification of any new user will be used as the last day of occupancy for the previous user account. Any damage resulting to the water user or any property of the water user or the landowner of the property occupied by the water user shall not be the responsibility of the Owner, its agents or employees. The Owner, its agents and employees shall not be liable to the water user or the landowner of any property used, held, occupied, rented or leased by the water user for any such damage when disconnection is made according to these Rules and Regulations, and it shall be immaterial that no notice of such disconnection was given to the water user or to said property owner.

Sub Section C. In the event that water meters cannot be read at the close of the period for which billing is made because of inclement weather or the condition of the earth around the meters, which in the opinion of the Owner makes reading unusually difficult costly or impossible, then the bills may be estimated by using, at the discretion of the Owner, either the amount for water used by the water user in the previous billing period, or in the same billing period in the previous year, and the bill for such period shall be based upon such amount of water used. The meter reading and the bill rendered for any period subsequent to a period for which the bill of any water user shall be based upon such estimates shall take into account such estimates and such estimates shall be considered the actual amount of water consumed for the period or periods estimated. Estimates may be made in the case of one or more water users or for all water users of the Owner at the discretion of the Owner and it shall not be required that all bills be estimated in the event any one or more water users' bills are estimated as herein set forth.

Sub Section D. Bills may be submitted on a monthly, bimonthly or quarterly basis as the Owner may provide and direct in its actions establishing a rate schedule.

Sub Section E. The City of Pleasant Hope recognizes that at times, due to circumstances, a utility customer may not meet their obligation in a timely manner and deems it necessary to make exceptions to assist utility customers in their effort to remain current.

A Payment Plan is established in the event a user cannot meet their obligation to pay the current month's water and or sewer bill in full, then the user shall agree to in a written statement, on a form to be furnished by the owner, to provide a minimum payment of 50% (fifty percent) of the current month's billed amount and remit the balance due by the tenth of the next month. (Ordinance 251, 09/21/2009).

Section 110.170: Discontinuance of Water Service

Water service will be discontinued to any water user or property on account or temporary vacancy of such property upon written request of the water user, without in any way affecting the agreement in force, and upon payment of all charges due as provided in the Rules and Regulations of the Owner.

In the event that water service is discontinued for any reason other than the temporary vacancy of the property, or in the event that it is discontinued and another source of water supply is used for the property, then reconnection shall be made only in the event that the minimum bill for the period of disconnection shall be paid by the water user or owner of the property. In addition, all previously unpaid bills, plus six percent (6%) interest thereon, shall be paid before reconnection shall be allowed for such water user or property.

In the event that an applicant for water services has purchased or otherwise acquired the property and holds title thereto and the previous landowner had discontinued water service other than because of the temporary vacancy thereof, said applicant shall not be required to pay the above reconnection charges as a result of the conduct or actions of the previous landowner but shall be required to pay only a connection charge of twenty-five (\$25.00) dollars.

In the case of a water user who had disconnected from the water system for a reason other than the vacancy of the property, or in the case of a landowner of such property desiring to restore service, then such user or landowner shall pay a reconnection charge of twenty-five (\$25.00) dollars for reconnecting said property to the water system of the Owner.

Except in the case of failure of the water user to pay the bill owed the Owner of the water service, as set forth in these Rules and Regulations, the Owner will not discontinue the service of any water user for violation of any Rule or Regulation of the Owner, without written notice of at least two (2) days, mailed to such customer at his address as shown upon the Owner's records, or personally delivered to the water user or an adult member of the household, advising the water user which Rule or Regulation has been violated for which service will be discontinued if the violation is permitted to continue, provide however, that where

misrepresentation of use of water is with, or where a dangerous condition is found to exist on the water user's premises, service may be discontinued without notice in advance. Subject to the foregoing provisions, service rendered under any application, contract or agreement, may be discontinued by the Owner for any of the following reasons:

1. For willful or indifferent waste of water due to any cause.
2. For failure to protect from injury or damage the meter and connections, or for failure to protect and maintain the service pipe, or fixtures on the property of the water user or the property occupied by the water user in a condition satisfactory to the Owner.
3. For molesting or tampering by the water user, or others with the knowledge of the water user, with any meters, connections, service pipes, curb cocks, seals, valves or any other appliance of the Owner's controlling or regulating the water user's water supply.
4. For failure to provide to the Owner's employees or agents free and reasonable access to the property supplied, or for obstructing the way of ingress to the water meter or other appliances controlling or regulating the water user's water supply.
5. For non-payment of any account for water supplied, for water service, or for meter or service maintenance, or for any other fee or charge accruing under those Rules and Regulations, the rate schedule of the Owner.
6. In case of vacancy of the premises.
7. For violation of any Rules and Regulations of the Owner.
8. For any practice or act prohibited by the Missouri Division of Health.
9. For failure to allow any Owner's employee, officer, agent, or representative the right to inspect the water user's premises for any purpose set forth in these Rules and Regulations.

The discontinuance of the supply of water to a property for any reason shall not prevent the Owner from imposing any lawful remedy by action at law or otherwise for the collection of monies due from the water user or property owner.

Water will not be turned on to any property unless there is at least one adult person therein at such time to see that all water outlets in the premises are closed to prevent water damage by escaping water.

Only an employee, officer or agent of the Owner may turn on water and all applicants and water users are expressly forbidden to do so.

Tampering with or damaging a water meter shall carry a penalty of two hundred and fifty dollars (\$250.00).

Section 110.180: Agreement with Governmental and Public Bodies

The Owner may make specific water service contracts with the United States of America, and its agencies, the State of Missouri, and its agencies, school districts and municipal corporations, and all other political subdivisions of the state of Missouri and of the United States of America, differing from stipulations set out in the rate schedule and Rules and Regulations. Such contracts must receive written approval by the State Director of the USDA before being placed in effect.

Section 110.190: Future Connections (Ordinance 243(b) 7/19/2010)

Sub Section A. Definitions

General - The connection fees and impact fees set forth in this ordinance are vital to the expansion and replacement cost of the Combined Water and Wastewater System of the City of Pleasant Hope.

Connection Fee - The rate charged to the to the property owner for connection to the water and wastewater system.

Impact Fee - The rate charged to the property owner to be used for future expansion and replacement of the combined water and wastewater system.

Sub Section B. Schedule of Fees

1. Water service connection fees

METER SIZE INSIDE CITY LIMITS

3/4" X 5/8" \$550.00

2" \$ 1500.00

OUTSIDE CITY LIMITS

actual cost plus 25%

actual cost plus 25%

Meters and service connections larger than 2" will be charged at actual cost plus 10% inside the city limits and actual cost plus 25% outside of the city limits.

2. Wastewater connection fees

A four inch (4") wastewater tap shall be charged at the rate of \$150.00. It shall be the Owner/Owner's Plumbing Contractor's responsibility to make connection.

3. Subdivision development

Subdivision development will conform to the city ordinances relating to land development and subdivision standards.

Sub Section C. Impact Fees

All new Single Family and Multi-Family Residences and all Commercial Properties requiring a 3/4"x5/8" meter shall pay an impact fee of Two Hundred Fifty (\$250.00) Dollars per water meter connection and Two Hundred Fifty (\$250.00) Dollars per four inch (4") wastewater tap. Connections greater than 3/4"x5/8" shall pay an impact fee of \$500.00 and \$500.00 per four inch (4") wastewater tap.

Section 110.200: Main Extensions

Extensions of water mains and lines shall be made by the Owner upon written application on a form approved by the Owner. If said application is approved, the main or line shall be extended provided that:

1. Applicant pays all construction, engineering and legal expense of such extension. Said payment shall be made in advance to the Owner or at the discretion of the Owner may be placed in a special escrow account. If the cost and expense of such construction is not ascertainable, the cost thereof shall be estimated and said amount shall be paid the Owner or put in a special escrow account and applicant shall agree to pay any additional costs incurred for such extension.
2. Before granting to an applicant the right to make such extension or before entering into an agreement therefore, the Owner shall first determine that the extension will not materially affect in an adverse manner the service rendered to any existing customers of the Owner. In the event the Owner determines, based upon information furnished by its employees and consultants, that such information would have a material adverse effect upon existing water users of the Owner, then the Owner shall not permit such extension.
3. In the event the applicant desires to perform the construction, the applicant shall pay all engineering, legal and administrative costs incurred by the Owner incident to the approval of the plans and specifications for construction of the improvements, the perfecting of all rights of way, and other costs incident to the construction.

A qualified inspector furnished by the Owner shall inspect the construction and materials. The cost of this inspector shall be borne by the applicant.

Upon satisfactory completion and testing, the improvements shall be dedicated, free and clear of all encumbrances, to the Owner.

The Owner and the appropriate agency of the State of Missouri will approve all plans and specifications for main extensions or improvements.

Section 110.210: Multi-Unit Dwellings (Ordinance 243(d) 05/20/2013)

In the event that service is desired by a landowner of a multi-unit residence, said multi-unit residence being herein defined as a dwelling unit housing more than one family, and such definition shall include duplexes, triplexes, fourplexes, apartments and all similar structures and residences, then the landowner shall be required to acquire a water meter for each unit.

The City of Pleasant Hope shall be the sole judge and shall have full authority to determine how many units are contained in a residence and such determination shall be final and binding upon landowner of any such residence and upon any water user therein.

Section 110.220: Trailer Courts (Ordinance 243(d) 05/20/2013)

In the event that a trailer court, also known as a mobile home court, desires service, then the landowner shall be required a water meter for each trailer space.

Section 110.230: Rate for Tank Sales

The Board of Aldermen has the exclusive power to authorize tank sales or sales in bulk of water from such supply heads as it may designate at the rates to be determined by the Owner. The Owner may prohibit the sale of water in bulk to any user or non-user when water service is available from the Owner.

Section 110.240: Liability of Owner

The Owner shall not in any way or under any circumstances be held liable or responsible to any person or persons for any loss or damage from any excess or deficiency in the pressure, volume or supply of water due to any cause whatsoever. The Owner will undertake to use reasonable care and diligence in order to prevent and avoid interruptions and fluxuations in the service, but it cannot and does not guarantee that such will not occur. The Owner shall not be held responsible for any claim made against it by reason of the breaking of any mains or service pipes, or by reason of any interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs, and no persons shall be entitled to damages nor have any portion of a payment refunded for any interruption of service.

Section 110.250: Other

No person shall turn the water on or off at any street valve, corporation cock, curb cock or other street connection, or disconnect or remove any meter without the consent of the Owner.

Any complaint against the service or employees of the Owner should be made at the office of the Owner in writing.

The service pipes, meters and fixtures on the water user's property shall at all reasonable hours be accessible to the Owner for observation or inspection.

Section 110.300: Water Supply Shall Be Insufficient To Meet All of the Needs of the Water Users

In the event that the total water supply shall be insufficient to meet all of the needs of the water users, or in the event there is a shortage of water, the Owner may pro-rate the water available among the various users on such basis as it deemed equitable by the Owner and may also prescribe a schedule of hours, covering the use of water for purposes specified and require adherence thereto, or prohibit the use of water for certain specified purposes if at any time the total water supply shall be insufficient to meet all of the needs of all of the water users for domestic, livestock, garden and other purposes, and the Owner must first satisfy all the needs of the water users for domestic purposes before supplying any water for livestock purposes.

Chapter 200 – Wastewater Rules and Regulations (Ordinance 287 5/20/2013)

Section 210.001: Water & Sewer Departments Combined into Single Department (Ordinance 130 11/29/1988)

Section 210.002: Historical Development of the Water System

Sub Section A. The authorized Missouri Rural Water (Ordinance 257, 04/19/2010) to smoke test to ensure the integrity of the sewer system

Sub Section B. The addition of a Chlorination/Dechlorination System at the Lagoon as required by Department of Natural Resources also required the City to take out a Small Borrowers Loan not to exceed \$98,000. The Board of Aldermen authorized the issuance and sale of an obligation and authorizing certain actions in connection with the issuance and purchase of the obligations. (Ordinance 277 8/27/2012).

Section 210.100: Rules and regulations for the operation and use of public and private sewers

This includes but is not limited to drains, private sewage to disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s): and providing penalties for violations.

Section 210.101: Definitions

Unless the context specifically indicates otherwise:

Applicant - shall mean any individual, firm, partnership, corporation or other agency owning land within the municipality applying for a sewer service.

Board - shall mean the Board of Aldermen of the City of Pleasant Hope, Missouri.

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 degrees Celsius expressed in milligrams per liter (mg/l).

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.

Building Sewer - shall mean the extension from the building drain to the public sewer or other place of disposal.

City - shall mean the City of Pleasant Hope, Missouri

Combined Sewer - shall mean a sewer receiving both surface runoff and sewage.

Contributor Charge - shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the Wastewater Treatment System.

Commercial Contributor – shall mean any contributor to the City Wastewater Treatment System who is classified as industrial, institutional, commercial and whose lot, parcel or real estate, or building is not used for residential purposes.

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.

Industrial Wastes - shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Natural Outlet - shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Normal Domestic Wastewater - shall mean wastewater that has a BOD concentration of not more than 200 mg/1 and a suspended solids concentration of not more than 250 mg/1.

Operation and Maintenance - shall mean all expenditures during the useful life of the Wastewater Treatment System for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

Person - shall mean any individual, firm, company, association, society, corporation, or group.

pH - shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly Shredded Garbage - shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Private Sewage Disposal System – shall mean a non-municipal on-site sewage disposal system regardless of lot size or acreage.

Public Sewer - shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Public Works Director - shall mean the person or persons duly authorized by the City of Pleasant Hope to inspect and approve the installation of building sewers and their connection to the public sewer system.

Replacement - shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the Wastewater Treatment System to maintain the capacity and performance for which such works were designed and constructed. The term "Operation and Maintenance" includes replacement.

Residential Contributor - shall mean any contributor to the City Wastewater Treatment System whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

Sanitary Sewer - shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Sewage - shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

Sewer - shall mean a pipe or conduit for carrying sewage.

Sewer/wastewater – use and services is also known as sewer/wastewater usage and services.

Shall - is mandatory: *May* - is permissive.

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.

SS - (denoting 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.

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.

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.

Useful Life - shall mean the estimate period during which a treatment system or its components will be operated.

Watercourse - shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Wastewater Treatment System - shall mean any devices, systems for the storage or treatment, recycling and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewer/wastewaters, outfall sewer/wastewaters, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; sewer/wastewater extension improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment, including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application; or any other method or system for preventing abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste.

Water meter - shall mean a water volume measuring and recording device, furnished and/or installed by the City Of Pleasant Hope or furnished and/or installed by a user and approved by the City Of Pleasant Hope.

Water/Wastewater Operator - shall mean the manager of the Wastewater Treatment and/or of Water Pollution Control of the City of Pleasant Hope or his authorized deputy, agent, or representative.

Section 210.110: General

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner or public or private property within the City of Pleasant Hope, Missouri, or in any area under the jurisdiction of said City of Pleasant Hope, Missouri, any human or animal excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City of Pleasant Hope, Missouri, or in any area under the jurisdiction of said City of Pleasant Hope, Missouri, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
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.
4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Pleasant Hope, Missouri and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City of Pleasant Hope, Missouri, 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 One Hundred Eighty (180) Days after date of official notice to do so, provide that said public sewer is within Three Hundred (300) Feet (91.4) Meters of the property line.

Section 210.120: Compliance

1. Where a public sanitary or combined sewer is not available under the provisions of Section 210.110(1) of this Chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this ordinance, the requirement of Polk County as

defined in the county On-Site Disposal Ordinance and the State of Missouri RSMo 701.025 to 7010.59.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the City Of Pleasant Hope, Missouri. The application for such permit shall be made on a form furnished by the City Of Pleasant Hope, Missouri, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City Of Pleasant Hope, Missouri. A permit and inspection fee of Ten (\$10.00) dollars shall be paid to the City of Pleasant Hope, Missouri at the time the application is filed.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Of Pleasant Hope, Missouri. 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 City Of Pleasant Hope, Missouri when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within Eight (8) hours of the receipt of notice by the City Of Pleasant Hope, Missouri.
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 (commonly known as lateral lines) where the area of the lot is less than 43,560 square feet (One Acre). Three acres is recommended. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, 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..
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 of Pleasant Hope, Missouri.
7. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

Section 210.130: Permits

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 Public Works Director.
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 of Pleasant Hope. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. A permit and inspection fee of TEN (\$ 10.00) dollars for sewer permit shall be paid to the City at the time the application is filed.
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 of Pleasant Hope from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
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.

5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Director, to meet all requirements of this ordinance.
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 of Pleasant Hope.
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.
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.
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 of Pleasant Hope. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Works Director before installation.
10. The applicant for the building sewer permit shall notify the Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or his representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Pleasant Hope.

Section 210.130: Storm Water Compliances

1. No person shall discharge or cause to be discharged any storm water, 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.
2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined or storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works Director, to a storm sewer, combined sewer, or natural outlet.
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 gasses in sufficient quantity, either singly 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/1 as CN in the wastes as discharged to the public sewer.

- c) Any waters or wastes having a pit 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.
- 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 no limited to, ashes, cinders, sand, mud shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and flesh, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Any waters or wastes having:

- 1. a 5-day BOD 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 Public Works Director, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- 1. reduce the bio-chemical 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 Public Works Director and no construction of such facilities shall be commenced until said approvals are obtained in writing.

- 4. 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 above, and which in the judgment of the Public Works Director 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 Public Works Director may:
 - a) Reject the wastes
 - b) Require pre-treatment to an acceptable condition for discharge to the public sewers
 - c) Require control over the quantities and rates of discharge
 - d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- 5. If the Public Works Director 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 Public Works Director, and subject to the requirements of all applicable, codes, ordinances, and laws.
 - 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/1 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 metric) or greater shall be subject to the review and approval of the Public Works Director.
 - 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 Public Works Director 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 Public Works Director as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of 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 Superintendent 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 concentration 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 DOD, 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 or treatment or reduction by the sewage treatment processes employee 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.
 - k) Any waters or wastes having (1) a 5-day BOD 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 City Of Pleasant Hope, Missouri. Where necessary in the opinion of the City Of Pleasant Hope, Missouri, the Owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 200 parts per million by weight, and (2) reduce the suspended solids to 200 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 City Of Pleasant Hope, Missouri and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- 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 above, and which in the judgment of the Public Works Director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
 - a) Reject the wastes.
 - b) Require pre-treatment to an acceptable condition for discharge to the public sewers.
 - c) Require control over the quantities and rates of discharge.
 - 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 210.160 of this Article.

If the Public Works Director 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 Public Works Director, and subject to the requirements of all applicable, codes, ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Works Director, and shall be located as to be readily and easily accessible for cleaning and inspection.
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.
8. When required by the Public Works Director, 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 Public Works Director. 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.
9. All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods of 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.
10. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City Of Pleasant Hope, Missouri and any industrial concern whereby any industrial waste of unusual strength or character may be accepted by the City Of Pleasant Hope, Missouri for treatment, subject to payment therefor, by the industrial concern.

Section 210.140: Tampering

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.

Section 210.150: Inspection Authority

1. The Public Works Director 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 Public Works Director or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, ceramic, paper, or other industries beyond that a direct bearing on the kind and source of the sewers or waterways or facilities for waste oil, refining, point having discharge to treatment.
2. While performing the necessary work on private properties, the Public Works Director 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 the gauging and sampling operation, except as by negligence or failure of the company conditions and growing out of such may be caused to maintain safe conditions.

3. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
4. Any person found to be violating any provision of this ordinance 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.
5. Any person who shall continue any violation beyond the time limit provided by the City of Pleasant Hope, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding (\$ 100.00) ONE HUNDRED dollars for each violation. Each day in which any such violations shall continue shall be deemed a separate offense.
6. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

Section 210.160: Assessed Service Charges:

There is hereby assessed against and, the City of Pleasant Hope shall collect, sewer/wastewater service charges for the use and/or services rendered by the City Wastewater System from the owners or occupants of each lot, parcel of real estate or building which is connected to City Wastewater System or which discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the City Wastewater System. The rates, fees, and charges for the use and services or availability of the use and services of the City Wastewater System owned and operated by the City of Pleasant Hope, shall be necessary and adequate to provide for the maintenance, operation and improvement of such Wastewater System Treatment are as hereinafter specified:

Sub Section A. No wastewater/sewer/wastewater services shall be furnished or rendered by the City's Wastewater System or the use of any of the facilities free of charge to any customer or contributor.

Sub Section B. Monthly bills are required and all contributors shall be charged and collected by the City of Pleasant Hope, for wastewater/sewer/wastewater service furnished or made available by the City Wastewater System. The shall be based upon the quantity of water used and shall be measured by the water meter or meters installed on the premises or for which service is available, unless suitable wastewater measuring and recording equipment is furnished and maintained by the person receiving service and approved by the City.

Sub Section C. For residential contributors, monthly charges shall be based on metered water service except for the months of June, July, August and September which an average monthly flat rate for water used during the months of January, February and March shall be billed. If a residential contributor has not established a January, February and March average, the monthly charge shall remain metered until such time that an average rate can be established.

Sub Section D. For industrial, institutional and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense and in a manner acceptable to the City. Said charges shall be as follows:

For all residential contributors or persons for whom service is available, \$11.00 per month plus \$2.70

per 1,000 gallons except as stated in the following paragraph.

For any industrial, commercial or other contributor who discharges processed wastewater or other wastewater into the City Wastewater Treatment System which contains more than 1.7 pounds of BOD per thousand gallons and/or more than 2.0 pounds of suspended solids per thousand gallons, a charge of \$11.00 per month plus \$2.70 per thousand gallons for all wastewater discharged, plus \$ 0.252 per pound for each pound of BOD in excess of 1.7 pounds per 1,000 gallons, plus \$ 0.252 per pound for each of suspended solids in excess of 2.0 pounds per 1,000 gallons. The user charges put into effect by this ordinance includes an additional allowance for inflow and infiltration into the collection and interceptor system.

For residential wastewater contributors without City water, an annual monthly flat rate equal to the average flat winter rate for all residential contributors shall be billed monthly and reviewed annually in April and adjusted for the New Year starting January 1st.

Project-related revenues (e.g. sale of sludge or effluent; sale of crops or hay grown on Wastewater lots, parcels, or real estate are to be used to offset the cost of operational and maintenance costs of the Wastewater Treatment System.

Section 210.170: Funds Collected Under this Ordinance Shall be Deposited as Follows:

Sub Section A. Sewer Replacement & Extension Fund: A Sewer Replacement and Extension Fund has been created and established in the treasury of the City and a minimum of \$6,000.00 shall be deposited annually into said account solely to pay the cost of any unusual or extraordinary maintenance, repairs or replacements, exclusive of any normal operational expenses, or for the purpose of paying the cost of extensions or improvements to the system which will either enhance its revenue producing capacity or provide a higher or better degree of service or for the purpose of replacing or repairing portions of the system or major items of the plant and equipment which have been either fully depreciated and are worn out or have become obsolete, uneconomical or inefficient.

Sub Section B. Sewer Revenue Fund: A Sewer Revenue Fund has been created and established in the treasury of the City for all of the income and revenues of the Wastewater Treatment System, including all income and revenues from all extensions and improvements constructed or acquired, will be paid into the Sewer Revenue Fund and that the same will not be mingled with any other funds of the City. The current expenses of operation and maintenance of the City Wastewater Treatment System, as hereinafter defined, shall be paid by the City from month to month as the first charges against the Sewer Revenue Fund as the same become due and payable. Such current expenses shall include all reasonable and necessary costs of operating, repairing, maintaining and insuring the system. The City agrees that the current expenses of the operation and maintenance of the system in any year shall not exceed the reasonable and necessary amounts.

All moneys held in the Sewer Revenue Fund and Sewer Replacement and Extension Fund and any accounts created and maintained under the terms and provisions of this Ordinance shall be kept on deposit in separate bank accounts, in a bank or banks which are insured by the Federal Deposit Insurance Corporation (FDIC).

Section 210.180: Rates for all classes of contributors shall be reviewed at least annually:

Sub Section A. To maintain the proportionate distribution of operation and maintenance costs between contributors and contributor classes.

Sub Section B. To generate sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including replacement) of the Wastewater Treatment System

Sub Section C. To apply excess revenues collected from a class of contributors to the cost of operation attributable to that class or contributors for the next year, and to adjust the rate accordingly.

Section 210.190: Cost of Managing the Effluent or the Sludge

Any contributor which discharges any toxic or unusually large amount of pollutants which cause an increase in the cost of managing the effluent or the sludge from the City Wastewater Treatment System, or any contributor which discharges any substance which singularly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the Wastewater Treatment System, shall pay for such increased costs. The charge to each such contributor shall be determined by the Waste & Wastewater Operator and approved by the Board of Aldermen.

Section 210.200: Calculation of Wastewater Service Usages and Rendering of Charges.

All water meters shall be read and bills for both water and wastewater services shall be rendered monthly. The City shall calculate the amount of each bill for water service for the specified period and shall then add the amount for wastewater charges based on the rates in Section 200.200 of this Ordinance computed as specified, and shall render to each customer a single combined bill for such water and wastewater services.

Water meters are read between the 20th and 25th of the month. Bills are mailed on or before the 5th of each month. Payment is due by the 15th of each month. Any payments received after the 15th of the month are subject to a 5% penalty.

All user accounts of the water and wastewater service as provided by the City of Pleasant Hope, having had services discontinued for non-payment shall be forwarded to a collection service, as contracted by the City of Pleasant Hope, by the 15th day following the disconnection of service. Any account abandoned shall immediately be forwarded to collections upon discovery. It shall be the responsibility of the contributor to notify the City upon departure from the location and to finalize their account. The first date of notification shall be used in assessing the final charges. In the event the contributor fails to notify the City, the first notification of any new contributor will be used as the last day of occupancy for the previous contributor account. Any damage resulting to the water/wastewater user or any property of the water/wastewater user or the landowner of the property occupied by the water/wastewater user shall not be the responsibility of the City, its agents or employees. The City, its agents and employees shall not be liable to the water/wastewater user or the landowner of any property used, held, occupied, rented or leased by the water/wastewater user for any such damage when disconnection is made according to these Rules and Regulations, and it shall be immaterial that no notice of such disconnection was given to the user or to said property owner.

In the event that water meters cannot be read at the close of the period for which billing is made because of inclement weather or the condition of the earth around the meters, which in the opinion of the City makes reading unusually difficult costly or impossible, then the bills may be estimated by using, at the discretion of the City, either the amount for water used by the water user in the previous billing period, or in the same billing period in the previous year, and the bill for water and wastewater for such period shall be based upon such amount of water used. The meter reading and the bill rendered for any period subsequent to a period for which the bill of any water user shall be based upon such estimates shall take into account such estimates and such estimates shall be considered the actual amount of water consumed for the period or periods estimated. Estimates may be made in the case of one or more water users or for all water users of the City at the discretion of the City and it shall not be required that all bills be estimated in the event any one or more water users' bills are estimated as herein set forth. Bills may be submitted on a monthly, bimonthly or quarterly basis as the City may provide and direct in its actions establishing a rate schedule.

Section 210.210: Future Connections:

Sub Section A. Generally

The connection fees and impact fees set forth in this ordinance are vital to the expansion and replacement cost of the Combined Water and Wastewater System of the City of Pleasant Hope.

Sub Section B. Definitions

Connection Fee - The rate charged to the to the property owner for connection to the wastewater system.

Impact Fee - The rate charged to the property owner to be used for future expansion and replacement of the combined water and wastewater system.

Sub Section C. Schedule of Fees**1. Water service connection fees:**

METER SIZE INSIDE CITY LIMITS		OUTSIDE CITY LIMITS
3/4"x5/8"	\$550.00	actual cost plus 25%
2"	\$1500.00	actual cost plus 25%

Meters and service connections larger than 2" will be charged at actual cost plus 10% inside the city limits and actual cost plus 25% outside of the city limits.

2. Wastewater connection fees

A four inch (4") wastewater tap shall be charged at the rate of \$150.00. It shall be the Homeowner/Owner's Plumbing Contractor's responsibility to make connection.

3. Subdivision development

Subdivision development will conform to the city ordinances relating to land development and subdivision standards.

Sub Section D. Impact Fees

All new Single Family and Multi-Family Residences and all Commercial Properties requiring a 3/4"x5/8" meter shall pay an impact fee of Two Hundred Fifty (\$250.00) Dollars per water meter connection and Two Hundred Fifty (\$250.00) Dollars per four inch (4") wastewater tap. Connections greater than 3/4"x5/8" shall pay an impact fee of \$500.00 and \$500.00 per four inch (4") wastewater tap.

Sub Section E. Main Extensions

Extensions of wastewater mains and lines shall be made by the City of Pleasant Hope upon written application on a form approved by the Board of Aldermen. If said application is approved, the main or line shall be extended provided that:

Applicant pays all construction, engineering and legal expense of such extension. Said payment shall be made in advance to the City or at the discretion of the City may be placed in a special escrow account. If the cost and expense of such construction is not ascertainable, the cost thereof shall be estimated and said amount shall be paid the City or put in a special escrow account and applicant shall agree to pay any additional costs incurred for such extension.

Before granting to an applicant the right to make such extension or before entering into an agreement therefore, the City shall first determine that the extension will not materially affect in an adverse manner the service rendered to any existing customers of the City. In the event the City determines, based upon information furnished by its employees and consultants, that such information would have a material adverse effect upon existing users of the City Wastewater Treatment System, then the City shall not permit such extension.

In the event the applicant desires to perform the construction, the applicant shall pay all engineering, legal and administrative costs incurred by the City incident to the approval of the plans and specifications for construction of the improvements, the perfecting of all rights of way, and other costs incident to the construction.

A qualified inspector furnished by the City shall inspect the construction and materials. The cost of this inspector shall be borne by the applicant.

Upon satisfactory completion and testing, the improvements shall be dedicated, free and clear of all encumbrances, to the City.

The City and the appropriate agency of the State of Missouri will approve all plans and specifications for main extensions or improvements.

Sub Section F. Multi-Unit Dwellings

In the event that wastewater service is desired by a landowner of a multi-unit residence, said multi-unit residence being herein defined as a dwelling unit housing more than one family, and such definition shall include duplexes, triplexes, four-plexes, apartments and all similar structures and residences, then the landowner shall be required to acquire a water meter for each unit.

The City shall be the sole judge and shall have full authority to determine how many units are contained in a residence and such determination shall be final and binding upon landowner of any such residence and upon any water/wastewater user therein.

Sub Section G. Multi-Unit Dwellings

In the event that a trailer court, also known as a mobile home court, desires wastewater service, then the landowner shall be required to have a water meter for each trailer space and a separate wastewater connection for each trailer space.

Section 200.220: Liability of City

The City shall not in any way or under any circumstances be held liable or responsible to any person or persons for any loss or damage from any excess or deficiency in the wastewater service due to any cause whatsoever. The City will undertake to use reasonable care and diligence in order to prevent and avoid interruptions and fluxuations in the service, but it cannot and does not guarantee that such will not occur. The City shall not be held responsible for any claim made against it by reason of the breaking of any mains or service pipes, or by reason of any interruption of the wastewater lines caused by the breaking of machinery or stoppage for necessary repairs, and no persons shall be entitled to damages nor have any portion of a payment refunded for any interruption of service.

Chapter 300 – Electric Company Service Agreements & Franchises

Section 300.100: License & Occupation Tax - Light and Power

Companies (Ordinance 48, 04/08/1985)

Sub Section A. Generally

An Ordinance establishing a license and occupation tax on light and power companies operating in the City of Pleasant Hope, Missouri; and providing for the levying and collection of said license and occupation tax commonly known as a Franchise Tax.

Sub Section B. Every Light and Power Company

Every light and power company their successors and assigns, generating, manufacturing, selling, distributing, transmitting, supplying and furnishing electricity, electric power, electric energy, and electric service in the City of Pleasant Hope, shall, for the privilege of doing business and engaging in said occupation therein, pay to the City of Pleasant Hope a license and occupation tax.

Sub Section C. Rates

The license and occupation tax herein provided shall be a sum equal to 2.913 percent of the gross receipts derived from the transaction of the Licensee's business within the City of Pleasant Hope.

Sub Section D. Definitions:

The term "gross receipts" when used in this ordinance shall mean:

1. Except as otherwise provided herein, all monies collected and received by the Licensee from the manufacture, distribution and sale of electric power and energy to all the licensee's customers with the present and future boundaries of the City of Pleasant Hope served under rate schedules as now or hereafter approved by the Missouri Public Service Commission for residential, commercial and industrial service having a reserve capacity of 40 kilowatts of less, before any deductions are made by the licensee for any expenses, costs or charges of any kind.
2. "Gross Receipts" shall not include:
 - a) Late charges and interest collected and received by Licensee.
 - b) All monies collected and received by Licensee from churches, schools and church schools.

The term "light and power company" when used in this ordinance shall include every corporation, company, association, firm and individual which is an "electrical corporation" owning and operating an "electric plant" as a "public utility" as defined in the Missouri Public Service Commission Law (Chapters 386 and 393 RSMo).

Sub Section E. calculating and due date for payment

1. The said tax shall be computed on the gross receipts collected and received by the Licenses from the first day through the last day of each month during which the Licensee is doing business and engaged in said occupation beginning on April 8, 1985.
2. After the end of each month on which the Licensee shall pay the tax shall be in the a form that reports the gross receipts which are subject to said tax.
3. The due date for payment shall be a mutually agreed date between the City of Pleasant Hope and the Licensee.

Section 300.200: Empire District Electric Street Lights Service Agreement

(Ordinance 194, 11/15/2002)

Sub Section A. Generally

An ordinance authorizing and providing a contract between the City of Pleasant Hope, Missouri (hereinafter sometimes called the City) and The Empire District Electric Company (hereinafter sometimes called the Company), its successors or assigns, for electric service and equipment to light the City's streets, alleys, and public ways, electric service for light and power for the City's parks, other properties and public places, for a term of years, and specifying the prices to be paid for such lighting and power service, and the terms and conditions of such contract; and in consideration of Company's covenants and obligations contained herein and Company's acceptance of the terms and conditions contained herein including but not limited Company's agreement to payment by the Company of the License and Occupation Tax imposed upon Company by Ordinance No. 46-B of the City as full

payment by the Company of any Occupation Tax, Franchise Tax, License Tax, or any similar tax or charge imposed upon the Company by the City (other than the License and Occupation Tax imposed upon the Company by Ordinance No. 46-B of the City, or any amendment thereof) for the establishment, operation and maintenance of the Company's facilities within the City; except providing further that nothing herein shall prohibit the City from lawfully collecting motor vehicle license fees and any ad valorem tax on the Company's real estate and personal property."

Sub Section B. Be it ordained by the Board of Aldermen as follows:

1. That said City of Pleasant Hope, Missouri is hereby authorized and does contract with The Empire District Electric Company, a corporation, its successors or assigns for electric service and equipment to light the City's streets, alleys and public ways; and electric service for light and power for the City's parks, other properties and public places.
2. The City and the Company mutually agree that this ordinance will constitute a contract and that all of its terms, conditions and provisions for payment shall be in effect for a period of two (2) years from the date of execution; and shall be automatically extended for a further period of two (2) years from each successive expiration date unless one party shall notify the other in writing not less than sixty (60) days prior to any such expiration date of its desire to terminate this agreement; and further providing that this contract shall not be effective for a total period exceeding ten (10) years.
3. The Company agrees to furnish and the City agrees to use and pay for the street lighting service described in SPL Street Lighting data sheet, designated Exhibit A, attached hereto and made a part hereof, and for any and all additional street lighting service subsequently agreed upon under the terms of this contract or any amendment hereto, according to the rates and Conditions set out in the Municipal Street Lighting Service Schedule SPL, attached hereto and made a part hereof.
4. When, by agreement with the City, the Company shall install, own, operate and maintain street lights charged under Schedule SPL, or is required to provide special or excessive electric facilities to serve City owned street lighting systems served under Schedule SPL, there shall be charged, in addition to the rates hereinbefore set out, a Facilities Usage Charge, payable as herein provided, as mutually agreed upon by the parties.
5. It is agreed that the Facilities Usage Charge shall be computed at the rate set forth in Municipal Street Lighting Service Schedule SPL as now or in the future approved by competent authority having jurisdiction. Said rate shall be applied to the investment in Company owned street lights and special or excessive electric facilities to serve City owned street lights utilized by the City under Schedule SPL. The total of such investment by the Company is \$17,095.00 and the total of the Facilities Usage Charge shall be \$1,538.55 until additional street lights are requested by the City and installed by the Company and this contract amended by written agreement. Such Facilities Usage Charge shall be due and payable by the City of Pleasant Hope, Missouri, to the Company so long as the street lights and/or special electric facilities herein shall be utilized by said City, but for a term of not less than ten (10) years from date hereof, and shall be payable as provided in said Schedule SPL.
6. The Company agrees to change the location of any street lamp in use upon the written request of the City, provided the City shall pay the Company the actual cost thereof.
7. The Company shall furnish and the City shall take and pay for all electric service for municipal use, other than street lighting service, as may be required from time to time by the City in its parks, buildings, properties and public places, according to the rates and provisions of the filed standard rate schedules of the Company, and subject to the valid rates, rules and regulations of any competent regulating authority of Company.
8. The rates and conditions set forth in the attached Schedule SPL, and all applicable rates, rules and regulations of the Company filed with competent authority having jurisdiction as now or hereafter promulgated, shall be allowed provided the City utilizes the Company's service for its entire requirements for electric or power service and the Company serves the City under the provisions of an electric franchise having an original term of not less than ten (10) years;

and Company's agreement to pay the License and Occupation Tax imposed upon Company by Ordinance No. 46-B of the City; shall be accepted by the City as full payment of any Occupation Tax, Franchise Tax, License Tax or any similar tax or charge imposed upon the Company by the City (other than the License and Occupation Tax imposed upon the Company by Ordinance No. 46-B of the City, or any amendment thereof) for the establishment, operation and maintenance of the Company's facilities within the City; provided however, that nothing herein shall prohibit the City from lawfully collecting motor vehicle license fees or any ad valorem tax on the Company's real estate and personal property.

9. The Company agrees to protect the City and save it harmless from any and all loss, damage or expense to persons or property which is caused by the negligence of the Company in its use or maintenance of any and all equipment owned by and used to supply service under this contract. The City agrees to protect the Company and save it harmless from any and all loss, damage or expense to persons or property which may arise due to the use or maintenance of any street lighting equipment owned by the City, unless such loss, damage or expense be the sole and proximate result of the Company's negligence.
10. The Company agrees to exercise reasonable care in maintaining the facilities to be maintained by it and in rendering the service to be rendered by it in the performance of this contract, so that the said service and said facilities may be furnished and maintained in a satisfactory manner.

Section 310.100: Southwest Electric Service and Franchise Agreement

(Ordinance 230, 07/16/2007)

Sub Section A. Generally

Ordinance 230 is an ordinance granting a franchise for a period of twenty (20) years to Southwest Electric Cooperative, a corporation and its successors and assigns: to construct, acquire, operate and maintain electric facilities and systems in the City Of Pleasant Hope, Polk County, Missouri. And to furnish electric power and energy to the city and to the inhabitants thereof and to use streets, roads, alleys and other public places within said city.

Sub Section B. Be it ordained by the Board of Aldermen as follows:

1. That the City of Pleasant Hope, Polk County, Missouri (hereinafter referred to as the ("Municipality")), does hereby grant unto Southwest Electric Cooperative, a corporation, organized under the laws of the State of Missouri, with its principal office in Bolivar, Missouri (hereinafter referred to as the "Cooperative"), its successors and assigns, the right, permission, authority, privilege and franchise to operate within the corporate limits of the Municipality (as such limits now exist or may be altered) for the purpose of:
 - i. erecting or acquiring, installing, owning, operating, repairing, and maintaining an electric distribution system and all facilities, equipment and appurtenances thereto as may be necessary to accomplish any of the purposes set forth herein; and
 - ii. for the purpose of conducting, supplying, distributing, and selling electric energy to either the Municipality, its inhabitants, or both, for light, power, heat, and other lawful purposes, for public and private use therein; and
 - iii. for the purpose of procuring said electric energy, or any part thereof, at other points and to carry the same into said Municipality and mere make distribution and sale thereof, and the further right in said Cooperative to transmit any of said electric energy from or through said municipality for sale outside the limits thereof.
2. That, for the purposes aforesaid, the Municipality hereby grants and conveys to the Cooperative, its successors and assigns the right and authority to enter upon and use such of the streets, lanes, avenues, alleys, sidewalks, bridges and public grounds of the Municipality, as its limits now exist or may be altered, and the space above and below them as may be necessary to render the electric service referred to in "Section I" above, with the poles, wires (above ground or there under) and other apparatus, equipment and necessary appliances. The Municipality further grants and conveys it the Cooperative the right to cut and trim all trees and shrubbery insofar as may be necessary to provide the electric service referred to herein. The Municipality further grants and conveys to Cooperative the right to cut and trim all trees and shrubbery insofar as may be necessary to keep them clear of Cooperative's poles, wires, and other fixtures and equipment.

3. That the Cooperative shall use every reasonable precaution to avoid damage or injury to person or property, and the Cooperative agrees to indemnify and hold the Municipality free and harmless of and from any and all liability, damage, injury, suits, actions, loss or expense caused by or resulting from the negligence of the Cooperative in the erection, installation, construction, reconstruction, maintenance, repairing, operation, management or control of said electric distribution system in the Municipality. The Cooperative also agrees to repair any damages occurring in, along, under or above the public rights of way and the roads, streets, water lines, sewer lines or other public facilities located therein that is caused by the construction or maintenance of the Cooperative's electric distribution facilities.
4. That, during the location, erection, installation, construction, maintenance, repairing and operation of said electric distribution system, the Cooperative shall not unnecessarily impede public travel on the streets, lanes, avenues, alleys, sidewalks, bridges and public grounds of the Municipality.
5. The Cooperative agrees that it will furnish continuous and uninterrupted electric service from the beginning of such service to the end to the franchise period, except for interruptions caused by strikes, riots, Governmental interference or regulation, acts of Providence, accidents beyond the control of the Company, or necessary maintenance or replacements.
6. Subject to the terms of applicable attachment agreements that may be in existence, the Cooperative agrees to provide nondiscriminatory access to any pole, duct, conduit, or right of way owned or controlled by the Cooperative to any cable television system operator or telecommunications carrier, including the Municipality operating as such. Notwithstanding this obligation, and subject to the terms of applicable attachment agreements, the Cooperative may deny such access where there is insufficient capacity or for reasons of safety, reliability and generally applicable engineering purposes. Requests for access to the Cooperative's poles, ducts, conduits, or rights of way by a cable television system operator or telecommunications carrier must be in writing. If access is not granted within ninety (90) days of the request for access, the Cooperative must confirm the denial in writing by the 90th day. The Cooperative's denial of access shall be specific, include all relevant evidence and information supporting its denial, and explain how such evidence and information relate to denial of access for reasons of lack of capacity, safety, reliability or engineering standards. In any such pole attachment agreement, the Cooperative shall provide a cable television system operator or telecommunications carrier notice prior to
 - i. removal of facilities or termination of any service to those facilities, such removal or termination arising out of a rate, term or condition of the pole attachment agreement; or
 - ii. any increase in pole attachment rates; or
 - iii. any modification of facilities other than routine maintenance or modification in response to emergencies. So long as the provision of 47 C.F.R. Sections 1.1404 through 1.1448, inclusive, shall remain in effect and provide a procedure for resolving complaints by cable television system operators or telecommunication carriers to a decision by the Cooperative to deny access, or any other action by the Cooperative that is adverse to the cable television system operator or telecommunication carriers, the provisions of said Regulations shall govern such complaints. If, however, federal law and regulation shall, during the term of this franchise, fail to provide a procedure for resolving complaints by cable television system operators or telecommunication carriers against the Cooperative for denial of access or other adverse action, such disputes shall be resolved in the manner, if any, which is otherwise specifically mandated by federal or state law. If no such procedures are specifically mandated, any such disputes shall be resolved pursuant to the Uniform Arbitration Act of Missouri (Chapter 435 RSMo); provided, however that appointment of arbitrators shall be by each of the two parties selecting an arbitrator and the two arbitrators selecting a third, and that venue for any arbitration hearing shall be in the country where the attachments are located. Any attachment agreement presented by the Cooperative to a cable television system operator or telecommunications carrier operating with the Municipality shall not contain any provisions, which are inconsistent with the provisions of this "Section 200.100, Sub Section B (6)."

7. All of the terms and provisions of this Ordinance shall be binding upon the parties hereto, and upon their respective successors and assigns.
8. The franchise and all rights granted herein shall continue and remain in full force and effect for a period of twenty (20) years from and after the effective date of this Ordinance, as set forth in Section 310.100 hereof, provided written acceptance is made by the Cooperative, signed by its proper officers, and filed with the City Clerk within a period of sixty (60) days from and after said effective date.
9. That in consideration of the rights and privileges granted herein the Cooperative shall pay to the Municipality in cash on or before the fifteenth (15th) day of each month during the term of this franchise a sum equal to three percent (3%) of the amount received by the Cooperative during the last preceding month for electric energy furnished to all consumers which it serves within the corporate limits of the Municipality, except for all electric energy furnished to the Municipality.
10. That the payment to be made by the Cooperative shall be in lieu of all special taxes or assessments, license taxes or fees, occupation taxes, rental taxes or charges and charges for police supervision, inspection or protection, or similar charges which the Municipality otherwise might now or hereafter, during the aforesaid period, be empowered to levy upon, assess against, or collect from the Cooperative, its successors and assigns; but shall not eliminate the general property taxes.
11. Severability. If any section, Sub Section, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Chapter 400 - Franchise Agreement with Missouri Gas Utility

Section 400.100: Providing For A Natural Gas Franchise (Ordinance 258, 05/18/2010)

Sub Section A. The City of Pleasant Hope has been in long-running negotiations with Missouri Gas Utility, Inc. for the purpose of obtaining natural gas utilities for the citizens and businesses of the City

Sub Section B. The City of Pleasant Hope has proposed the granting of a Natural Gas Franchise to Missouri Gas Utility, Inc. that would provide the citizens and businesses of the City with access to natural gas utilities pursuant on the 15th day of February, 2010; and

Sub Section C. A final draft of the proposed Franchise Agreement was placed on file with the City Clerk for public inspection on the 15thday of February, 2010.

Sub Section D. A public hearing was held before the Board of Aldermen for the City of Pleasant Hope on the 19th day of April, 2010, at which time the public was afforded the opportunity, after proper notification, to be heard on the matter of the proposed Franchise Agreement.

Sub Section E. Be it ordained by the Board of Aldermen of the City of Pleasant Hope, Missouri, as follows:

1. The City is hereby authorized to enter into a Franchise Agreement with Missouri Gas Utility, Inc. to provide for a Natural Gas Franchise for the City of Pleasant Hope, with such Franchise Agreement to be in the form attached hereto as Exhibit "A" and made a part hereof by reference.
2. The Mayor and City Clerk are hereby authorized and directed to execute said Franchise Agreement for an on behalf of the City.

Article IV - City Park

Chapter 100 – Establishment of the Pleasant Hope Landmark Park

Section 100.100: Landmark Local Parks Program of the Missouri Department of Natural Resources Grant (Resolution 1-98, 04/13/1998)

Whereas, the city of pleasant hope is an expanding city in the growing county of Polk, and The city park board deems it necessary to improve a public park to serve its citizens as well as the traveling public.

Sub Section A. The Board of Alderman of the city of Pleasant Hope resolves as follows:

1. Those applications be made under the Landmark Local Parks Program of the Missouri Department of Natural Resources for a grant- in-aid of 50 percent (or 65 percent for renovation/ restoration) of the total cost of the project, reimbursable upon completion by the state. Grant funds are limited to a total of \$160,000 in the statewide category.
2. That a project proposal be prepared and submitted to the Department of Natural Resources through the Division of State Parks, Project and Grant Management Section.
3. The Mayor, Board of Alderman, and Chairman of the Park Board, be authorized, and hereby authorize those persons listed below to sign and execute the necessary documents for forwarding the project proposal application for a grant- in- aid under the Landmark Local Parks Program.
These persons are also hereby authorized to sign the project agreement, subsequent amendments, and other necessary documents between the city of Pleasant Hope and the State of Missouri.
4. If a grant is awarded, the city of Pleasant Hope accepts all responsibilities under the Landmark Local Parks Program regulations. This includes, but is not limited to maintenance of the park for public outdoor recreation purposes, compliance with the provisions of Title VI of the Civil Rights Act of 1964, underground wiring of all telephone and electrical wires under 15kv within the park both under this project and in the future, provisions of facilities which are accessible to and usable by people with a disability.

Section 100.102: A Sales Tax in the Amount of One-Quarter of One Percent for Providing Funding for Parks and Recreational Facilities;

and Providing For Submission Of This Ordinance To The Qualified Voters Of Pleasant Hope, Missouri For Their Approval At The Primary Election To Be Held In Said City On August 4, 1998. (Ordinance 179, 05/11/1998)

Sub Section A. Under the provisions of Section 644.032 RSMo the cities of the state are empowered to impose by ordinance for parks and recreational facilities, a tax not to exceed one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of Sections 144.010 to 144.525 RSMo. This tax is in addition to any and all other sales taxes allowed by law, and Pleasant Hope desires to avail itself of such authorization and within the terms thereof, and under the provisions of Section 644.032 RSMo. no ordinance enacted pursuant to the authority granted by the provisions of said Section shall be effective until it has been submitted to the qualified voters of the city and approved by a majority of the qualified voters voting thereon.

Sub Section B. Board of Aldermen of the City of Pleasant Hope, Missouri Resolve:

1. There is hereby established a sales tax in the amount of one-quarter of one percent (.0025), on all retail sales made in the City of Pleasant Hope, Missouri.
2. Said sales tax shall become effective as provided by law upon approval thereof by majority of the votes cast on the proposition by the qualified voters of the City voting thereon.
3. This ordinance shall be submitted to the qualified voters of Pleasant Hope, Missouri for their approval, as required by the provisions of Section 633.032 RSMo, at the Primary election to be held in said city on August 4, 1998 The ballot title will be:

Shall the City of Pleasant Hope, Missouri impose a sales tax of one-quarter of one percent for the purpose of providing funding for parks and recreational facilities?

YES ()

NO ()

4. Approval will authorize the levy and collection of one-quarter of one percent sales tax in addition to the other sales taxes provided for by law on all retail sales made in the City which are subject to taxation.
5. The City Clerk is hereby authorized and directed to notify the Director of Revenue of the State of Missouri by registered mail or certified mail a certified copy of this ordinance together with certification of the election results.

Chapter 200 – Comprehensive Rules Regulating Parks (Ordinance 236, 01/07/2007)

Section 200.100: Generally

It is the intent of the Pleasant Hope Board of Alderman in adopting this ordinance to effect a comprehensive revision of rules regulating parks.

I

Sub Section A. Definitions

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

Board - means the Boards of Alderman of Pleasant Hope, Missouri. *Department* means the Pleasant Hope Parks Recreation Department.

Loud and Raucous - means any sound which because of its volume level, duration, and character, annoys, disturbs, injures, or endangers the comfort, health, peace or safety of park users within the limits of the city park. This term shall be limited to such sounds, which are plainly audible within the city park from a location not less than 50 feet from the source of the noise, provided that the term shall not apply to amplified sound produced by equipment owned or controlled by the department or a park employee and being used for official park purposes.

Park Employee - means those individuals employed by the park department who shall perform official duties within the park.

Park Supervisor - means the person in charge of any park area and its activities and to whom all subordinate park personnel of that park are responsible.

Parking Area - means any designated part of any park road, drive or special area contiguous thereto that may be set apart for the stationing of vehicles.

Parks - means areas operated and maintained by the city, including parks, trails, bridges, playgrounds, fields, buildings and waterways therein and public service facilities located on or in grounds, buildings and structures that are under control of or assigned for upkeep, maintenance or operation by the parks department.

Person - shall be understood, as employed herein, to mean any individual regardless of age or sex, or any corporation, company, association, firm, partnership, club, society, or any association of persons, or any agent or employee thereof.

Pet - means any living dumb creature, excluding feral and wild animals.

Special Event - means any public assembly, parade, picnic, or other similar event in which one or more of the following applies:

- i. park reserved events
- ii. use of amplified sound, or
- iii. any advertising or sponsorship activities, or
- iv. selling/distributing any foods, goods, or merchandise.

Vehicle - means any wheeled conveyance, except as a baby carriage or wheel-chair, for the transportation of persons or materials whether motorized, such as an automobile, truck, motorcycle, or scooter, animal-drawn, such as a carriage, wagon or cart; self-propelled, such as a bicycle or tricycle; or any trailer in tow of any size, kind or description. Exception is made as to any transportation service authorized by the director or an emergency vehicle while performing an emergency service.

Sub Section B. Scope

All city property and facilities within to parks shall be governed by this ordinance.

Sub Section C. Liability of the City.

Neither the Board nor the City shall be responsible for accidents, injuries or loss of property in parks by fire, theft, wind, flood or other natural acts which are beyond its control. Facilities provided and equipment furnished on the park grounds are solely for the public's convenience and use at their own risk.

Sub Section D. Preservation of property

No person shall willfully mark, deface, damage, displace, destroy, remove or tamper with any buildings, facilities, bridges, tables, benches, railings, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards or notices, monuments, stakes, posts, gateways, locks, fencing, boundary markers or other structures, equipment or city property.

Sub Section E. Proper use and prohibited activities

No person shall engage in any activity within park property which could cause damage to the property of other patrons or park property.

Sub Section F. Responsibility for actions; minor children

Park visitors shall be responsible for any damage or violations of this ordinance or park rules that they or minor children under their care or supervision may cause.

Sub Section G. Pets

The owner or person in charge or in control of a pet shall be held at all times responsible for its behavior and actions. All pets are to be leashed at all times when in or on park property and in control of by the owner or person designated to be in control of the pet by the owner. In the case of pet defecation, the owner or person in control of the pet shall remove all feces deposited by such animal and dispose of same in a sanitary manner.

Sub Section H. Alcohol

The sale, possession or consumption of alcoholic beverages on any park property is prohibited.

Sub Section I. Noise.

No person shall make or cause to be made any loud or raucous noise within any park property. Unless specifically authorized in and limited to the duration of any special events permit authorized hereunder, amplified speech or sound within a park is prohibited. This prohibition of amplified speech or sound shall not apply to department employees or approved concessionaries operating publicly owned or authorized amplification equipment at volumes reasonably calculated to be heard solely within park boundaries at designated special purpose parks where such amplified sound is considered necessary or a desirable part of the activities permitted at such parks.

Sub Section J. Refuse and Trash

No person shall deposit or drop any refuse including, but not limited to, bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, tobacco products, containers or foil upon the ground or in or on any park property, except in the receptacles provided for trash disposal and pertaining to only that which was generated by authorized park activity. Personal use of park trash receptacles is strictly prohibited.

Sub Section K. Weapons

No person shall have any firearm in their possession on any park property.

Sub Section L. Penalties

Violation of any of the above Sections or Sub Sections shall result in a fine of no less than \$30.00 and no more than \$300.00. If charged with the State Statutes the appropriate penalty designated by State Law shall apply.

Chapter 300 - Park Expansion

Section 300.100: Property located at 215 S Main St, aka "The Farmers Market", is now included in the Pleasant Hope Park & Trail System.

(Resolution 6-2009, 11/16/2009)

Sub Section A. Legal Description

Beginning at the West Right of Way of Missouri Highway "H" on the South line of Lot 54 in the Town (now City) of Pleasant Hope, Missouri, thence running South along said right of way, 92 feet, thence North 88 degrees 23 minutes West, 169.9 feet, thence North 05 degrees 20 minutes East, 92 feet, thence North 05 degrees 18 minutes East, 103 feet, thence South 84 degrees 53 minutes East, 174.8 feet, thence South 05 degrees 10 minutes West along the West Right of Way of Missouri Highway "H", 92.4 feet, thence North 88 degrees 22 minutes West, 5.0 feet to the point of beginning. Being as shown in Polk County Surveyor's Record Book 12 at Page 280, all in Pleasant Hope, Polk County, Missouri. Subject to right of ingress and egress to and from gate as described in Deed Book 259 at Page 476.

Article V - Streets, Roads and Bridges Maintenance

Chapter 100 – A Tax for Transportation Purposes Ordinance 178, 05/11/1998

Section 100.100: General

Under the provisions of Sections 94.700 to 94.755 RSMo cities of the state are empowered to impose by ordinance for transportation purposes, a tax for transportation purposes as defined in RSMo 94.700 on all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at the rate of one-quarter of one percent on the receipts from the sale at retail within any city adopting such tax, if such property and services are subject to taxation by the State of Missouri under the provisions of Section 144.010 to 144.510 RSMo, and Pleasant Hope desires to avail itself of such authorization and within the terms thereof, and

Section 100.200: Submission to the voters

Under the provisions of Sections 94.700 to 94.755 RSMo, no ordinance enacted pursuant to the authority granted by the provisions of said Sections shall be effective until it has been submitted to the qualified voters of the city and approved by a majority of the qualified voters voting thereon.

Sub Section A. There is hereby established a sales tax in the amount of one-quarter of one percent (.0025), on all retail sales made in the City of Pleasant Hope, Missouri.

Sub Section B. Said sales tax shall become effective as provided by law upon approval thereof by a majority of the votes cast on the proposition by the qualified voters of the City.

Sub Section C. This ordinance shall be submitted to the qualified voters of Pleasant Hope, Missouri for their approval, as required by the provisions of Section 94.705 RSMo, at the Primary election to be held in said City on August 4, 1998. The ballot title shall read:

Shall the City of Pleasant Hope, Missouri impose a sales tax of one-quarter of one percent for transportation purposes?

YES ()

NO ()

Sub Section D. Approval will authorize the levy and collection of one-quarter of one percent sales tax in addition to the other sales taxes provided for by law on all retail sales made in the City which are subject to taxation.

Sub Section E. The City Clerk is hereby authorized and directed to notify the Director of Revenue of the State of Missouri by registered mail or certified mail a certified copy of this ordinance together with certification of the election results.

Chapter 200 – Naming of Streets and Bridges

Section 200.100: Naming of Pirate Lane (Resolution 214 06/13/2009)

City of Pleasant Hope renamed the street beginning at West Highway 215, running north to Cowden Street, to "PIRATE LANE".

Section 200.110: Naming of Cowden Street Bridge (Resolution 5-2009, 10/01/2009)

The bridge located within the limits of the city on Cowden Street, east of Highway H is hereby named "THE RUTH MAYFELD BRIDGE".

Chapter 400 - Disadvantaged Business Enterprise (DBE) Program

Section 100.001: Disadvantaged Business Enterprise (DBE) Program:

The City hereby adopts the Missouri Department of Transportation Disadvantaged Business Enterprise (DBE) Program (Update 3, May, 2000) or as such Program may hereafter be amended or updated from time to time. The DBE Program (Update 3, May 2000), together with all future amendments thereto or updates thereof, is hereby incorporated herein by reference.

Article VI - Building Codes

Chapter 100 – Building Regulations

Section 100.100: Rules & Regulations for Plats of Subdivisions of Land & Lots (Ordinance 270, 03-08-2012)

Section 100.101: General

The rules and regulations governing plats of subdivisions of land and lot splits contained herein shall apply within the corporate limits of the City of Pleasant Hope in accordance with the provisions of Section 83.410 RSMo.

Section 100.110: Procedure

Sub Section A. No Contract of Sale.

Whoever, being the owner or agent of the owner of any land located within the City of Pleasant Hope, transfers or sells or agrees to sell or negotiates to sell any land before a subdivision plat has been approved by the Board of Aldermen and recorded or filed in the office of the Recorder of Deeds of Polk County, shall forfeit and pay a penalty of \$100 for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The City of Pleasant Hope may enjoin such transfer or sale agreement or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by a civil action in any court of competent — jurisdiction.

Sub Section B. Compliance with Design Principles Required.

In planning and developing a subdivision the developer shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in Section 100.160, and with the rules and regulations concerning required improvements set forth in Section 100.170, in these Regulations, and in every case shall follow the procedures in the following sections.

Sub Section C. Pre-application proceedings

Before preparing and submitting a subdivision plat to the Board of Aldermen, the developer or his engineer shall consult with the Board of Aldermen, while the plat is in sketch form, to ascertain the location of proposed highways, primary or secondary thoroughfares, collector streets, parkways, parks, playgrounds, school sites and other community facilities or planned developments and to acquaint himself with the Board of Aldermen's requirements.

Sub Section D. Building Plat

The developer shall prepare a subdivision plat of the proposed subdivision which shall conform with the requirements set forth in Section 100.120, and shall file with the City Clerk.

Sub Section E. Certificate Of Title

Any subdivision plat shall be accompanied by a certificate of title showing the ownership of all lands dedicated to the public and that the title thereof is free and unencumbered.

Sub Section F. Tentative Approval

Upon receipt of the subdivision plat, the Board of Aldermen shall approve or reject the plat, or tentatively approve it with modifications, noting all such modifications on said plat. In any conditional approval, or approval subject to modifications, the Board of Aldermen may require the developer to submit a revised subdivision plat. Tentative approval of the preliminary plat shall be deemed to be an approval of the design features of the tract only, and the City Engineer may modify engineering or construction details as may be necessary for the protection of the public interest. This action of approval or disapproval of the subdivision plat must occur within forty-five (45) days after the submission of the plat to the Board of Aldermen; otherwise the plat is deemed approved by the Board, except that the Board of Aldermen, with the consent of the applicant for the approval, may extend the forty-five (45) day period.

Sub Section G. Construction of Improvements

Upon approval, which shall be effective for a period of one (1) year, unless extended by the Board of Aldermen, the developer may proceed to install all required improvements according to the standards agreed on by the developer and the Board of Aldermen and according to the standards specified in this Ordinance, and for this purpose, may secure from the appropriate authorities the necessary permits.

Sub Section H. Final Approval

Upon completion of all required improvements, the Board of Aldermen has the right to final approval, with authority to order modifications where necessary.

Sub Section I. Recording of Subdivision Plat with County

The developer shall record the subdivision plat with the County Recorder within sixty (60) days of approval by the Board of Aldermen.

Section 100.120: The Subdivision Plat.**Sub Section A. Application Fees**

A fee of \$25.00 plus \$1.00 for each lot shall be paid to the City of Pleasant Hope for each proposed subdivision submitted for approval. The fee of \$1.00 per lot may be refunded if approval of the subdivision is denied or if the request for approval is withdrawn.

Sub Section B. Copies - Application

The Subdivision plat of the proposed subdivision submitted to the Board of Aldermen shall be prepared by a qualified registered professional engineer or surveyor, and shall contain the following:

1. Name and code. The proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision of the City of Pleasant Hope.
2. Designation. The legal description according to real estate records of the recorder of the County where located.
3. Owners of record. The names and addresses of the owner or owners of record, with their seals; the developer, and his seal; and the seals of the engineer or surveyor.
4. Abutting owners. The name of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
5. Boundary lines. The boundary lines, accurate in scale, of the tract to be subdivided.
6. Streets - other features. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, and Other important features such as existing permanent buildings; large trees and water courses: railroad lines; corporation and township lines, utility lines, etc.
7. Existing utilities. Existing sewers, gas, telephone, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.
8. Proposed design - easements, drainage, etc. (a) the location and approximate sizes of catch basins, culverts and other drainage structures; (b) the layout of existing or proposed easements; (c) the layout, numbers and approximate dimensions of proposed lots and square footage of said lots. Proposed street names shall be established to the satisfaction of the City Engineer and the approval obtained from the local U. S. Postmaster and shall not duplicate or closely approximate any existing or platted street names in the City, except extensions of existing streets.
9. Zoning. Zoning boundary lines if any, ' proposed uses of property and proposed front, side and back yard setback lines.
10. Area of subdivisions. The total number of acres in the subdivision shall be indicated.
11. General Statement. A general statement describing proposed improvements and drainage systems shall accompany the preliminary plat.
12. Subdivision Restrictions. Private restrictions, if any, of the proposed subdivision shall be listed.
13. Certificate of Taxes Paid. The plat shall contain a certificate issued by the authorized city and county officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval, on any of the lands included in the plat, and that all outstanding taxes and special assessments have been paid on all property dedicated to public use.

Sub Section C. Board of Aldermen Certificate.

The Board of Aldermen shall certify that the plat meets all applicable requirements, and said certificate shall be affixed to the plat. Prior to certifying that the plat meets all applicable requirements, the Board of Aldermen may request affidavits, certificates, acknowledgments, agreements or endorsements from any public agency concerned, including the following:

Sub Section D. City Engineer

The City Engineer shall certify that all the plat. conforms to all applicable City engineering requirements and specifications.

Section 100.130: Improvements**Sub Section A. Required Minimum Improvements**

Minimum improvements shall be set forth in accordance with the requirements of Section 100.160 of these regulations. The developer shall acknowledge the several improvements requirements as set forth herein by notation on the final plat. Said notation shall be worded substantially as follows: "All improvements have been complied with in accordance with Ordinance #138. Pleasant Hope Subdivision Regulations, dated March 4, 1991."

Section 100.140: Modification & Exceptions**Sub Section A. General Requirements May Be Modified.**

Upon written request of the developer, the Board of Aldermen may approve modification of the general principles of design and the minimum requirements for the subdivision.

Sub Section B. Platted Lot-splits

Any proposed platted lot-split shall be submitted to the Board of Aldermen for review and if the Board of Aldermen is satisfied that such proposed lot-split is not contrary to applicable regulations, it shall, within twenty (20) days after submission, approve the lot-split, so note the approval and the Mayor shall sign, signifying approval.

Sub Section C. Modification - Undue Hardship

In any particular case where the developer can show by plan and written statement that, by reason or exceptional topographic or other physical conditions, literal compliance with any requirements of these Regulations would cause practical difficulty or exceptional and undue hardship, the Board of Aldermen may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable general development of the neighborhood and the community.

Section 100.150: General Principles of Design and Minimum Requirements for the Layout of Subdivision**Sub Section A. Street and Block Layout**

The street layout of the subdivision shall be in general conformity with a plan for the most advantageous and aesthetically pleasing development of the entire neighborhood, including adjoining areas.

Sub Section B. Continuous Streets

Where appropriate to the design, proposed streets shall be in continuous and in alignment with existing, planned or platted streets with which they are to connect.

Sub Section C. Street to Extend to Boundary Lines

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Board of Aldermen, such extension is not necessary or desirable for the coordination of the layout or the most advantageous future development of adjacent tracts. Dead-end streets of reasonable length (normally not over 500 feet) may be approved where necessitated by topography or where, in the opinion of the Board of Aldermen, they are appropriate for the type of development, contemplated. At the end of all said streets, cul-de-sacs shall be built.

Sub Section D. Right Angle Intersections

Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. Four-way intersections shall be used for minor interior streets wherever practicable and not in conflict with another applicable design principle and standard.

Sub Section E. Half-Width Streets Prohibited

Half-width streets will not be approved by the Board of Aldermen.

Sub Section F. Federal and State Highways

In platting lands abutting Federal and State Highways or other primary thoroughfares, every effort shall be made to:

1. Cushion the adverse impact of heavy or high-speed traffic on such lands, especially where used for residential purposes;
2. Minimize interference with through traffic operations; and in such plats the following rules and the provisions of this article shall be applied:
 - a) Lots abutting such thoroughfares shall be platted at generous depth. Vehicular access to such lots shall be provided by means of minor streets, or frontage streets immediately alongside the traffic way, connected therewith at infrequent intervals and otherwise separated there from by reserved non-access control strips of land; or
 - b) The frontage of such lots may be reversed and the lots may front on a minor street paralleling the thoroughfare at a distance of approximately 100 feet to 1,000 feet, and loop streets or cul-de-sacs may be extended from such collector streets toward the thoroughfare, the ends of which will give access to the lots abutting the thoroughfare, immediately along their rear or side lot lines.
 - c) Determination of the most appropriate method for accomplishing the intended purpose shall be made in consideration of topography and other physical conditions, the character of existing and contemplated developments and other pertinent factors as may be applicable or indicated in each case.

Sub Section G. Private Roads Prohibited

Except under unusual conditions; when held desirable by the Board of Aldermen; private roads will not be approved.

Sub Section H. Dead-End Streets

Except as otherwise provided herein; temporary dead-end streets may be approved where necessitated by the layout of the subdivision or staging of development.

Sub Section I. Subdivision Blocks

Blocks shall have sufficient width to provide for two tiers of lot of appropriate depth, except in the case of reversed frontages.

Sub Section J. Size of Blocks

The length of blocks shall be such as may be appropriate, in the opinion of the Board of Alderman, for the locality and the type of development contemplated.

Sub Section K. Access

Provisions of access shall be governed by the following rules, in addition to Sub Section F above:

1. Each lot shall be provided with access to a public street or highway to assure convenient ingress and egress to and from such lot, and to provide adequately for the layout of utilities, garbage and waste removal, fire and police protection, and other services, and to protect and further the public health and safety generally.
2. The number of intersecting streets along major streets, highways, parkways, and other thoroughfares shall be held to a minimum. Wherever practicable, blocks along such thoroughfares shall not be less than 1,200 feet in length.

Sub Section L. Minimum Rights-Of-Ways For Streets, Alleys And Easements For Utilities Shall Apply As Follows:

1. *Streets.* 50 feet single-family residential; 60 feet multiple dwelling units.

2. *Cul-de-Sacs*. Cul-de-Sacs shall not exceed five hundred (500) feet, in length, and the closed end shall have a turnaround encompassing a minimum right-of-way diameter of one hundred (100) feet in all residential districts.
3. *Utility Easements*. Where required, shall be a least 10 feet wide along rear or side lot lines. Easements of adequate width shall be provided for open drainage channels, where required. Maintenance of open drainage channels is the responsibility of the sub-divider and owner.
4. *Estate Development*. Provision must be made in developments platted into lots of 5 acres or more for the possible future installation of utilities prior to receipt of approval by the Board of Aldermen.
5. *Street Lights*. Every subdivision shall be provided with mercury vapor street- lights, the expense for which is to be borne by the sub divider or owner, unless expressly waived by the Board of Aldermen.

Sub Section M. Easements to Be Granted to the City

All easements in, on or across the area of any subdivision, which shall be requested on behalf of the City by the City Engineer, or the Board of Aldermen, shall be granted to the City by the owner of the subdivision and such easement shall be designated on the plat of the subdivision. The expense of preparing and executing such easements shall be borne by the owner of the subdivision.

Sub Section N. Minimum Pavement and Sidewalk Widths

Minimum pavement widths, back to back of curb, required to be installed at sub-divider's expense, shall be as follows:

1. Streets: 28 feet single-family or duplex residential; 36 feet multiple-dwelling units.
2. Cul-de-Sacs: 90 feet outside diameter on turnaround.

Sub Section O. Set Back Lines.

1. Set back lines for individual lots shall be in accordance with the zoning requirements of the City of Pleasant Hope and to the extent these are not applicable shall be as follows:
 - a) Residential and side streets:
 - b) front yard setback of 30 feet,
 - c) side yard setback of 10 feet, back yard setback of 25 feet
2. Major Thorough Fares:
 - a) Front yard setback is increased to 50 feet.
3. Set back requirements for business development and multi-residential and for all purposes other than single family residences shall be determined by the Board of Aldermen on an individual basis.

Section 100.160: Minimum Requirements for Installation of Improvements in Subdivision

Sub Section A. Improvement- Installation

All improvements required under these regulations shall be subject to approval by the Board of Aldermen.

Sub Section B. Street Construction

Streets, and or parking lots, shall be constructed to the following minimum standards:

1. Asphalt - Four inch (4") thickness of base rock and two inches (2") of asphalt.
2. Concrete - Six inch (6") thickness.

Note: The Board of Aldermen may add to these minimum requirements for any industrial streets where deemed necessary.

Sub Section C. Water Supply

Where a public water supply main is reasonably accessible, in the judgment of the Board of Aldermen, the subdivision shall be provided with a complete type water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants in accordance with requirements of specifications set out below. No main smaller than six (6) inches in diameter shall be installed. The Board of Aldermen shall have the option of increasing size of said main if they so desire. The Board of Aldermen shall not approve the subdivision plat thereof until the Department of Natural Resources certifies to the Board of Aldermen that such water supply system is in compliance with the applicable regulations of the said Department.

Sub Section D. Public Sanitary Sewer

Where a public sanitary sewer main is reasonably accessible, in the opinion of the Board of Aldermen, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot. Such system and connection shall comply with the Regulations of the Missouri Water Pollution Board.

Sub Section E. Subdivision Sanitary Sewer

Where a public sanitary sewer system is not reasonably accessible in the opinion of the Board of Aldermen but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Missouri State Water Pollution Board, the developer shall install sewers in conformity with such plans. Where immediate connection is not possible, and until such connection with the sewer system in the district can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations and requirements of the State Water Pollution Board and approved by the City of Pleasant Hope.

Sub Section F. Private Sewage Collection

Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the developer shall either install a private sewage collection and disposal system with approval by Board of Aldermen, or individual disposal devices shall be permitted unless the lots to be so served have a minimum width of 100 feet and not lot less than 15,000 square feet- in area.

Sub Section G. Planting

All landscaped strips, parkways, and screening areas dedicated to the public shall be graded, seeded and planted in an appropriate manner. Street trees shall not be planted by the developer in the parkways along the street.

Sub Section H. Street name signs

Street name signs shall be installed by the developer.

Sub Section I. Electric and telephone lines

Where practicable, easements for poles or underground conduits for electric light or telephone lines shall be provided along rear and side lot lines.

Sub Section J. Maintenance after approval

The developer shall maintain and keep in repair the streets and curb and gutter improvements for a period of one (1) year from the date the constructed improvements are finally approved by the Board of Aldermen.

Sub Section K. Modifications

Where unusual or exception factors or conditions exist, the Board of Aldermen may modify any of the provisions of these regulations on written application of the developer.

Sub Section L. Permits

No building permits shall be issued for any structure on a lot in a subdivision for which a plat has not been finally approved and recorded in the manner prescribed herein.

Section 100.170: Dedication.

At the end of the one year maintenance period specified in Section 100.160 Sub Section K the developer shall dedicate by duly entered written documents all those areas of the subdivision to be so dedicated, including but not limited to, the streets, Cul-de-sacs, right of way, water and sewage lines, street lights.

Section 200.100: Demolition of Substandard Buildings (Ordinance 46-B 1986)**Section 200.110: General**

The City of Pleasant Hope, in accordance with Sections 67.400 - 67.450 RSMo, hereby authorizes the mandatory repair, maintenance, or demolition of buildings or structures within the corporate city limits, which are detrimental to the health, safety, or welfare of the residents and declared to be a public nuisance.

Section 200.120: Conditions Which Are Detrimental To the Health

Conditions which are detrimental to the health, safety, or welfare of the residents of the city, and which constitute a nuisance shall include:

1. faulty electrical wiring,
2. overabundance of flammable liquids or other flammable materials which constitute a fire hazard;
3. structural deficiencies, including broken windows, loose bricks or weakened framework; and
4. any other conditions which, as determined by the fact-finder, constitute a detriment to the health, safety and welfare of the residents of the city, or constitute a nuisance.

Section 200.130: The Official Board of Aldermen Shall Act As Building Commissioners

Sub Section A. The official Board of Aldermen shall act as building commissioners, whose duties it shall be:

1. to inspect questionable buildings or structures;
2. to declare as a nuisance any buildings or structures which, in their opinion, contain conditions sufficient to constitute a detriment to the health, safety, or welfare of the residents, or constitute a nuisance;
3. to issue any orders of repair, maintenance or demolition concerning said buildings or structures.

Sub Section B. The building commissioners shall adequately notify, and include as parties:

1. any persons having an interest in the building or structure declared to be a nuisance;
 - a) including the owner,
 - b) occupant,
 - c) lessee,
 - d) mortgagee, or
 - e) agent as shown by the land records of the recorder of deeds of Polk County, Missouri.

Sub Section C. Notice shall be adequate if accomplished by:

1. personal service, or
2. certified mail,
3. return receipt requested,
4. But if service cannot be had by either of these modes of service, then service may be had by publication.

This notice shall contain any order of repair, vacation, maintenance, or demolition and shall include a reasonable time for commencement of any requested action.

Sub Section D. In the event that any requested action is not timely commenced, the building commissioners shall call and have a full and adequate hearing upon the matter, provided that any affected parties shall have twenty-one (21) days written notice of the hearing.

Sub Section E. Any party may be represented by counsel, and all parties have an opportunity to be heard. After the hearing, if the evidence supports a finding that the building or structure is a nuisance or detriment to the health, safety, or welfare of the residents, the building commissioners 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. If such a finding is not supported by the evidence, no order shall issue.

Sub Section F. If an order is issued whereby a building or structure is demolished or repaired, the cost of performance shall be certified to the City Clerk or officer in charge of finance, who shall cause a special tax bill therefor against the property to be prepared and collected by the City Collector, or other official collecting taxes. The tax bill, from date of issuance, shall be a lien on the property until paid.

Interested parties shall have the right to appeal the findings of the building commissioners to the Circuit Court of Polk County in accordance with Chapter 536, RSMo.

In the event it reasonably appears there is an immediate danger to the health, safety, or welfare of any person, the building commissioners may take emergency measures to vacate, repair, or demolish a dangerous building or structure.

Section 300.100: Mobile Home Placements (Ordinance 269, 03/08/2012)

Sub Section A. Any Mobile Homes Installed Within The Corporate Limits Of The City Of Pleasant Hope After This Date Must Meet Fire And Safety Standards As Set Forth Herein.

Sub Section B. All mobile homes and trailers must be of a minimum size of at least 12 feet by 60 feet for a single wide and 28 feet by 30 feet for a double wide and:

1. No mobile home may be electrically wired with aluminum wiring.
2. All mobile homes must be properly blocked and tied down in accordance with State Law.
3. All mobile homes must be skirted with non-combustible material which will keep children and animals from getting under said mobile homes.
4. All entryways for said mobile homes must be built in a stable and safe manner.
5. All entryways and decks must be a minimum of four (4) feet by six (6) feet wide, with safety railings.
6. All construction listed in paragraphs 3 and 4 above just be completed within sixty days of installation of said mobile home or trailer.
7. All owners and/or occupants of said mobile homes and trailers must have proof that said structures have been inspected for termites and/or other insects prior to installation of said structure within the City Limits.
8. All mobile homes or trailers used as private residences must be set back at lease thirty-five (35) feet from the center of the road and twenty (20) feet from each property line.
9. All mobile homes shall be not less than thirty (30) feet from another mobile home or structure of any type.

Sub Section C. Any person who owns real estate in violation of this Ordinance or owns a mobile home in violation of this Ordinance shall be subject to the following penalties:

1. Any person in violation of this Ordinance shall be subject to a fine of up to \$500.00 per day.

Chapter 200 – International Residential Codes (Ordinance 273, 03/19/2012)

Section 200.100: General

The City of Pleasant Hope adopted the 2003 edition of the International Residential Code, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Pleasant Hope; providing for the issuance of permits and collection of fees therefore; repealing all other ordinances and parts of ordinances in conflict therewith.

Section 200.101: International Residential Code, 2003 Edition shall be kept on file.

Three (3) copies of the International Residential Code, 2003 edition shall be on file in the offices of the City of Pleasant Hope, including appendix chapters as published by the International Code Council is hereby adopted as the Residential Code of Pleasant Hope, in the State of Missouri for regulation and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Pleasant Hope, providing for the issuance of permits and collection of fees therefore and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City of Pleasant Hope are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 100.102 of this ordinance.

Article VII – Land Design Standards & Development

Chapter 100 - Land Development Design Standards (Ordinance 271, 3/19/2012)

Section 100.100: General

The City of Pleasant Hope is in the process of developing a comprehensive City Plan, said Plan to be the basis of a complete and orderly zoning program, and desires to provide proper design of streets and storm drainage.

Section 100.110: City of Pleasant Hope Design Elements:

Sub Section A. MO-DNR approved construction permits must be on file with the City before construction begins. The required permits cover sanitary sewer, potable drinking water and storm water management. Requirements of Chapter 10 CSR20-6, Rules of the Department of Natural Resources are to be adhered to.

Sub Section B. Plans and specifications as well as final plats are to be sealed by currently licensed Professional Engineers or Land Surveyors in the state of Missouri and follow normal design standards in the local area, design standards of the State of Missouri and the City of Pleasant Hope and be filed in an orderly manner with the City in accordance with the City's itemized checklists for Subdivision Land Development. All engineering plans are to use USGS Datum. All boundary surveys are to be traceable to a prime section corner as located by solar observation.

Sub Section C. Plans and specifications are to be submitted to the City and City's Engineer for review and approval at each phase of the projects development including sketch plat, preliminary plat, construction plans and specifications, and final plat. The developer shall submit standard specifications covering the materials and installation procedures proposed for the development. The plans and specifications when approved by the City shall be used in the developer's application for construction permits from MO-DNR.

Section 100.120: City Issued Approval Letter

Upon approval of the plans and specifications, the City will issue an approval letter to the Applicant to be used in obtaining the required construction permits from MO-DNR.

Section 100.130: Final Plat to be recorded

Upon completion of all the proposed improvements and acceptance by the City and MO-DNR, the developer shall file with the City a Final Plat in accordance with the current Minimum Standards for property boundary surveys of the Missouri Department of Natural Resources, Division of Geology and Land Survey, and City of Pleasant Hope Final Plat Check list. After approval by the City, the Final Plat shall be recorded.

Section 100.140: DNR Design Guide for Sanitary Sewer

Sub Section A. The requirements of Chapter 10 CSR20-8, Rules of Department of Natural Resources Design Guides for Sanitary Sewer are adopted as minimum standards for design and construction of sanitary sewer.

Sub Section B. The Missouri Safe Drinking Water Act, the Missouri Public Drinking Water Regulations, as well as the Design Guide for Community Public Water Supplies are adopted as minimum standards for design and construction of potable water improvements.

Section 300.150: Pipe Lines

Sub Section A. Water Mains: Water Mains are to be ASTM D2241, SDR-21 Class 200 with 6" diameter as the minimum water main size with service lines from the main to the meter to be 1" soft copper or Schedule 40 PVC. Depth of bury of all water mains shall be 42" as measured from the top of the pipe to normal ground surface. All pipes shall be bedded with well-graded granular material from 4" below the pipe to 4" above the pipe. After passing all tests and approval by the City the developer and developer's engineer will file with the City MO-DNR's letter of authorization to place the facilities in service.

Sub Section B. Sanitary Sewers: Sanitary sewer collection pipe is to be ASTM D-3034, SDR-35 PVC, and 8" diameter as the minimum size. Manholes are to be concrete. All sewer lines are to be tested according to MO-DNR and City requirements, including deflection, low-pressure air, vacuum testing of manholes, and lamping of sewer mains. After passing all tests and approval by the City, the developer and developer's engineer will file with the City MO-DNR's letter of authorization to place the facilities in service.

Section 100.160: Streets

Sub Section A. All city streets of a residential character will be placed in a 50' wide dedicated right of way. Collectors and arterials shall have 60' right of ways. Finished street widths shall be 24' wide in a 50' right of way and 34' wide in a collector arterial.

Sub Section B. Construction and Materials Requirements. All streets within the jurisdiction of the City of Pleasant Hope, Missouri, shall be constructed of concrete or asphalt pavement. All street construction activities shall conform to the Construction and Materials Requirements of Division 200-Earthwork, Division 300-Bases and Aggregate Surfaces, Division 400-Flexible Pavements, Division 500-Rigid Pavements, Division 600-Incidental Construction and Division 1000-Materials Details of the latest edition of the "Missouri Standard Specifications for Highway Construction" except as modified herein. Aggregate base course shall be 4" thick and Type 1 per Section 301. Plant mix bituminous base course for streets shall be per Section 403-B and be 3" thick; the surface course shall be per Section 403-C and be 2" thick, all in accordance with MO-DOT Specifications, latest edition. Compaction requirements for sub-grade dirt, sub-base crushed stone, base asphalt and finished asphalt surface shall be 95% standard proctor at optimum moisture, density and asphalt gradations.

Sub Section C. Minimum slopes for street shall be 0.5% and shall contain a crowned centerline with a cross slope of 0.016 feet/foot for drainage. Where curb and gutter are not included, 3 to 1 side slopes shall be maintained for storm water runoff and ditching along each side of the finished street centered between the edge of pavement and the right of way. Site triangles of 100 feet shall be included at all intersections. Site distances on vertical curves shall be a minimum of 200 feet. Slopes greater than 7 percent are not permitted. All changes in street grades in excess of one percent shall be connected by vertical curves of a minimum length equal to 15 times the algebraic difference in the rate of grade of the streets. Intersections will be as near as possible to 90 degrees. The radii of curvature on the centerline shall not be less than 100 feet.

Section 100.170: Storm Water

Sub Section A. Storm water runoff and the velocity of discharge are considerably increased through development and growth of the City. Prior to the development of the land, surface conditions provide a higher percentage of permeability and longer time of concentration. With the construction of buildings/ parking lots/ etc., permeability and the time of concentration are significantly decreased, resulting in an increase in both the rate and volume runoff. These modifications may create harmful effects on properties downstream. Therefore, to minimize these effects the following minimum storm water requirements have been established.

The Developer's Professional Consultants shall provide a detailed storm water management plan for the project based on storm water flows developed by the project and the drainage areas located above the project. This plan shall include routing, detention, easement locations, and calculations for all storm

water flows for the proposed development. The developer is to use Hydro-35, and the Pilgrim-Condry distribution as a source for rainfall data if hydrographs will be used or the rational formula with the following rainfall intensities.

- | | |
|-------------------|-------------------|
| 1. 1-year storm | 4.5" in 24 hours |
| 2. 2-year storm | 5.9" in 24 hours |
| 3. 25-year storm | 8.9" in 24 hours |
| 4. 100-year storm | 11.5" in 24 hours |

The design requirement will be that storm water flows as seen by a downstream property owner after development will be no more than prior to development. Standard time of concentration and surface coefficient tables may be utilized when approved by the City Engineer. All storm water piping shall be designed to pass the 25-year storm when flowing full.

All box culverts shall pass the 100-year storm when flowing full. All open ditches shall maintain 1 foot freeboard for a 25-year storm event. Flow velocities in all channels shall not exceed 10 feet per second on improved channels or 5 feet per second on grass lined ditches and channels. Improved channels can consist of geotextile fabric, rock riprap, or placed concrete with steel reinforcement. All culverts under streets shall be Class III reinforced concrete pipe with a minimum 2 feet cover at all points along the pipe or Class IV with less than two-(2) feet cover.

In no case shall the maximum elevation of any storm water flow be less than two (2) feet vertically below the lowest still elevation, nor closer than ten (10) feet to any structure.

If curb and gutter are not utilized, driveway approaches are to have a minimum 15" CMP culvert, with 6" minimum cover. No overtopping of driveways from ditch flow in City Right of Way is allowed. Driveway approaches must be designed to eliminate storm water flow from the street or ditches moving on to private property unless in a dedicated storm water easement.

Section 100.180: Land Development Regulations

Sub Section A. Subdivision Summary Check Lists and Agreement to Reimburse City for Engineering Expenses (Ordinance 271, 03/19/2012)

Whereas, the City of Pleasant Hope is in the process of developing a comprehensive City Plan, said Plan to be the basis of a complete and orderly zoning program. Sub Section B checklists are part of the original ordinance and available through public works.

Sub Section B. Subdivision Checklists and Agreement as follows:

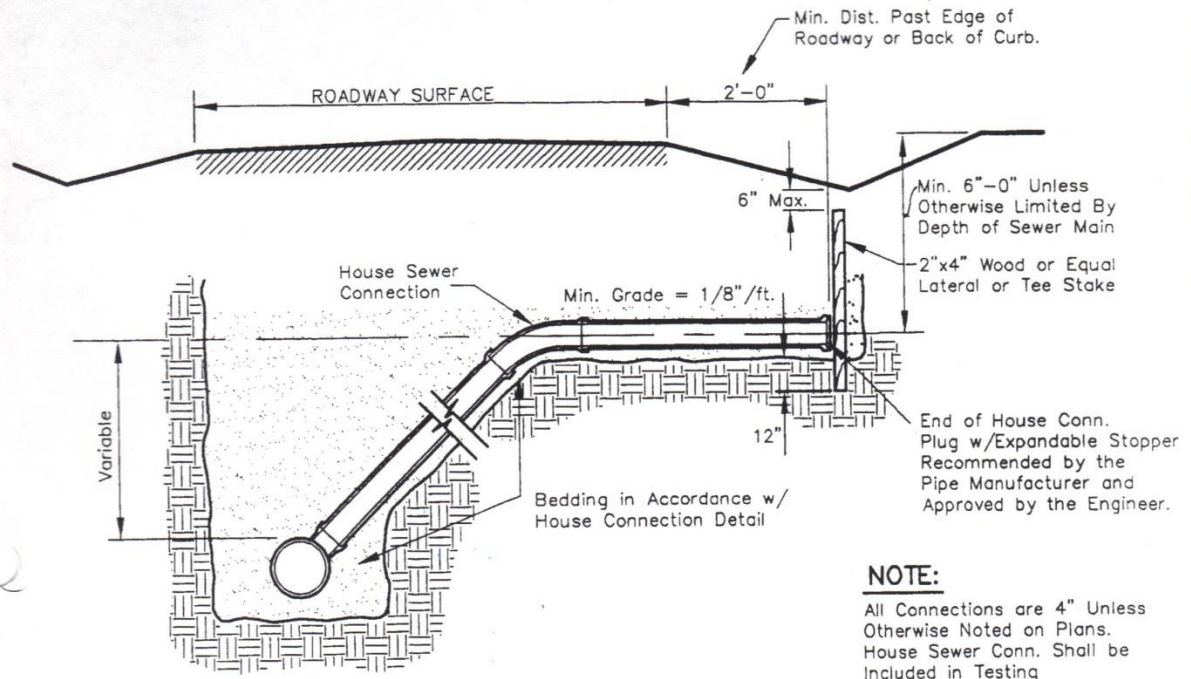
1. Sketch Plan Check List
2. Application for Subdivision
3. Preliminary Plat, Certificate of Compliance
4. Preliminary Plat Check List
5. Engineering Report Check List
6. Final Plat Check List
7. Agreement to Reimburse City for Engineering Expenses

Section 100.181: Land Development Standardized Details

The City of Pleasant Hope desires to provide proper Land Development, the City adopts the following list of Standardized Details which shall "Supersede and Replace" prior "Ordinance" standards (Ordinance 272, 03/19/2012 Sub Section A) forms and checklists are part of the original ordinance and available through public works.

Sub Section A. Standardize forms, drawings and checklists for land development.

1. Standard Drawing No. 1 - Sewer Service Connections
2. Standard Drawing No. 2 - Fire Hydrant
3. Standard Drawing No. 3 - Trench and Pipe Bedding
4. Standard Drawing No. 4 - Thrust Blocking Details
5. Standard Drawing No. 5 - Street Details
6. Standard Drawing No. 6 - Standard Manhole
7. Standard Drawing No. 1 - Drop Manhole
8. Standard Drawing No. 8 - Sewer Service Connections
9. Standard Drawing No. 9 - Sewer Cleanout
10. Standard Drawing No. 10 - Sewer Details
11. Standard Drawing No. 11 - Water Details
12. Standard Drawing No. 12 - Street Repairs
13. Standard Drawing No. 13 - Thrust Blocking
14. Standard Drawing No. 14 - Curb Inlet
15. Standard Drawing No. 15 - Cul-De-Sac
16. Standard Drawing No. 16 - Concrete Sidewalk and Driveway

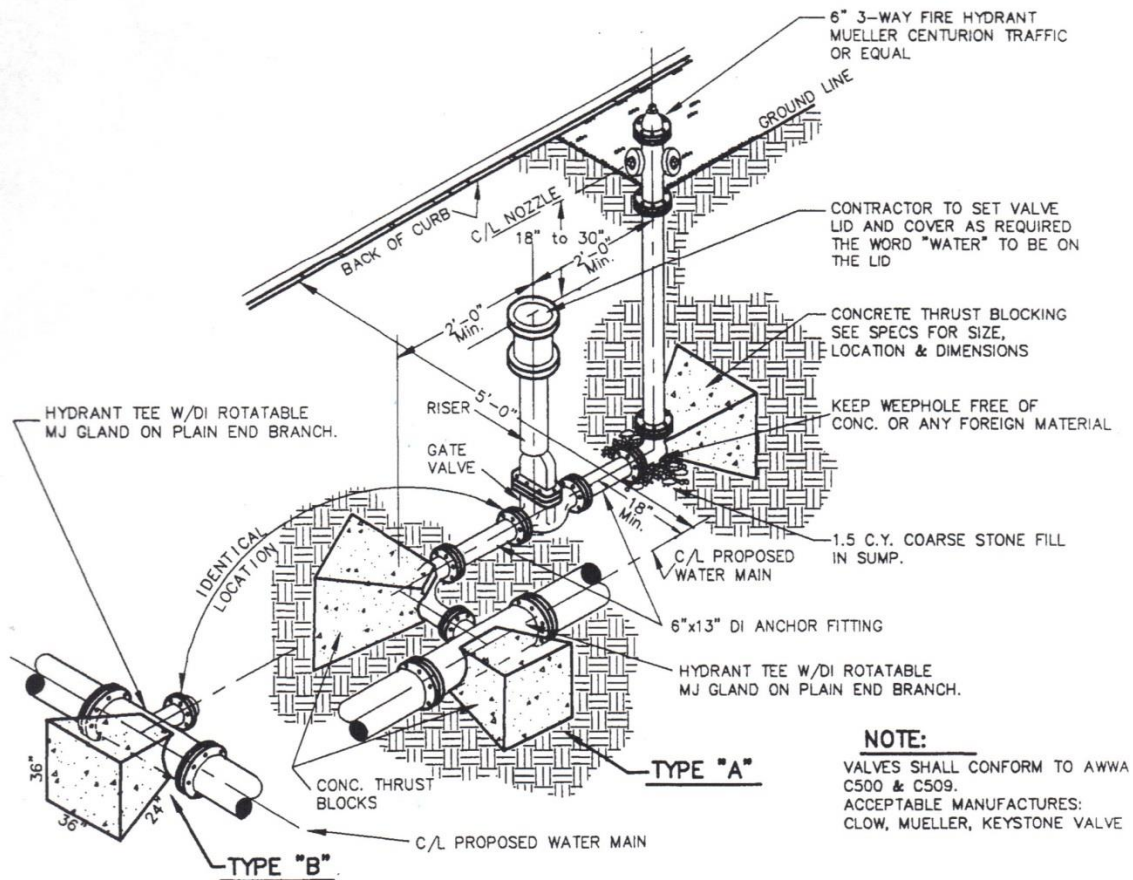


STANDARD HOUSE CONNECTION UNDER ROADWAY

STANDARD DRAWING NO. 1

CITY OF PLEASANT HOPE, MO.

SEWER SERVICE CONNECTIONS



NOTE:

VALVES SHALL CONFORM TO AWWA C500 & C509.
ACCEPTABLE MANUFACTURES:
CLOW, MUELLER, KEYSTONE VALVE

FIRE HYDRANT INSTALLATION DETAIL

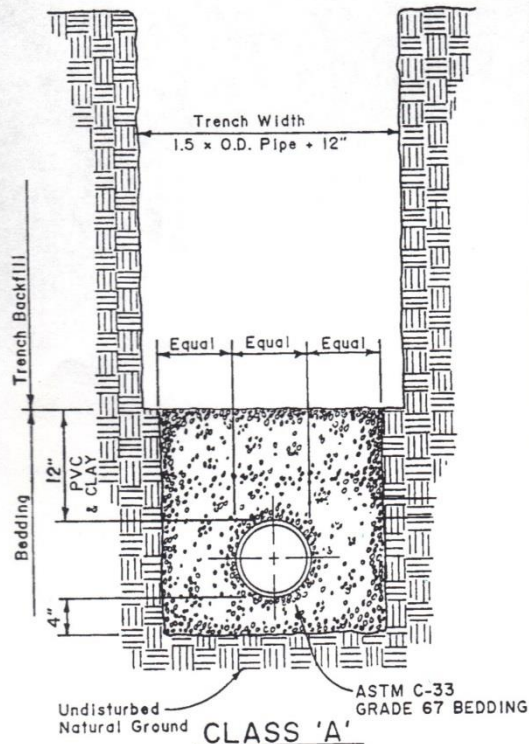
- *TYPE "A" Fire Hyd. w/90° Bend Installation
- *TYPE "B" Fire Hyd. w/Straight installation

STANDARD DRAWING NO. 2

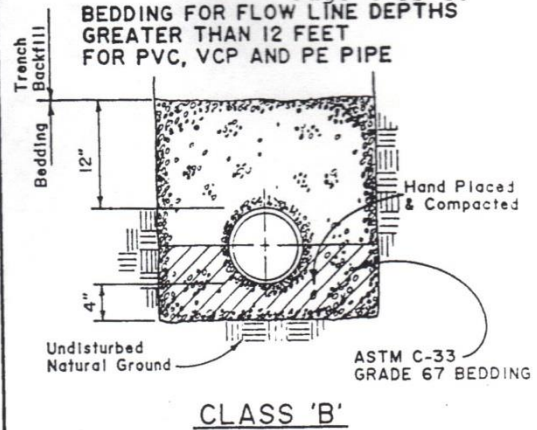
CITY OF PLEASANT HOPE, MO.

FIRE HYDRANT

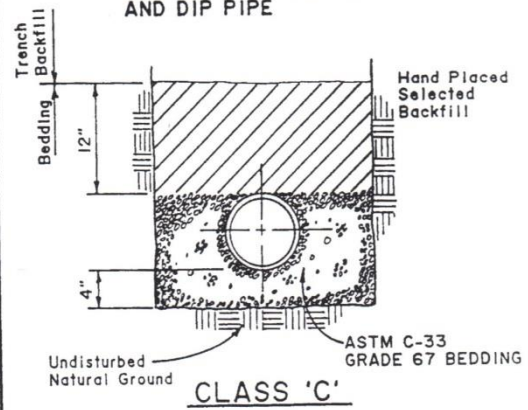
**BEDDING FOR FLOW LINE DEPTHS
OF LESS THAN 12 FEET
FOR PVC, VCP AND PE PIPE**



Page 4 of 18
**BEDDING FOR FLOW LINE DEPTHS
GREATER THAN 12 FEET
FOR PVC, VCP AND PE PIPE**



**BEDDING FOR ALL RCP
AND DIP PIPE**



NOTES:

1. Trench Shall be Excavated to a Depth of 4" Below Bottom of the Pipe. Provide Uniform Bedding Support Under Entire Length of Pipe. Pipe Bell Shall not Rest on Trench Bottom.
2. All Bedding to be Hand Tamped Under Pipe and to Spring Line.
3. Trench Shall be Excavated to Provide Vertical Walls. Where Conditions Require, Walls May be Sloped to Prevent Caving Per OSHA Regulations.

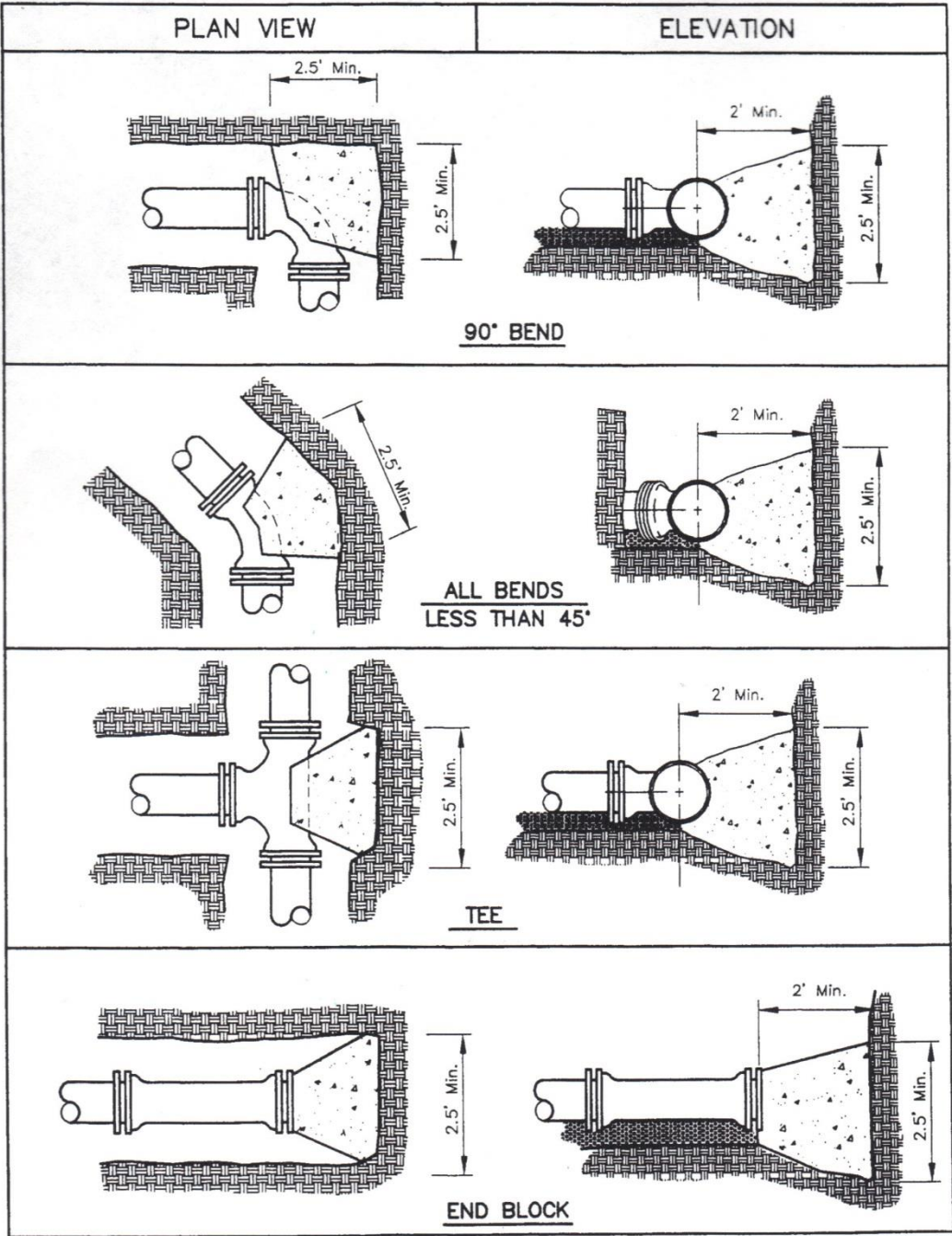
LEGEND

- = ASTM C-33 Grade 67 Bedding
- = Hand Placed Selected Backfill Rock no Larger Than 2"
- = Undisturbed Earth
- PVC = Polyvinyl Chloride Pipe
- VCP = Vitrified Clay Pipe
- PE = Polyethylene Pipe
- RCP = Reinforced Concrete Pipe
- DIP = Ductile Iron Pipe

STANDARD DRAWING NO. 3

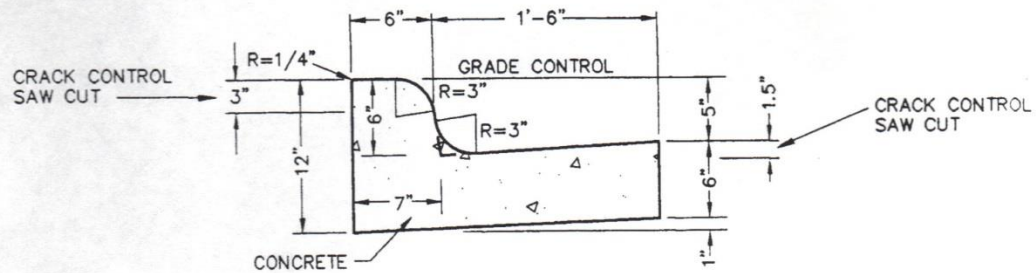
CITY OF PLEASANT HOPE, MO.

TRENCH & PIPE BEDDING



4" & 6" FITTINGS

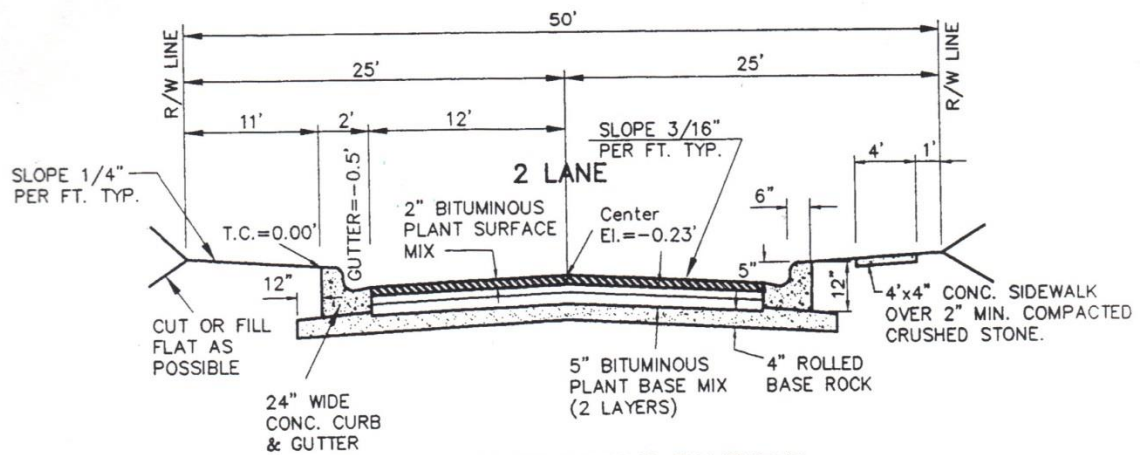
STANDARD DRAWING NO.4
CITY OF PLEASANT HOPE, MO.
THRUST BLOCKING DETAILS



STANDARD CONCRETE CURB & GUTTER

NOT TO SCALE

1. CRACK CONTROL JOINTS AT 15', SAW CUT, FILLED WITH BITUMINOUS JOINT SEALER
2. EXPANSION JOINTS AT 60' INTERVALS, TANGENTS OF CURVES 100 FEET OR LESS, AND SIDES OF CURB STRUCTURES.
3. CONCRETE TO BE 4000 PSI, COMMERCIAL READY MIX.



PLANT MIX BITUMINOUS PAVEMENT TYPICAL 28' STREET SECTION (W/CURB)

STREET PAVEMENT SPECIFICATIONS

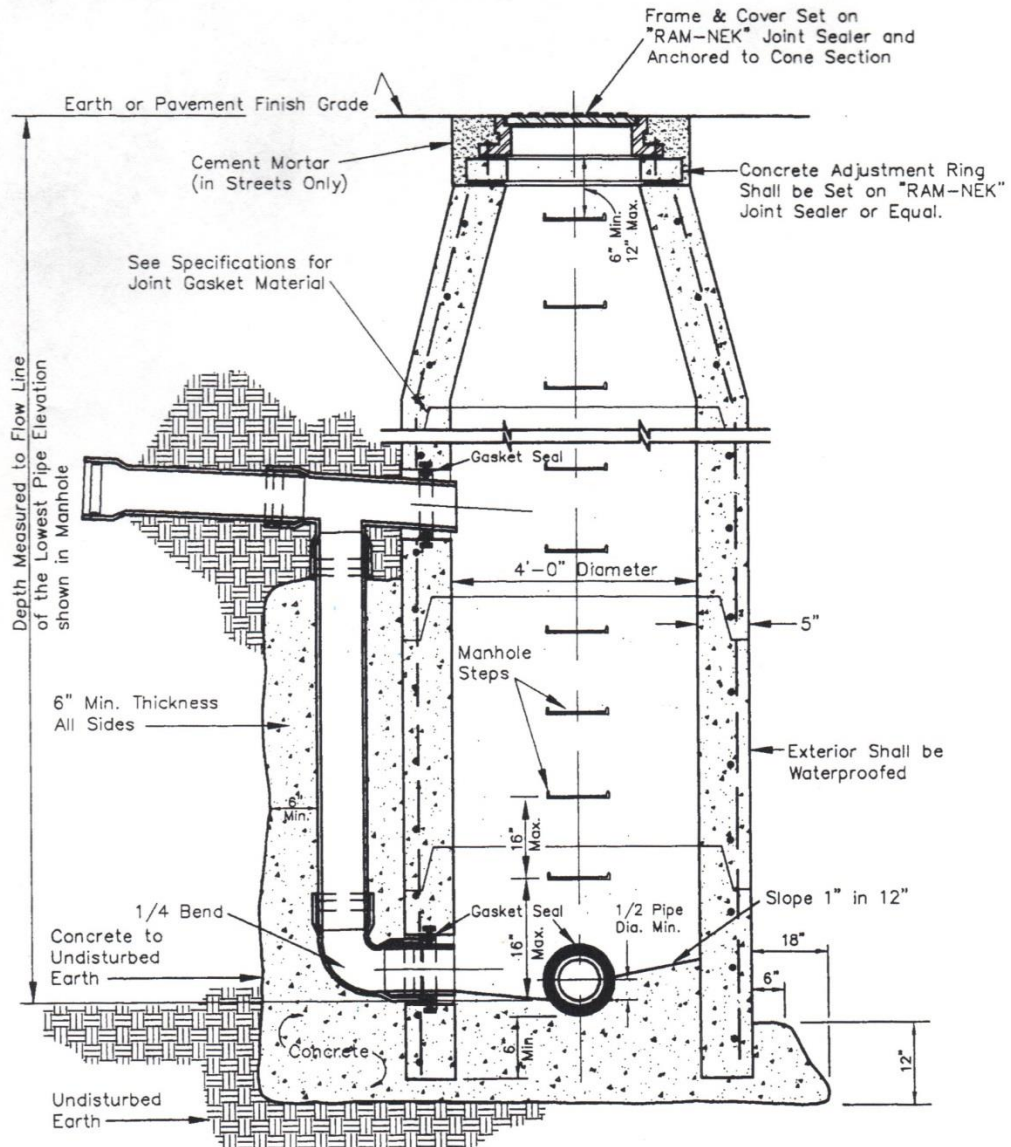
TACK COAT (MO-DOT SECTION 407)	2" ASPHALT WEAR SURFACE	(MO-DOT SECTION 401-BP2) *
TACK COAT (MO-DOT SECTION 407)	2" ASPHALT BASE	(MO-DOT SECTION 301) *
PRIME COAT (MO-DOT SECTION 408)	3" ASPHALT BASE	(MO-DOT SECTION 301) *
	4" BASE ROCK	(MO-DOT 304-TYPE I) *
	SUBGRADE	(MO-DOT 209) *

* = ALL LAYERS TO HAVE 95% COMPACTION AND DENSITY AT OPTIMUM MOISTURE OR ASPHALT CONTENT. LABORATORY TEST RESULTS ARE REQUIRED BEFORE ACCEPTANCE.

STANDARD DRAWING NO. 5

CITY OF PLEASANT HOPE, MO.

STREET DETAILS



DROP MANHOLE

(Drop Connections Minimum Drop 2 Feet)

STANDARD DRAWING NO. 7

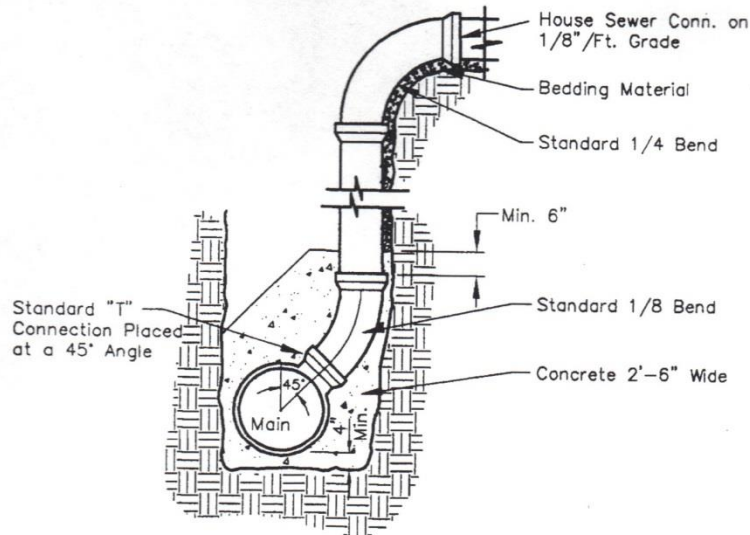
CITY OF PLEASANT HOPE, MO.

DROP MANHOLE

NOTE:

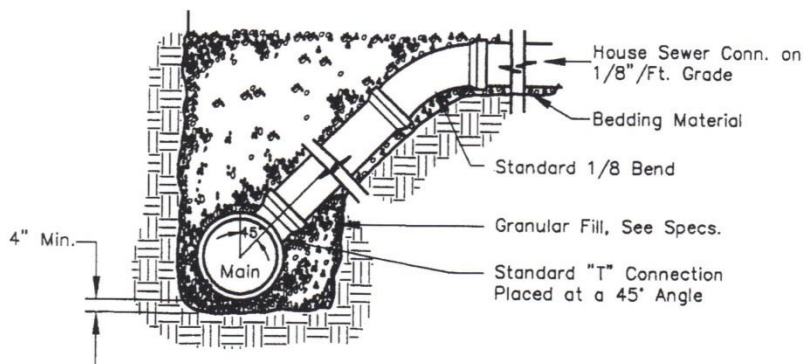
Page 9 of 18

All Vertical Risers Longer Than 6' in Length Requires
The Entire Connection, Including the Main to be Encased in
Concrete to a Point no Less Than 6" Above the 1/8 Bend



DROP HOUSE CONNECTION

NOTE: All Fittings Shall be ASTM
D-3034 Gasketed



STANDARD HOUSE CONNECTION

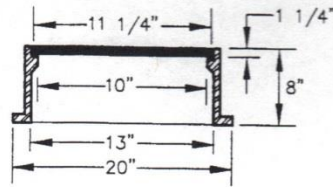
NOTE: All Sewer Connections Shall Be Slanted at an Angle of 45° From
The Main to the Grade for the Building Sewer Where Depth Allows

STANDARD DRAWING NO. 8

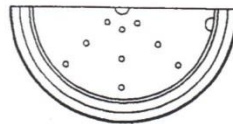
CITY OF PLEASANT HOPE, MO.

SEWER SERVICE CONNECTIONS

Frame & Cover Equal to
"Neenah" R-1976 (95 lbs)



SECTION



HALF PLAN

CLEANOUT & LAMPHOLE
FRAME & COVER

8"x3'-0" Wide x 3'-0" Long or 3'-0" Dia.
Concrete slab. Reinf. w/4 #4 Bars on Each
Side of Slab. Poured in Place or Precast

Cut off Pipe &
Install Expander Plug

Top of Earth
or Pavement

Undisturbed Earth
or Compacted
Earth Fill

6" Min. Ea. Side

45 Bend

Poured Conc. to
Undisturbed Earth
(5 Bag Mix)

Expander Plug

Flow

2' Min. Jt.

6" Y Branch
Fitting

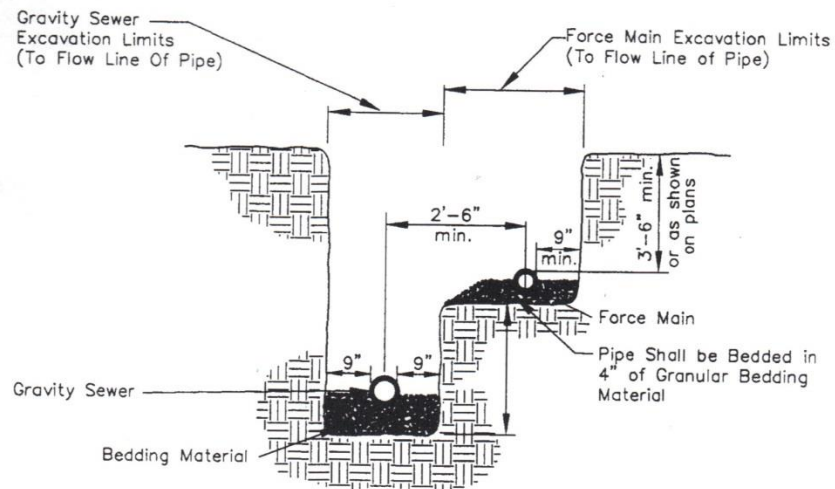
#4 Bars at 12" o.c.
For Width of Trench (2')

STANDARD E.O.L. LAMPHOLE

STANDARD DRAWING NO. 9

CITY OF PLEASANT HOPE, MO.

SEWER CLEANOUT

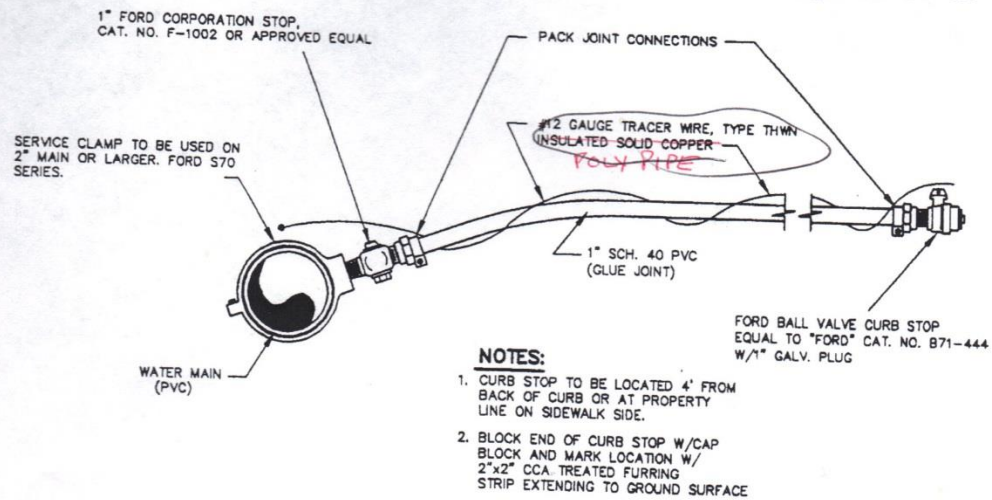


**TYPICAL SECTION FOR GRAVITY LINE & FORCE
MAIN IN COMMON TRENCH**

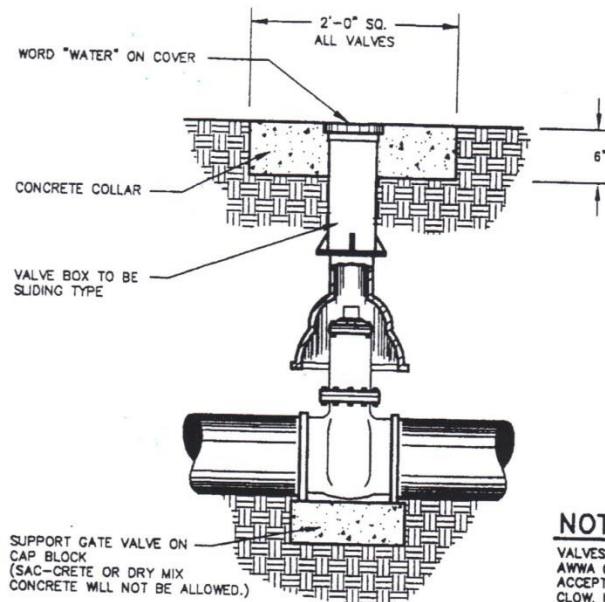
STANDARD DRAWING NO. 10

CITY OF PLEASANT HOPE, MO.

SEWER DETAILS



TYPICAL WATER SERVICE LINE



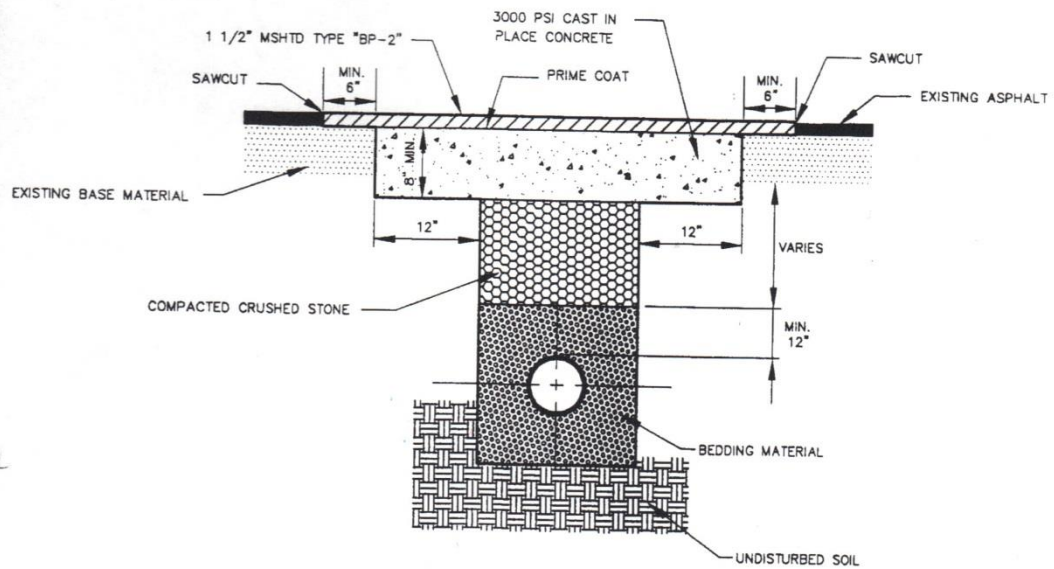
GATE VALVE & BOX DETAIL

PROVIDE 3" FACTORY MANUFACTURED "I" VALVE WRENCHES FOR OWNER

STANDARD DRAWING NO. 11

CITY OF PLEASANT HOPE, MO.

WATER DETAILS



ASPHALT STREET REPAIR

NOT TO SCALE

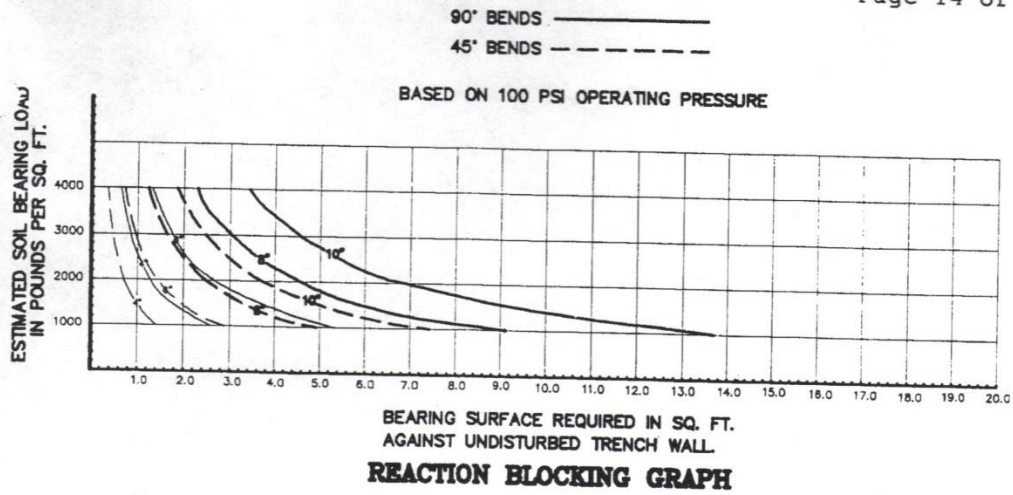
NOTE:

ON PERPENDICULAR STREET CROSSINGS,
COMPACTED CRUSHED STONE LAYER SHALL
EXTEND 2' BEYOND EDGE OF STREET SURFACE

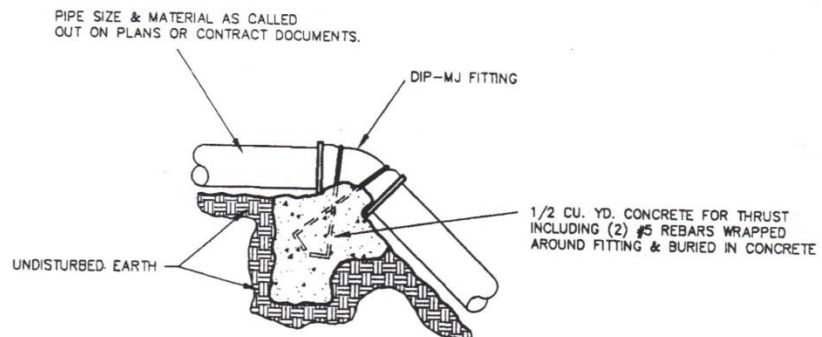
STANDARD DRAWING NO. 12

CITY OF PLEASANT HOPE, MO.

STREET REPAIRS



THRUST BLOCK DETAIL



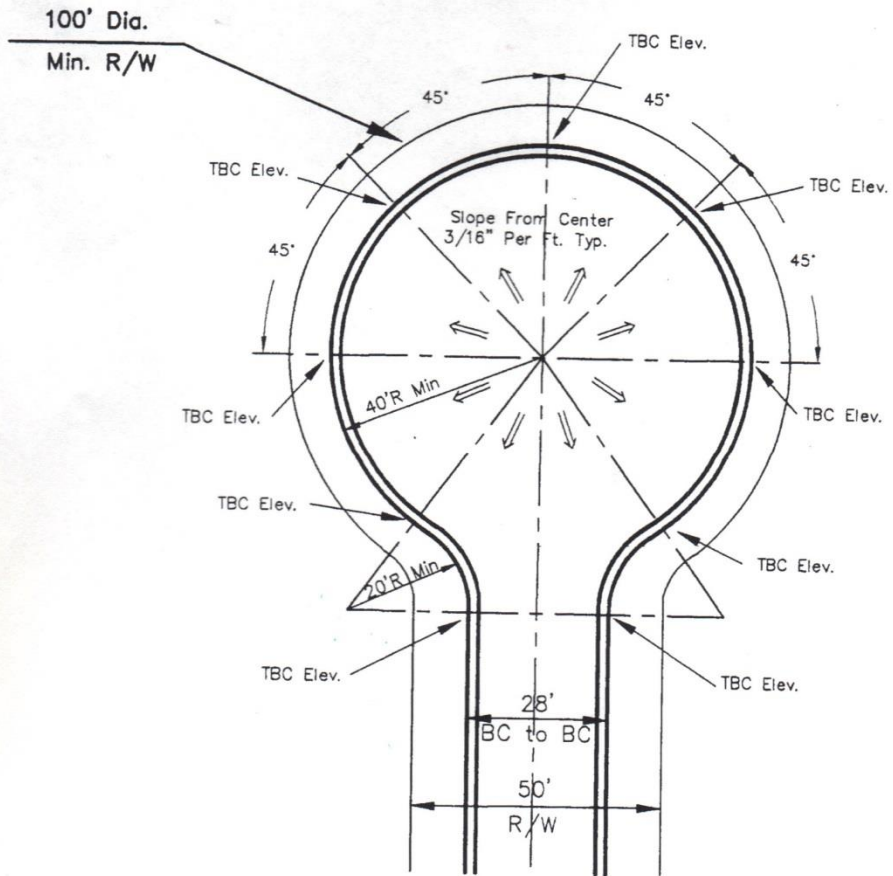
TYPICAL ANCHOR FOR VERTICAL BEND

NO SCALE

STANDARD DRAWING NO. 13

CITY OF PLEASANT HOPE, MO.

THRUST BLOCKING



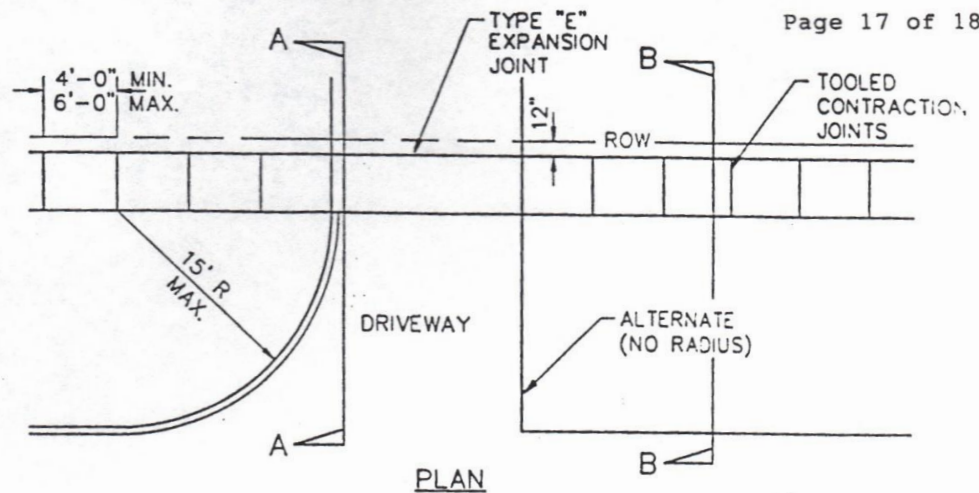
MAX. LENGTH OF STREET WITH
CUL-DE-SAC SHALL BE 500'

STANDARD CUL-DE-SAC

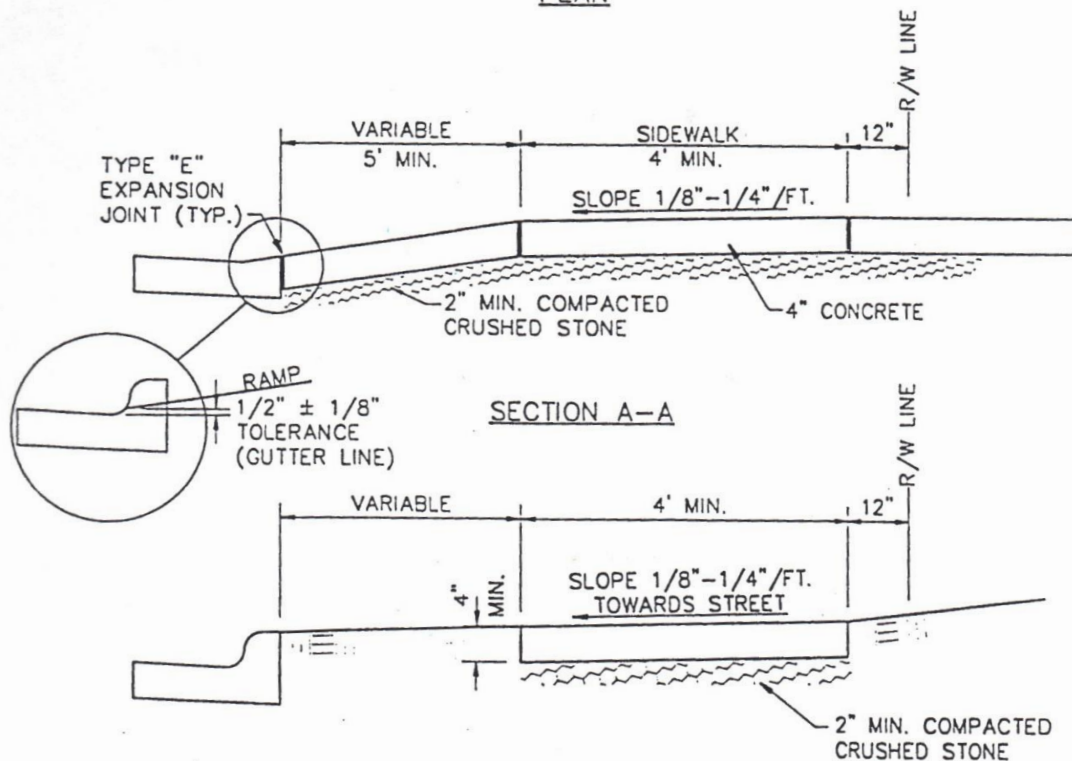
STANDARD DRAWING NO. 15

CITY OF PLEASANT HOPE, MO.

CUL-DE-SAC



PLAN



SECTION B-B

NOTE:

1. EXPANSION JOINTS SHALL BE PLACED NOT MORE THAN 50 FT. APART ON STRAIGHT RUNS FOR HAND LAID SIDEWALK, AND NOT MORE THAN 100 FT. APART ON STRAIGHT RUNS FOR MACHINE LAID SIDEWALKS.

STANDARD DRAWING NO. 16

CITY OF PLEASANT HOPE, MO.

CONCRETE SIDEWALK AND DRIVEWAY

Chapter 200 – Land Developed

Section 200.100: Sub Division of Exist Lots

Sub Section A. Pleasant Hope Estates

1. The City of Pleasant Hope accepted preliminary plat from Dewey and Doris Smith for the subdivision of property on Pirate Lane. (Ordinance 274 4/02/2012).
2. The City of Pleasant Hope accepted final plat from Dewey and Doris Smith for the subdivision of property on Pirate Lane. (Ordinance 276 4/16/2012)

Article VIII - Planning and Zoning

Chapter 100 - Establish a Planning & Zoning Commissions for the City of Pleasant Hope (Ordinance 231, 08/23/2007)

Section 100.100: A Planning & Zoning Commissions for the City of Pleasant Hope, Missouri:

As provided by Section 89.010 to 89.491, RSMo.

Sub Section A. Appointment & Membership

1. All the planning commission shall be appointed by the Mayor and approved by the Board of Aldermen.
2. The planning commission shall consist of 7 to 15 members being citizens of the City of Pleasant Hope and any engineers and consultants hired by the commission.
3. All citizen members of the planning commission shall serve without compensation.
4. The term of each of the citizen members shall be four (4) years, except that the terms of the citizen members being appointed shall be for varying periods so that succeeding terms will be staggered.
5. Any vacancy in a planning commission shall be filled for the unexpired term by appointment by the Mayor with approval of the Board of Aldermen.
6. The Board of Aldermen may remove any citizen member of the planning and zoning commission for cause stated in writing only after a public hearing of which the member affected shall be given at least (10) days written notice of specifying reason.
7. The planning commission shall elect its chairman, vice-chairman, secretary and assistant secretary from among the citizen members. The term of each officer shall be for one (1) year with eligibility for re-election,

Sub Section B. Meetings, rules and records

The planning commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records.

Sub Section C. Expenditures limited by appropriations

The expenditures of the planning commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen.

Sub Section D. Employees, consultants authorized

The planning & zoning commission shall use the employees and staff necessary for its work and provided by the city contract with planners and other professional persons for the services that it requires.

Sub Section E. Planning commission to act as Planning & Zoning Commission

The planning commission shall have and perform all the functions of a zoning commission provided for in RSMo 89.010 to 89.491

Sub Section F. Comprehensive Plan

1. City Plan - The Planning & Zoning Commission shall assist the council in making and adopting a comprehensive plan for the physical development of the city. The comprehensive plan, with the accompanying maps, plats, charts and descriptive and explanatory materials, shall show the commission's recommendations for the physical development of the city and may include, among other things, the general location, character and extent of streets and other public ways, grounds,

places and spaces; the general locations 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 reclaiming of blighted districts and slum areas.

2. The Planning & Zoning Commission may also prepare such comprehensive plan to show regulations of height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density, but the adoption, enforcement, and administration of zoning plans contained in the comprehensive plan shall conform to the provisions of Sections 89.010 to 89.491 of the Revised Statutes of Missouri and city ordinances.
3. The Planning and Zoning Commission may also prepare a zoning plan for the regulation of height, area, bulk, location and use of private, non-profit and public structures and premises and of population density, but the adoption, enforcement and administration of zoning plan shall conform to the provisions of RSMo 89.010 to 89.491

Sub Section G. Approval and Adoption of Comprehensive Plan

Prior to the adoption of the comprehensive plan by the Board of Aldermen, the Planning & Zoning Commission shall hold at least one public hearing thereon. The Planning & Zoning Commission shall hold such public hearing prior to any amendment or extension of such plan as adopted by the council. Notice of such public hearing is published in a newspaper of general circulation in the city at least 15 days in advance. Such notice shall indicate the time, place, and date of such hearing. The adoption of the plan by the Planning & Zoning Commission requires a majority vote of the full membership of die commission.

Chapter 400 Planning & Zoning Commission (Ordinance)

Section 400.010: Membership of Planning and Zoning Commission

The Planning and Zoning Commission shall be formed in accordance with the provisions of Sections 89.070, 89.320 and 89.330, RSMo. The Commission shall consist of not more than fifteen (15) nor less than seven (7) members, and shall include:

1. The Mayor, if the Mayor chooses to be a member;
2. A member of the Board of Aldermen, selected by the Board of Aldermen, if the Board of Aldermen chooses to have a member serve on the Commission; and
3. Not more than fifteen (15) nor less than five (5) citizens, who shall be residents of Pleasant Hope, appointed by the Mayor and approved by the Board of Aldermen. Commission members shall serve without compensation.

Section 400.020: Compensation

Commission members of the Planning and Zoning Commission shall serve without compensation.

Section 400.030: Commission Officers

The Commission shall elect its Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year with eligibility for re-election; should be done at first (1st) meeting after April election.

Section 400.040: Meetings of the Planning and Zoning Commission

Sub Section A. Adopting Rules

The Commission may adopt rules and regulations governing the procedures and operations of the Commission not inconsistent with the provisions of this Chapter.

Sub Section B. Meeting Schedule

The Commission shall establish a regular meeting schedule and shall meet frequently enough in order to take action in a timely manner on matters brought before the Commission.

Sub Section C. Open Meetings

The Commission shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas and evidence. All Commission meetings shall be open to the public and the agenda for each meeting shall be made available in advance of the meeting as required by law.

Sub Section D. Minutes of Meetings

Minutes shall be kept of all Commission proceedings.

Section 400.050: Expenditures

The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within amounts appropriated for the purposes of the Board of Aldermen.

Section 400.060: Duty of Public Officials To Furnish

All public officials shall upon request furnish to the Planning and Zoning Commission, within a reasonable time, all available information it requires for its works.

Section 400.070: General Powers

In general, the Planning and Zoning Commission shall have the power necessary to enable it to perform its functions and promote City planning. The Planning and Zoning Commission shall have the power to perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have

and perform all of the functions of a Planning Board as outlined in such Chapter.

Section 400.080: Authority

The Planning and Zoning Commission shall have the following powers and duties:

1. Conduct studies and recommend to the Board of Aldermen plans, goals and objectives relating to the growth, development and redevelopment of the City.
2. Prepare and recommend to the Board of Aldermen policies ordinances and administrative procedures and other means for carrying out plans for the City in a coordinated and efficient manner.
3. Prepare and recommend to the Board of Aldermen regulations and requirements governing the coordinated development of land within the City. Recommendations may be made, among other things, for the coordination of streets within subdivisions with other existing or planned streets or with other features of the Comprehensive Plan or Official Map; for adequate open spaces for traffic, recreation, light and air; for distribution of population and traffic; for requirements as to the extent and manner of installation of all utility facilities; and recommended manner of enforcement. All recommendations shall be in conformity with Chapter 89, RSMo.
4. Hold public hearings on rezoning applications and amendments to the Zoning Map and make recommendations to the Board of Aldermen regarding the approval or disapproval of rezoning applications and amendments to the Zoning Map.
5. Make recommendations to the Board of Aldermen on conditional use permit applications and planned developments.
6. Conduct study and make recommendations to the Board of Aldermen on modifications and amendments to the Zoning Regulations.
7. Carry out other such work and activity as may be requested by the Board of Aldermen, pursuant to Chapter 89, RSMo.

Section 400.090: Reports to Board of Aldermen

The Commission shall make reports to the Board of Aldermen as it may deem proper or as requested by the Board of Aldermen on its investigations, transactions and recommendations and other reports relative to its proscribed responsibilities and authority.

CHAPTER 405: City of Pleasant Hope Zoning Regulations (Ordinance 294 01/20/2014)

Section 405.010: Short Title

This Chapter shall be known and may be cited as the City of Pleasant Hope Zoning Regulations.

Section 405.020: Authority and Purpose

Sub Section A. This Chapter is adopted pursuant to the authority contained in Chapter 89, RSMo.

Sub Section B. The purpose of this Chapter is to protect the public health, safety and general welfare, to promote good planning and land development practice, to conserve the City's resources, to facilitate the provision of adequate public improvements and to promote efficient expenditure of public financial resources.

Sub Section C. The provisions of this Chapter shall be administered to ensure orderly growth and development of the City and shall supplement and implement the policies of the City of Pleasant Hope Comprehensive Plan, other planning documents and the capital budget.

Section 405.030: Jurisdiction

This Chapter shall be effective throughout the City's planning jurisdiction which comprises the area within the corporate boundaries of the City of Pleasant Hope.

Section 405.040: Effective Date

This Chapter shall be in full force and effect from and after passage.

Section 405.050: Fees

Sub Section A. Reasonable fees to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning amendments, conditional use permits, sign permits, appeals and variances. A list of all established fees related to the requirements of this Chapter is available at the Pleasant Hope City Hall. The Board of Aldermen, the Planning and Zoning Commission and Board of Adjustment shall be exempt from this fee.

Sub Section B. Fees established in accordance with Sub Section (A) shall be paid upon submission of a signed application by the applicant, petitioner or the party submitting a notice of appeal.

Section 405.060: Burden Of Proof

The burden of proof shall be upon the applicant in all proceedings pursuant to this Chapter. It is presumed that the applicant has knowledge of the requirements of this Chapter and the applicant is obligated to meet the requirements unless a variance is granted. Failure to meet the requirements is one reason for denial of an application.

Section 405.070: Interpretation, Conflict and Separability

Sub Section A. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and general welfare.

Sub Section B. Where the conditions imposed by any provision of this Chapter are either more restrictive or less restrictive than conditions imposed by any other provision of this Chapter or other applicable law, ordinance, rule or regulation, the regulations which are more restrictive and which impose a higher standard shall govern.

Sub Section C. The provisions of this Chapter are separable. If any Section, sentence, clause or phrase of this Chapter is for any reason held to be invalid by a court of competent jurisdiction, the decision shall not affect the remaining portions of this Chapter.

Section 405.080: General Regulations

Except as hereinafter specified:

1. No land shall be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
3. No building shall be erected, converted, enlarged or structurally altered, except in conformity with the off-street parking and loading regulations of the district in which such building is located.
4. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided hereinafter.
5. Except as hereinafter specified, any use, building or structure existing at the time of the passage of this Ordinance 294 01/20/2014 may be continued, subject to the restrictions and limitations of Section 405.450 through 405.480.
6. No structure, structural element, balcony, porch or roof shall encroach upon or overhang any required yard setback on any lot.

Section 405.090: Generally - Definitions and Interpretations

The following general rules shall apply in interpreting the meaning of Chapter 405: City of Pleasant Hope Zoning Regulations.

1. Words used in the present tense shall also include the future tense.
2. Words used in the singular number shall also include the plural and vice versa.
3. The word "*shall*" is mandatory and not discretionary.
4. The word "*may*" is permissive.
5. The words "*used*" or "*occupied*" shall be construed to include "intended", "designed" or "arranged to be used or occupied".
6. The word "*person*" includes individuals, firms, corporations, associations, governmental bodies and agencies and any other similar entities.
7. Unless otherwise specified, all distance shall be measured horizontally.
8. Where reference is made to the regulations, it shall be construed to mean the regulations as originally passed in this Chapter and all subsequent amendments, supplements and revisions.

Section 405.100: Definitions

Unless otherwise expressly stated, the following terms shall have the meanings herein indicated. Where words have not been defined, the standard dictionary definition shall prevail.

ACCESSORY APARTMENT: A separate complete dwelling unit substantially contained within the structure of a single-family detached dwelling.

ACCESSORY STRUCTURE: A structure which:

1. Is subordinate to and serves a principal structure,
2. Is subordinate in area, extent or purpose to the principal structure,
3. Contributes to the comfort, convenience or necessity of occupants of the principal use, and
4. Is located on the same lot as the principal structure.

ACCESSORY USE: A use which:

1. is subordinate to and serves a principal use,
2. is subordinate in area, extent or purpose to the principal use,
3. contributes to the comfort, convenience or necessity of occupants of the principal use, and

4. is located on the same lot as the principal use.

ACRE: A measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

ADMINISTRATIVE OFFICIAL: Except as otherwise specifically provided, primary responsibility for administering and enforcing the Pleasant Hope Zoning Regulations may be assigned by the Board of Aldermen to one (1) or more individuals in the employ of the City or to someone other than an employee who is well versed in zoning regulations. The person or persons to whom these functions are assigned shall be referred to as "Administrative Official".

ADULT ENTERTAINMENT: Any establishment which features live or recreated entertainment or offer for sale or rental, for any form of consideration, visual representations, instruments, devices or paraphernalia, distinguished or characterized by an emphasis in matter depicting, describing or relating to sexual activities or anatomical areas, the regulation of which can be referenced in Section 610 of this Code, which can be found in the Office of Records in the Pleasant Hope City Hall.

AGRICULTURAL USE: The production, keeping or maintenance, sale, lease or personal use of plants and animals including, but not limited to: forages and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats or any hybrids thereof, including the breeding and grazing of any or all kinds of such animals; bees and apiary products; fur animals; trees for forest products; fruits of all kinds; vegetables; nursery, floral ornamental and greenhouse products; or land devoted to soil conservation or forestry management, but excluding feed lots, stockyards and animal slaughterhouses.

ALLEY: A public or private street primary designed to extend only secondary access to the side or rear of those properties whose principal frontage and access is on some other street.

ALTERATION: A physical change to one (1) or more of the exterior features of a structure which includes, but is not limited to, the erection, construction, reconstruction or removal of any feature of the structure.

ALTERATION, STRUCTURAL: Any change in a supporting member of a building.

ANIMAL, FARM: Any livestock or other domesticated animal raised for commercial or agricultural purposes.

ANIMAL, HOUSEHOLD PET: Any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, cows, livestock, chinchillas, horses, goats, sheep, monkeys, pigs and other similar animals and fowl.

ANIMAL, NON-DOMESTIC: Any feline other than domestic house cat, non-human primate, bear, wolf, coyote, fox, venomous reptile or any other animals or crossbreed of such animals which have similar characteristics or are dangerous or unsafe for contact with humans.

APPLICANT: A developer or any individual submitting an application for an amendment, permit, variance or appeal as required by this Chapter.

ARCHITECTURAL SIGNIFICANCE: Embodying the distinctive characteristics of a period, type, style or method of construction or use of indigenous construction or representing the work of an important builder, architect or craftsman who has contributed to the development of the City, County, State or country.

BASEMENT: That enclosed part of a building having at least two (2) feet of its height below the average grade of the adjoining ground.

BED AND BREAKFAST: A single-family dwelling, occupied as a permanent dwelling by the proprietor, in which lodging and meals are provided for time-limited durations to not more than five (5) groups of

patrons in a twenty-four (24) hour period.

BERM: A mound of earth, typically located in a buffer yard to block noise, lights or other nuisances.

BOARD OF ADJUSTMENT: The appellate body appointed by the Pleasant Hope Board of Aldermen to assist in the administration of this Chapter, pursuant to Sections 89.010--89.170, RSMo.

BOARDING HOUSE (ALSO LODGING OR ROOMING HOUSE): A building, other than a hotel or apartment hotel where, for compensation and by prearrangement for definite periods, lodging, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

BUFFER YARD: A land area containing trees, shrubs and other plants, berms, fences or walls used to separate one use from another or to block noise, lights or other nuisances.

BUILDING: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

BUILDING COVERAGE: The horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot divided by the gross area of the lot.

BUILDING HEIGHT: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL: A building in which the primary use of the lot is conducted.

BULK STORAGE: The storage of chemicals, petroleum products and other materials in above ground containers for subsequent resale to distributors or retail dealers or outlets.

CITY: The City of Pleasant Hope.

CLINIC: An establishment where human patients are admitted for examination and/or treatment by one (1) or more physicians, dentists, psychologists or social workers and where patients are not lodged overnight.

COMMISSION: The Pleasant Hope, Missouri Planning and Zoning Commission.

COMMON OPEN SPACE: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements.

COMPREHENSIVE PLAN: The Pleasant Hope Comprehensive Plan, which is a comprehensive, long range plan intended to guide the growth and development of the City.

CONDITIONAL USE PERMIT: A permit issued by the Board of Aldermen that authorizes the recipient to make use of property in accordance with the requirements of this Chapter as well as any additional requirements imposed by the Board of Aldermen.

CONDOMINIUM: A building, group of buildings or property in which units are owned individually and the common elements are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION: The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

COTTAGE INDUSTRY: An establishment primarily engaged in the on-site production of goods by hand manufacturing which involve the use of hand tools or which have a limited impact on adjoining

development by virtue of either low development densities or more stringent review and standards. Examples of typical low intensity uses include ceramic or stained glass studios, custom jewelry, hand-worked textiles or small furniture and outdoor ornamentation manufacturers. Cottage Industries are categorized as "limited" which are located in residential areas and "commercial" which are located in areas zoned as commercial.

DAY CARE CENTER: A child care program conducted in a location other than the provider's permanent residence or separate from the provider's living quarters, where care is provided for children not related to the child care provider for any part of the twenty-four (24) hour day.

DAY CARE HOME, FAMILY: A child care program where care is given by a person licensed as a family day care home provider for more than four (4) but not more than ten (10) children not related to the provider for any part of the twenty-four (24) hour day. The provider may be licensed to operate no more than one (1) family day care home or group day care home.

DAY CARE HOME, GROUP: A child care program where care is given by a person licensed as a group day care home provider for eleven (11), but not more than twenty (20), children not related to the child care provider, for any part of the twenty-four (24) hour day. A group day care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one (1) group day care home or family day care home.

DENSITY: The permitted number of dwelling units per gross acre of land to be developed.

DEVELOPER: The legal or beneficial owner or owners of a lot or any land included in a proposed development. Also the holder of an option or contract to purchase or any other person having enforceable proprietary interest in such land.

DEVELOPMENT: A construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or extractive purposes.

DISTRICT: A part, zone or area within the City of Pleasant Hope, within which certain zoning regulations apply and are uniform.

DUPLEX, TWO-FAMILY: A structure on a single lot containing two (2) dwelling units, each of which share a common wall including, without limitation, the wall of an attached garage or porch and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance. Zones "R-2", "R-3".

DWELLING: A building or portion thereof designed exclusively for residential occupancy, excluding hotels, motels, boarding, rooming and lodging houses, travel trailers/recreational vehicles and tourist courts.

DWELLING, MULTI-FAMILY: A structure on a single lot containing three (3) or more dwelling units, each of which is totally separated from the other. "R-3" District.

DWELLING, MULTI-FAMILY TOWN HOUSE: A multi-family residential use in which each dwelling unit shares a common wall including, without limitation, the wall of an attached garage or porch, with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance. "R-3" District. "R-2" District only as a conditional use, requires approval by Board of Aldermen.

DWELLING, PATIO-COURT HOME: See "DWELLING, SINGLE-FAMILY-SEMI-DETACHED".

DWELLING, SINGLE-FAMILY DETACHED: A structure on a single lot designed for or occupied exclusively by one (1) family. Zones "R-1" and "R-2", "C-1", "R-3" Districts only if existing at the time the district is mapped. "A-1" Agricultural District existing at the time the district is mapped or new construction

on a lot with at least three (3) acres.

DWELLING, SINGLE-FAMILY-SEMI-DETACHED: A dwelling unit attached to one (1) or more dwelling units by common vertical walls and each dwelling unit is located on a separate lot. This definition may include the term zero (0) lot line, twin house or patio court house. "R-1" District only as a conditional use requires approval by Board of Aldermen.

FAMILY: One (1) or more persons, related by blood, marriage, adoption, guardianship or duly authorized custodial relationship or two (2) unrelated people and any children related to or legally cared for by either of them or a group of not more than five (5) unrelated individuals, living together as a single housekeeping unit. A family may include, in addition hereto, not more than two (2) boarders, roomers or domestic servants.

FLOOR AREA RATIO (FAR): The gross floor area of all buildings on a lot divided by the lot area.

FRONTAGE: That part of a lot or premise immediately adjacent to a street or streets without regard to access to, or elevation of, the street or streets.

GARAGE, PRIVATE: A detached accessory building or portion of a main building housing the passenger vehicles or trailers of the occupants of the premises.

GARAGE, PUBLIC: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term "repairing" shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

GARAGE, STORAGE: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients and at which motor fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

GRADE: The average level of the finished surface of the ground for buildings more than five (5) feet from a street line. For buildings closer than five (5) feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one (1) street an average sidewalk elevation is to be used. If there is no sidewalk, the City Engineer shall establish the sidewalk grade.

GROSS FLOOR AREA: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROUP HOME, CUSTODIAL: A dwelling in which more than ten (10) unrelated physically and mentally impaired persons reside with houseparents' or guardians.

GROUP HOME, RESIDENTIAL: A single-family, detached dwelling in which no more than ten (10) persons reside, comprised of the following: eight (8) or fewer unrelated mentally or physically handicapped or impaired persons, no more than two (2) persons acting as houseparents' or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the dwelling.

HISTORIC DISTRICT: An area designated as a historic district by ordinance of the Pleasant Hope Board of Aldermen, pursuant to the procedures prescribed herein and which is a geographically definable area possessing a significant concentration, linkage or continuity of sites or structures united by past events, plan or physical development. Designation as a historic district will be considered an overlay zoning district.

HOME OCCUPATION: An activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or accessory building on the premises.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public.

INSTITUTION: A non-profit establishment for public use.

LIVESTOCK: Cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in Section 277.024, RSMo., llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption.

LOADING SPACE: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA: The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

LOT, CORNER: A lot abutting on two (2) or more streets at their intersection.

LOT DEPTH: The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT, FRONT OF: The front of a lot shall be considered to be that side of the lot which fronts a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A boundary line of a lot.

LOT LINE, FRONT: The lot line separating a lot from the street. On a corner lot, the shortest lot line abutting a street is the front lot line; on a through lot, both lot lines abutting the streets are front lot lines; on an irregular shaped lot, the front lot line is the lot line most parallel to the abutting street.

LOT LINE, REAR: Any lot line not a front or side lot line. The rear lot line for a triangular shaped lot shall be a line ten (10) feet long drawn between the lot's side lot lines and parallel to the front lot line.

LOT LINE, SIDE: The lot lines that intersect with a lot's front lot line.

LOT OF RECORD: A lot which is part of a recorded subdivision or a parcel of land on a plat or deed which has been recorded by the Polk County Recorder of Deeds.

LOT, THROUGH: A lot having a frontage on two (2) parallel streets or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

LOT WIDTH: The mean horizontal distance between the side lot line of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear lot line of the required front yard (building line, especially on irregularly shaped lots).

MANUFACTURED HOME: A transportable, factory-built dwelling, composed of one (1) or more

components, manufactured under the authority of 42 U.S.C. Section 5401, Federal Manufactured Housing Construction and Safety Standards Act, which bears the seal of the State of Missouri Public Service Commission, U.S. Department of Housing and Urban Development or its agent and which, in traveling mode, is twelve (12) body feet or more in width and forty (40) body feet in length, and when erected on site contains nine hundred (900) feet or more square feet of living area equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation.

MANUFACTURED HOUSING PARK: An area where one (1) or more manufactured homes can be or are intended to be parked, designed or intended to be used as living facilities for one (1) or more families.

MOBILE HOME: A transportable, factory-built home, designed to be used as a year around residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 16, 1976.

MODULAR HOME: A dwelling unit built to a nationally recognized and accepted construction standard published by the Building Official's Conference of America (BOCA) or the International Conference of Building Officials (ICBO) or its successor, consisting of components substantially built and assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. The dwelling unit shall be inspected and certified at the factory that it meets said building construction standard. A modular home shall not have its own running gear and on-site service connections and foundation shall be in accordance with the requirements of the City of Pleasant Hope's building regulations.

MOTEL: An establishment in which transient accommodations are provided on a daily rate to the general public.

NON-CONFORMING LOT: A lot existing at the effective date of this Chapter, (and not created for the purpose of evading the restrictions of this Chapter) that does not meet the minimum area requirement of the zoning district in which it is located.

NON-CONFORMING USE: The use of land or a building or portion thereof, existing at the effective date of this Chapter, where such use does not conform to the use regulations of the zoning district in which it is located.

OWNER OF RECORD: The person, corporation or other legal entity listed as owner of a lot on records of the Polk County Recorder of Deeds.

PARKING SPACE: A space within a building or a private or public parking area for the parking of one (1) vehicle.

PLANNED UNIT DEVELOPMENT: A tract of land under single ownership, planned and developed as an integral unit and consisting of a combination of residential and non-residential uses of land within a planned unit development (PUD) district.

PRINCIPAL STRUCTURE: A structure or group of structures, in which the principal use of the lot on which it is located, is conducted.

PUBLIC: Maintained for or used by the people of the City of Pleasant Hope on a non-commercial basis.

PUBLIC IMPROVEMENT: The installation, construction, addition or betterment of any new physical development dedicated to or intended for public use such as streets and sidewalks, utilities, drainage facilities, etc.

SETBACK: The required minimum horizontal distance between the nearest front, side or rear line of every structure and the front line of the lot.

SIGN: Any words, numbers, figures, devices, designs or trademarks by which anything is made known such as are used to designate an individual, firm, profession, business or a commodity and which are visible from any public street.

STORY: That portion of a building other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half (1/2) story containing independent apartments or living quarters shall be counted as a full story.

STREET: A public or private way, used or intended to be used for passage or travel by motor vehicles.

STREET FUNCTIONAL CLASSIFICATION: Streets and roads are classified by their primary function in the City's transportation network. Design standards are related to functional classification. These functional classifications include:

1. **ALLEYS:** A dedicated public right-of-way other than a street designed to extend only secondary access to the side or rear of those properties whose principal frontage and access is on some other street.
2. **COLLECTORS:** A street that collects and distributes traffic to and from local streets and arterial streets and is intended to provide for low to moderate volume and low-speed, shorter length trips. Traffic movement and property access functions are balanced.
3. **LIMITED ACCESS HIGHWAY:** Connects the City to other areas and primary function is to move traffic through the City. Carries large volumes of traffic at high speeds. Access is typically limited to major interchanges and intersections.
4. **LOCALS:** A Street intended to provide access to abutting property and designed for low-volume, low speed traffic.
5. **PARKWAYS:** Scenic open spaces which combine the functions of aesthetics and movement of traffic along an arterial.
6. **PRIMARY ARTERIALS:** A street intended to provide for high-volume, moderate-speed traffic movement through the community and between major activity centers. Access to abutting property is subordinate to the flow of traffic and entrances and exits to the arterial are subject to control.
7. **SECONDARY ARTERIALS:** A street intended to provide for moderate volume, moderate speed traffic movement between major activity centers and between neighborhood areas within the City. Access to abutting property is subordinate to the flow of traffic and entrances and exits to the arterial are subject to control.

STREET LINE: A dividing line between a lot, parcel or tract and a contiguous street.

STREET WIDTH: The horizontal distance between the outside edges of a street's pavement, including any curbing and guttering, measured at right angles to the street's centerline.

STRUCTURE: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

SUBSTANCE ABUSE TREATMENT FACILITY: A residential or outpatient facility for the treatment of alcohol and other drug abuse pursuant to Section 89.143, RSMo.

TOWER: Any structure whose primary function is to support an antenna.

TRACT: A lot. The term "tract" is used interchangeably with the term lot, particularly in the context of

subdivisions where one (1) "tract" is subdivided into several "lots".

UNDEVELOPED LAND: Land in its natural state before development.

USE: The activity or function that takes place or is intended to take place on a lot.

VARIANCE: A grant of permission from the Board of Adjustment that allows the recipient to waive compliance with a specific provision of this Chapter, granted because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance. If granted, must be recorded with County Recorder of Deeds after a thirty (30) day waiting period.

WORKING DAYS: The days of the week, excluding Saturdays, Sundays and recognized holidays, during which normal business is conducted by the City of Pleasant Hope.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the wide of a side yard or the depth of a front yard or a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projection of the usual uncovered steps, unenclosed balconies or unenclosed porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projection of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

YARD, SIDE: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof.

Section 405.110: Administrative Procedures

Sub Section A. Compliance Authority - (Planning and Zoning Secretary)

The Board of Aldermen shall designate someone to administer and ensure compliance of this Chapter. Unless otherwise provided for in this Chapter, the Planning and Zoning Secretary shall have the following responsibilities:

1. Receive applications for zoning (rezonings), variances and appeals and for amendments to this Chapter. City Inspector shall authorize building permits, occupancy permits, sign permits and other permits as required by this Chapter.
2. Interpret the provisions of this Chapter in connection with the above prescribed duties and other duties as may be prescribed by the Board of Aldermen in administration of this Chapter.
3. Maintain records of official actions of the Planning and Zoning Commission.

Sub Section B. Inspection and Right of Entry

1. Inspections authorized.

The Zoning Administrative Official is authorized to make inspections on all buildings, structures, premises or construction within the City limits to determine compliance with the requirements of this Chapter. The Inspector shall have the authority to enter or conduct such inspection at any reasonable hour.

2. Notification required for inspections.

It shall be the responsibility of the property owner or person engaged in the construction, installation or repair of any structure, building or premise to obtain all necessary permits and inspections. Unless otherwise specified under other provisions of this Chapter, a minimum of

forty-eight (48) hours' notice shall be given to the City prior to the commencement of any construction, installation or repair activity requiring inspection.

Section 405.120: Enforcement and Penalties

Sub Section A. Persons Liable

Any person, firm, partnership or corporation who fails to comply with or violates any of the regulations in this Chapter may be held responsible for the violation and be subject to the penalties and remedies herein provided.

Sub Section B. Stop Work Order

Whenever any work is being done on any property within the corporate limits of Pleasant Hope that is in violation of the requirements of this Chapter, the City may order the work to be stopped and may revoke all permits and certificates previously issued by the City and cause all said work to stop. The penalties proscribed herein for violation shall continue for each day until the violation is remedied.

Sub Section C. Penalties

1. Pursuant to the provisions of Section 89.120, RSMo., violations of this Chapter or failure to comply with any of its requirements shall constitute an offense, punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) 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 (\$100.00) or more than two hundred fifty (\$250.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.
2. Each day that any such violation continues after written notification by the City, delivered by certified mail, that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified herein.

Sub Section D. Civil Enforcement

Any person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of this Chapter in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). Appropriate actions and proceedings may be taken by law or in equity pursuant to Section 89.120, RSMo., to prevent any violation of these regulations, to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or land or to prevent any illegal conduct, business or use in or about such premises and these remedies shall be in addition to the penalties described above.

Section 405.130: Board of Adjustment

Sub Section A. Membership of the Board of Adjustment

The Board of Adjustment for the City of Pleasant Hope shall consist of five (5) members, all of whom shall be residents of Pleasant Hope appointed by the Mayor and approved by a majority of the Board of Aldermen. Three (3) alternate members may be appointed to serve in the absence or disqualification of regular members. Members shall serve without compensation.

Sub Section B. Period of Appointment

Members of the first (1st) appointed Board of Adjustment shall serve as follows: one (1) member for one (1) year, one (1) member for two (2) years, one (1) member for three (3) years, one (1) member for four (4) years and one (1) member for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. Any vacancy in membership shall be filled for the unexpired term by appointment by the Mayor and approval by the Board of Aldermen.

Sub Section C. Removal of Members

All members and alternates may be removed for cause by the Board of Aldermen upon written charges and after a public hearing. The absence of a member from three (3) consecutive meetings shall constitute just cause for removal from the Board of Adjustment.

Sub Section D. Meetings of the Board of Adjustment

1. *Adopting rules.* The Board of Adjustment shall adopt rules of procedure in accordance with the provisions of Sections 89.010 to 89.170, RSMo.
2. *Meeting schedule.* Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. Meetings shall be held frequently enough so that applications and appeals may be processed expeditiously
3. *Open meetings.* All meetings of the Board of Adjustment shall be open to the public and the agenda for each meeting shall be made available to the public in advance of the meeting as required by law.
4. *Minutes of meetings.* The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon question. The minutes shall reflect if a member is absent or fails to vote. All minutes shall be filed with the City Clerk and shall become public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter.
5. *Board of Adjustment quorum.* At any meeting at which a vote is taken to reverse any order, requirement, decision or determination of the Administrative Official or to vote on any applicant request, a quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths (4/5) of the regular Board membership, excluding vacant seats. A member, who has withdrawn from the proceedings without an excuse, as provided for in Sub Section (F), shall be counted as present for purposes of determining a quorum. Three (3) members shall constitute a quorum for meetings of the Board of Adjustment for all other matters.

Sub Section E. Powers and Duties of Board of Adjustment.

The Board of Adjustment shall hear and decide:

1. Appeals from any order, decision, requirement or interpretation made by any administrative official of the City.
2. Applications for variances.
3. Questions involving interpretations of the Zoning Map, including disputed district boundary lines and lot lines.
4. Any other matter the Board is required to act upon by any other City ordinance.

Sub Section F. Board of Adjustment Voting.

1. The concurring vote of four (4) members of the regular Board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision or determination of the Administrative Official or to decide in favor of the applicant on any matter upon which it is required to pass including to grant any variance. All other actions of the Board shall be taken by a majority vote.
2. Failure of a member present at the Board of Adjustment meeting to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Sub Section (F)(3) or has been allowed to withdraw in accordance with Sub Section (F)(4).
3. A member shall excuse himself/herself from voting on an issue if any of the following conditions exist:
 - a) The member has direct financial interest in the outcome of the issue, or
 - b) The issue involves the member's own official conduct, or
 - c) Participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
 - d) A member has such close personal ties to the applicant that the member cannot be expected to exercise sound judgment in the public interest.
4. A member may be allowed to withdraw from the remainder of a meeting by majority vote of the remaining members present for any good reason other than a desire to avoid voting on matters to be considered at the meeting.

Section 405.140: Appeals

Sub Section A. Appeal from Administrative Order

The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of this

Chapter.

Sub Section B. When Appeals May Be Taken

An appeal may be taken to the Board of Adjustment by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo.; representing such person, or by an officer, department, board or agency of the City of Pleasant Hope affected by a decision of an Administrative Official. An appeal must be made within thirty (30) days after the date of the decision or order appealed. Appeals shall be taken by filing with the City Clerk a written notice of appeal specifying the grounds for the appeal. The City Clerk shall enter the date of filing on the notice of appeal and shall transmit to the Chair of the Board of Adjustment the notice of appeal and all papers and materials constituting the record upon which the action appealed from was taken.

Sub Section C. When Appeals to Stay Proceedings

A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed, that by reason of acts stated in the certificate a stay would, in the opinion of the officer, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a proper court order.

Sub Section D. Hearing on Appeals

The Board of Adjustment shall hold a public hearing on all appeals, in accordance with the provisions of Section 405.190.

Sub Section E. Board of Adjustment Decision On Appeal.

1. A motion to reverse, affirm or modify the order, requirement or decision appealed from shall include, as far as practical, a written statement of the specific reasons or findings of fact that support the motion. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement or decision or to decide in favor of the applicant on any matter upon which it is required to pass.
2. Within thirty (30) days after the hearing on an appeal, the Board of Adjustment shall file with the City its findings of fact and decision with respect to the appeal. The City Clerk shall transmit by mail a copy of the decision to the appellant and to each other person who requests in writing to be notified.

Section 405.150: Variances

Sub Section A. Jurisdiction and Authority

The Board of Adjustment shall exercise the authority to vary the strict or literal terms of the applicable zoning provisions of this Chapter in accordance with the standards set forth in Sub Section (C). A variance is the remedy created by this power and is part of the Board's appellate jurisdiction. It is a discretionary privilege which is granted because strict and literal enforcement of certain provisions of this Chapter would, due to special conditions peculiar to a particular property; result in unusual difficulty or hardship.

Sub Section B. Authorized Variances.

Variances from the zoning regulations and restrictions contained in this Chapter may be granted by the Board of Adjustment in the following instances:

1. A variance of the applicable bulk regulations for buildings and structures, including maximum height, lot coverage, floor area ratio, required yard areas and other required open space.
2. A variance of the applicable minimum requirements for lot size, width and depth and setbacks from lot lines.
3. A variance of the applicable off-street parking and off-street loading requirements and ratios.
4. A variance of the landscaping and buffer yard requirements.

Sub Section C. Standards for Grant of Variance

The Board of Adjustment may grant a variance if it concludes that strict enforcement of Ordinance 293

would result in practical difficulties or undue hardship for the applicant and, by granting the variance, the spirit of Ordinance 293 will be observed, public safety and welfare will be secured and substantial justice will be done. The Board of Adjustment may reach these conclusions if it finds affirmatively in writing that each of the following requirements is met:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in undue hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out;
2. The conditions of which the applicant complains is one suffered by the applicant and would not be applicable to other property in the same zoning classification;
3. The property in question cannot yield a reasonable return or the applicant cannot make reasonable use of his/her property if strict compliance with the regulations is required;
4. The hardship relates to the applicant's land, rather than personal circumstances;
5. The alleged hardship has not been created by any person presently having an interest in the property;
6. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
7. The variance will not nullify the intent and purpose of the Pleasant Hope Zoning Regulations and the Pleasant Hope Comprehensive Plan.

Sub Section D. Application for Variance

An application for a variance shall be submitted to the City Clerk. The City Clerk shall transmit the application and all papers and materials constituting the record to the Board of Adjustment.

Sub Section E. Hearing on Variances

The Board of Adjustment shall hold a public hearing on any application for variance, in accordance with the provisions of Section 405.190.

Sub Section F. Board of Adjustment Decision on Variances

1. In deciding on variances, the Board of Adjustment shall take a separate vote on each of the seven (7) required findings stated in Sub Section (C). The affirmative vote of four (4) members of the Board shall be required on each separate finding. Insofar as is practical, a motion to make an affirmative finding on each of the requirements shall include a written statement of the specific reasons or findings of fact supporting the motion.
2. A motion to deny a variance may be made on the basis that any one (1) or more of the seven (7) requirements set forth in Sub Section (C) are not satisfied or that the application is incomplete. Such motion, insofar as is practical, shall include a written statement of the specific reasons or findings of fact that support the motion. A motion to deny a variance is adopted as the Board of Adjustment's decision if supported by more than one (1) affirmative vote.
3. In granting a variance, the Board of Adjustment may impose such reasonable conditions to ensure that the use of the property to which the variance applies will be as compatible as practical with surrounding properties.
4. A variance may be issued for a specified or indefinite duration.
5. The nature of the variance shall be entered upon the permit. All such conditions are enforceable in the same manner as any applicable requirement of this Chapter.

Section 405.160: Recordation of Order of the Board of Adjustment

Whenever the Board of Adjustment shall have acted upon an appeal, request or variance, the Board shall cause its order granting or denying said appeal or application to be recorded in the records of the Polk County Recorder of Deeds. However, no order shall be recorded until the order has become final by the passage of thirty (30) days from the date said order is filed with the City Clerk without an action being filed in a court of competent jurisdiction challenging the issuance of said order or until a court of competent jurisdiction upholds said order if it is challenged within the thirty (30) day period.

Section 405.170: Judicial Review - Board of Adjustment Action

Any person aggrieved by any decision of the Board of Adjustment made under the provisions of this Chapter may seek judicial review of such decision in accordance with the provisions of Section 89.110, RSMo.

Section 405.180: Amendments

Sub Section A. Amendments Authorized.

The Board of Aldermen may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the zoning districts or the zoning regulations herein or subsequently established. The Board of Aldermen must receive the recommendation and report of the Planning and Zoning Commission before it may take any such action.

Sub Section B. Initiation of Amendment

Amendments may be proposed by any Pleasant Hope citizen, property owner organization or governmental body. Applications for amendments initiated by the Commission or the Board of Aldermen shall be accompanied by a motion of such body pertaining to the proposed amendment.

Sub Section C. Application for Amendment

An application for an amendment, along with pertinent data and information as may be proscribed by the Commission, shall be submitted to the City at least thirty (30) days prior to the public hearing to be held by the Commission on the application. The application shall be on forms provided by the City Clerk and shall contain the following information, dependent on the type of application submitted:

1. For amendments to zoning district classification (rezonings):
 - a) The name, address and phone number of the applicant.
 - b) The name of the person, firm or organization holding title to such real estate and if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act on the owner's behalf.
 - c) Legal description of the property proposed for rezoning.
 - d) The street address of such real estate and if there is no street address, a sufficient description of the location of said real estate to enable the ordinary person to determine its location.
 - e) The current zoning classification of the property, the current use of the property and the zoning classification requested.
 - f) Such additional information that the Commission may, by rule, require.
2. For amendments to the zoning regulations text:
 - a) The name, address and phone number of the applicant.
 - b) The Section of the text of the Zoning Regulations proposed to be amended.
 - c) The wording of the proposed text amendment.
 - d) An identification of any property owned, controlled or occupied by the applicant that would benefit from the proposed amendment.
 - e) An explanation of the extent to which other properties in the City that are subject to the regulations would be affected by the proposed amendment.
 - f) Such additional information that the Commission may, by rule, require.

Sub Section D. Actions by the Commission

1. *Public hearing.* The Commission shall hold a public hearing on all proposed amendments. Notice of public hearing shall be given in accordance with the provisions of Section 405.190. The applicant or his/her agent shall present evidence to the Commission in regard to the applicant's request for the amendment.
2. *Commission recommendations.* Within thirty (30) days of the public hearing, except when the applicant requests that the amendment be postponed, the Commission shall make written findings of fact on the proposed amendment and shall submit same together with its recommendations to the Board of Aldermen. The Commission shall not, however, forward its recommendations to the Board of Aldermen when the applicant or his/her agent did not appear at the public hearing before the

Commission and present evidence in regard to the applicant's request for the proposed amendment.

Sub Section E. Actions by the Board of Aldermen

1. *Commission report.* The Board of Aldermen shall take no action on a proposed amendment until the report or a recommendation of the Commission has been submitted. A scheduled meeting shall be held by the Board of Aldermen to take action on the proposed amendment.
2. *Protest petitions.* In case of a protest against such change or amendments duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five feet (185) feet from the boundaries of the district proposed to be changed, then the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen shall be required for the amendment to be enacted.

Section 405.190: Notice of Public Hearing

Sub Section A. Board of Adjustment Public Hearings

1. Notice of public hearing before the Board of Adjustment on any request, appeal or variance shall be in accordance with the following:
2. Notice of public hearing shall be given by publication in a newspaper of general circulation in the City of Pleasant Hope at least fifteen (15) days prior to said hearing.
3. Notice of public hearing shall be posted in two (2) conspicuous places on the subject property not less than ten (10) days prior to the public hearing.
4. Notice of public hearing shall be provided by first class mail to the record owners of property within two hundred fifty (250) feet of the subject property.

Sub Section B. Planning and Zoning Commission Public Hearings

1. *Rezoning's and conditional use permits.* Notice of public hearing before the Commission on rezoning's and conditional use permits shall be in accordance with the following:
 - a) Notice of public hearing shall be given by publication in a newspaper of general circulation in the City of Pleasant Hope at least fifteen (15) days prior to said hearing.
 - b) Notice of public hearing shall be posted in two (2) conspicuous places on the subject property not less than ten (10) days prior to the public hearing.
 - c) Notice of public hearing shall be provided by first class mail to the owner of record per Polk County Assessor website on property within two hundred fifty (250) feet of the subject property.
2. *Text amendments.* Notice of public hearing before the Commission on any amendment to the text of these regulations shall be given by publications in a newspaper of general circulation in the City of Pleasant Hope at least fifteen (15) days prior to said hearing.

Sub Section C. Contents of Public Hearing Notice

All notices of public hearing required by this Article shall include the following information:

1. Name of the applicant.
2. Name of the property owner, if different than the applicant (not required for text amendment).
3. Street address or common description of the property involved (not required for text amendment).
4. Legal description of the property involved (not required for text amendment).
5. Concise description of the nature of the request.
6. Date, time and place of the public hearing.
7. Place at which further information regarding the request can be obtained.

Sub Section D. Party Responsible For Public Notice

The City shall be responsible for providing newspaper and mail notice of all hearings required pursuant to this Section. The applicant shall be responsible for the posting of notices on the subject property. Said signs shall be provided by the City and a deposit shall be required on said signs. The applicant shall be charged for the costs incurred to provide public notice.

Sub Section E. Substantial Compliance of Public Notice

With respect to the mailing of notices of public hearing, which are considered directory and not mandatory, substantial compliance with such provisions shall be deemed to constitute proper notice.

Section 405.200: Conditional Uses

Sub Section A. Conditional Uses Permitted.

Any use permitted as a conditional use in Article V shall be regulated by the following conditions.

Sub Section B. Application

An application for a conditional use permit shall be submitted to the Planning and Zoning Commission by filing a copy of the application with the City Clerk at least thirty (30) working days prior to the public hearing before the Commission. The Clerk shall transmit the application and all papers and materials constituting the record to the Planning and Zoning Commission. The application for conditional use permit shall include the following information:

1. Applicant's name, address and legal interest in the property.
2. The owner's name and address if different than the applicant.
3. Street address or common description and legal description of the property.
4. Zoning classification and present use of the property.
5. Description of the proposed conditional use.
6. Statement as to how the proposed use will comply with the applicable standards of Sub Section (F).
7. Statement identifying any potentially adverse effects and how the conditional use will be designed, arranged and operated to ensure that the conditional use will not cause harm to the community and that the value, use and reasonable enjoyment of surrounding property will not be adversely affected.
8. Site Plan, in accordance with the requirements of Section 405.210.

Sub Section C. Commission Action on Conditional Use Permit

The Planning and Zoning Commission shall hear evidence concerning the proposed conditional use at a public hearing. Notification of public hearing shall be made in accordance with the requirements of Section 405.190(B). The Planning and Zoning Commission shall make a recommendation to the Board of Aldermen that the conditional use permit be approved, approved with specific conditions or denied.

Sub Section D. Board of Aldermen Action on Conditional Use Permit

1. Commission Report. The Board of Aldermen shall take no action on a proposed conditional use permit until the report or a recommendation of the Commission has been submitted. A scheduled meeting shall be held by the Board of Aldermen to take action on the proposed conditional use permit.
2. The Board of Aldermen may, by ordinance, authorize the issuance of a conditional use permit for such use as recommended by the Commission or may reverse or modify such decision. In authorizing said conditional use permit, the Board of Aldermen may impose additional conditions or restrictions as it may determine necessary to ensure compliance with the standards set forth in Sub Section (F) to avoid, minimize or mitigate potentially adverse effect of the conditional use on the community and properties in the vicinity. All such conditions or restrictions shall be set out in the ordinance approving the conditional use permit.

Sub Section E. Permit Validity Time Period

Any conditional use permit authorized shall be validated within six (6) months from the date of approval by the Board of Aldermen or such conditional use permit shall be nullified. The conditional use permit shall be considered validated if a building permit is obtained and the erection or alteration of a structure is started or if an occupancy permit is obtained and the conditional use is commenced. The Board of Aldermen may grant one (1) additional extension of time not exceeding six (6) months, without notice or hearing. Requests for time extension shall be made by filing an application with the City before the expiration date. If the applicant fails to submit the request for time extension within the specified period, an application for conditional use permit shall be filed in accordance with the provisions of Sub Section B.

Sub Section F. Conditional Use Standards.

A conditional use permit shall be granted only if evidence is presented at the public hearing that the conditional use will comply, to the extent applicable, with the following standards:

1. The conditional use will be consistent with the policies and intent of the Pleasant Hope Comprehensive Plan and the Pleasant Hope Zoning Regulations.
2. The conditional use will not generate noise that exceeds the sound levels that are typical of uses permitted in the district.
3. Adequate access roads or entrance and exit drives will be designed and provided to prevent traffic hazards and to minimize traffic congestion at the site.
4. Street right-of-way and pavement width in the vicinity of the conditional use is or will be adequate for traffic reasonably expected to be generated by the proposed use.
5. Glare of stationary or vehicular lights from the conditional use will not adversely affect the character of the neighborhood and if such lights will be visible from a residential district, measures to shield or direct lights to mitigate glare are proposed.
6. The conditional use will not have any substantial adverse effect upon the use or enjoyment of adjacent and nearby property or conditions affecting the public health, safety and welfare.
7. The conditional use will be designed, constructed and operated so as not to interfere with the development and use of adjacent property in accordance with the applicable zoning district regulations.
8. In the case of existing structures to be converted to a use requiring a conditional use permit, the structure shall meet all fire, health, building, plumbing and electrical requirements of the City of Pleasant Hope.

Sub Section G. Conditional Use Permits for Towers

1. *Purpose.* The purpose of these restrictions is to:
 - a) Minimize the adverse effects of towers on aesthetic and property values through careful design, siting and vegetative screening;
 - b) Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
 - c) Lessen traffic impacts on local streets; and
 - d) Maximize use of existing towers to reduce the number of towers needed.
2. *Applicability.* In addition to the standards of Sub Section (F), telecommunications facilities and towers permitted as conditional uses in any zoning district shall also comply with the standards set forth in Section 405.410(D).
3. *Exemptions.* An antenna and tower for the following uses are exempt from these requirements and are permitted uses in any district if accessory to a permitted use and if they comply with the applicable regulations of the district in which situated see Section 405.370 through 405.410.
 - a) Ham radios.
 - b) Citizen band radios.
4. *Application contents.* An application for approval of a conditional use permit for a new tower shall include the following in addition to the application requirements of Sub Section (B):
 - a) A site plan drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed or replaced; and uses, structures and land-use designations on the site and adjoining parcels;
 - b) A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features; and
 - c) Evidence that the planned transmission facilities cannot be accommodated on an existing or approved tower and that the planned tower cannot be accommodated on an existing or approved tower site. The Board of Aldermen may consider expert testimony to determine whether other towers or sites could accommodate the planned facilities and whether fees and costs associated with the use of an existing or planned tower or site is reasonable.
5. *Conflict with FCC or FAA regulations.* In the event there is a conflict between these regulations and Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations, the FCC or FAA regulations shall govern.

Section 405.210: Required Plans

Sub Section A. Plot Plan.

All applications for Building Permits with the exception of applications which require a site plan shall be accompanied by a plot plan, drawn to scale, which shows the following information. In addition, all buildings or structures to be erected shall be staked out on the site.

1. Dimensions of the lot to be built upon or used.
2. Dimensions of the building or structure to be erected (area and height) and location on the lot.
3. Any other information as may be necessary to determine compliance with the provisions of this Chapter.

Sub Section B. Construction Plans

A copy of the construction plans must be submitted with plot plan and approved prior to obtaining a building permit.

Sub Section C. Site Plan.

1. *Applicability.*

Site plans prepared and approved in accordance with the provisions of this Chapter are required to assist City Officials in assuring compliance with all applicable requirements of this Chapter and to assist in the review of building permits. Whenever a site plan is required by this Chapter, a building permit shall not be issued until the site plan is approved.

2. *Developments requiring a site plan.*

Unless otherwise exempted by Sub Section C (3), a site plan is required for any permitted or conditional use or for any planned development in any zoning district.

3. *Exemptions.*

The following developments and uses shall not require a site plan.

- a) Construction of or additions to a single-family or duplex dwelling on a lot of record.
- b) Construction of or addition to any permitted accessory use on a single-family or duplex dwelling lot of record.
- c) Remodeling or a building or structure if no enlargement or expansion is involved.
- d) Any temporary use permitted by this Chapter.

4. *Site plan application.*

An application and nine (9) copies of the site plan shall be submitted to the City no less than fifteen (15) days prior to the Commission meeting at which the site plan will be reviewed. The site plan should provide sufficient information to determine whether the proposed development is in compliance with these regulations. The site plan shall include the following information:

- a) Applicant's name, address and legal interest in the property.
- b) Owner's name, address and owner's signed consent to the filing of the application.
- c) Street address or common description of the property.
- d) Legal description of the property.
- e) Zoning classification and boundary lines, present use of the property and proposed uses.
- f) The location and widths of all existing, platted or proposed streets, other public rights-of-way, easements and railroad lines which are within or adjacent to the property.
- g) The location and size of existing and proposed public water and sewer utilities on and adjacent to the site.
- h) The location and size of existing and proposed drainage facilities, including culverts, drains, catch basins or any other drainage facility.
- i) The location and arrangement of all existing and proposed buildings and computations showing height in stories and feet, total square feet of ground area coverage and number of dwelling units.
- j) If applicable, the location, size and arrangement of proposed outdoor signs.
- k) The location and height of proposed screening/buffering and types of materials to be used.
- l) If applicable, the location and total area of proposed usable open space.
- m) Any significant natural, topographical or physical features of the property, including water courses, rock outcrops and significant stands of trees or other vegetation.
- n) Any other information that may be determined necessary by the City to determine compliance

with this Chapter and the platting requirements of the Pleasant Hope Subdivision Regulations.

5. *Site plan review process.*

- a) *Commission review.* The Commission shall review the site plan and shall make its determination based on the standards for site plan review in accordance with Sub Section C (6). The Commission may approve the site plan, approve the site plan subject to specific modifications or disapprove the site plan. The Commission shall have sixty (60) days to take action on the site plan. If no action is taken within the sixty (60) day time period, the site plan shall be deemed to be approved. The decision of the Commission is final unless appealed to the Board of Aldermen.
- b) *Appeals to Board of Aldermen.* The decision of the Commission to approve a site plan with modifications not acceptable to the applicant or to disapprove a site plan may be appealed to the Board of Aldermen. The application for appeal shall be filed with the City Clerk within thirty (30) days of the final decision of the Commission. In making its decision, the Board of Aldermen shall take into consideration the findings of the Commission and the standards for site plan review as prescribed in Sub Section C(6).
- c) *Effect of site plan approval.* Approval of the site plan or of the site plan with modifications acceptable to the applicant shall authorize the continued processing of applications for any further permits which may be required by this Chapter or any other ordinances of the City, including approvals such as a building permit, a certificate of occupancy or a conditional use permit. A site plan approval shall be valid for a period no longer than eighteen (18) months from the date of approval unless a building permit is issued and construction begun within the eighteen (18) month period.

6. *Site plan review standards.*

Site plans shall be reviewed and approved unless it is found in writing that:

- a) The site plan application indicates violations of any applicable provisions of this Chapter, which the applicant has after written request, failed or refused to correct.
- b) The site plan will result in unauthorized encroachment on an easement, roadway, utility or public or private right-of-way.
- c) In the case of a site plan submitted in conjunction with an approved development plan, conditional use permit, planned unit development or any other specific development standards, the site plan does not adequately meet the specified standards.
- d) The proposed site plan does or will create specific drainage or erosion problems.
- e) The screening and buffer area landscaping plan for the site does not or will not, adequately shield the proposed use from adjacent uses which may not be compatible with the proposed use.
- f) The circulation elements of the site plan, including road and pedestrian circulation elements will create hazards to safety on or off the site, uncoordinated pedestrian or vehicular circulation paths on or off the site or result in undue interference or inconvenience to vehicular or pedestrian travel.

Sub Section D. Construction Plans.

Upon approval of site plan (3) copies of the construction plan must be submitted and approved prior to obtaining a building permit.

Section 405.220: Permits

Sub Section A. Building Permit

It shall be unlawful to start the construction of a new building, structure or sign or the enlargement or structural alteration of an existing building structure or sign, without first applying for and receiving a building permit from the City. No building permit shall be issued unless the City Building Inspector has reviewed the plot plan or site plan if required and construction plans and has certified that such plans are in compliance with all applicable provisions of this Chapter.

Sub Section B. Certificate of Occupancy

Inspection of completed premises and issuance of a certificate of occupancy shall be required before commencement of use or occupancy to ensure that the premises are in compliance with all applicable provisions of this Chapter.

- 1. Application for certificate of occupancy shall be submitted to the City. Following submittal of the application, the City Building Inspector shall cause the building or structure to be inspected, if

necessary and shall certify to the City that one (1) of the following actions be taken:

- a) If all work has been completed and the building, structure or premises is in compliance with all applicable provisions of this Article and other applicable provisions of this Chapter and other City codes, the issuance of certificate of occupancy shall be approved. The certificate of occupancy shall be issued by the City within five (5) working days of receipt of report from the Building Inspector.
- b) If all work has not been completed or the structure, building or premises is not in compliance with the applicable provisions of this Chapter and other City codes, written notice shall be made to the applicant informing the reasons why the certificate of occupancy cannot be issued, citing either the applicable City codes or other work that must be completed.

Sub Section C. Sign Permit.

1. *Sign permit required.* Except as otherwise provided in Section 405.630 through 405.720, no sign shall be erected, moved, enlarged, illuminated or substantially altered without first obtaining a sign permit for each sign. Sign permits shall not be required for routine maintenance, repainting or changing the message on a sign.
2. *Sign permit for multiple occupants.* In the case of a lot occupied or intended to be occupied by multiple businesses, such as a shopping center, sign permits shall be issued in the name of the lot owner or authorized agent rather than in the name of the individual business. The City shall be responsible for enforcing only the provisions of this Article and not the provisions of any private allocation formula, lease or restriction.
3. *Sign permit applications.* Application for a sign permit shall be made to the City. The applicant shall submit all such information necessary to determine compliance with all appropriate regulations and laws of the City including, but not limited to, the following:
 - a) Name, address and business license number of applicant.
 - b) Name and address of sign owner.
 - c) Name and address of the owner and the occupant of the premises where the sign is to be located.
 - d) Legible drawings with description showing precise location of the sign and all other existing signs on the same premise; drawings showing dimensions, construction supports, sizes, materials of the sign, method of attachment and character of structural members to which the sign will be attached.
4. *Issuance of permit, denial or revocation.* Upon review by the Administrative Official, the City shall issue a sign permit when the application therefore has been properly made and the proposed sign complies with all appropriate regulations. The City may suspend, deny or revoke a permit whenever the permit is issued on the basis of misstatement of fact, fraud or non-compliance with this Article. When a sign permit is denied, revoked or suspended, the City shall give written notice to the applicant, along with a written statement of the reason for the denial.
5. *Permit period.* Every sign permit issued by the City shall become null and void if work on the sign is not commenced within one hundred eighty (180) days from the issuance of the permit. If work authorized by the permit is suspended or abandoned for ninety (90) days after the work commences, the sign shall be considered abandoned and a new sign permit shall be required to proceed with work on the sign. In such cases, the sign permit fee will be one-half (½) of the original fee, provided that no changes have been made in the original plans.

Sub Section D. Grading/Excavation

1. One (1) acre or more, land disturbance permit from Department of Natural Resources (DNR) to be on file with the City Engineer and City of Pleasant Hope before any person shall engage in any excavation, grading, dislocation or relocation of any material in connection with any construction, development or alteration of land, structures, utilities or public improvements within the City limits. Any such excavation, grading, dislocation or relocation of material for which a land disturbance permit is required shall be in compliance with the requirements of any applicable City code.
2. Five (5) acres or more, sedimentation erosion control plan and land disturbance permit from DNR required to be on file with the City Engineer and City of Pleasant Hope before any person shall engage in any excavation, grading, dislocation or relocation of any material in connection with any construction, development or alteration of land, structures, utilities or public improvements within the City limits. Any such excavation, grading, dislocation or relocation of material for which a land

disturbance permit is required shall be in compliance with the requirements of any applicable City code.

3. **Exemptions.** The following construction is exempt from the grading permit requirements:
 - a) The following activities provided they are not located within twenty-five (25) feet of a spring, sinkhole, wetland or watercourse:
 1. Gardening or landscaping.
 2. Grading and repair of existing roads or driveways, unless otherwise required by the Pleasant Hope Subdivision Regulations.
 3. Cleaning and routine maintenance of roadside ditches or utilities.
 4. Utility construction where the actual trench width is two (2) feet or less and total area is less than one (1) acre.
 - b) Emergency construction required to repair or replace roads, utilities or other improvements affecting the general health, safety and welfare of the citizens. In such event, the company or utility conducting the emergency repair shall notify the City within twenty-four (24) hours of the repair work.

Sub Section E. Utility Installation and Notification

1. Unless otherwise required to obtain a grading or excavation permit for the installation of underground telephone, cable, electric or other similar utility service, all utility service providers shall notify City of Pleasant Hope before installation of said service facilities within the City limits. However, in the case of emergency repairs necessary to prevent loss or damage to persons or property, the service provider must notify the City within twenty-four (24) hours of such repair work.
2. Upon completion of the utility installation, the applicant shall submit to the City a sketch map showing the location, depth and distance from property lines for any cable or pipeline installed.

Section 405.230: Zoning Districts and Zoning Maps

Sub Section A. Zoning Districts Established

Notwithstanding the general purpose of this Chapter as defined in Section 405.020, the City of Pleasant Hope is hereby divided into zoning districts in order: to prevent the overcrowding of the land; to provide adequate light and air; to facilitate adequate provision of facilities for transportation, utilities and other public requirements; to secure public safety; to promote a more compatible relationship of land uses within the City; to promote the orderly development of the City in accordance with the Comprehensive Plan; and to effectuate the use of other accepted purposes of zoning.

Sub Section B. Categories of Zoning Districts

For the purposes of the Regulations, the City of Pleasant Hope is divided into the following categories of zoning districts:

1. "A-1" Agricultural District.
2. "C-1" General Commercial District.
3. "M-1" Industrial District.
4. "PUD" Planned Unit Development District.
5. "R-1" Single-Family Residence District.
6. "R-2" Two-Family Residence District.
7. "R-3" Multi-Family Residence District.
8. "R-MP" Manufactured Housing Park.

Section 405.240: Annexed Territory

Whenever any territory shall be annexed to the City of Pleasant Hope after the effective date, said territory so annexed shall maintain the zoning classification designated by the County in which the property is located until, within a reasonable time following annexation, the annexed territory shall be appropriately classified by amendment of this Chapter in accordance with Section 405.110 through 405.220.

Section 405.250: Official Zoning Map

Sub Section A. There shall be a map known and designated as the Official Zoning Map, which shall

show all the boundaries of all zoning districts within the City limits. This map shall be kept in the office of the City Clerk.

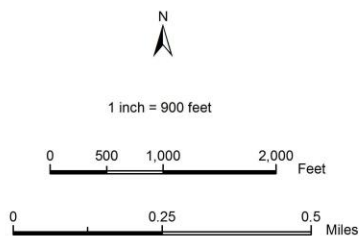
City of Pleasant Hope Official Zoning Map Proposed for Adoption

January 20, 2014

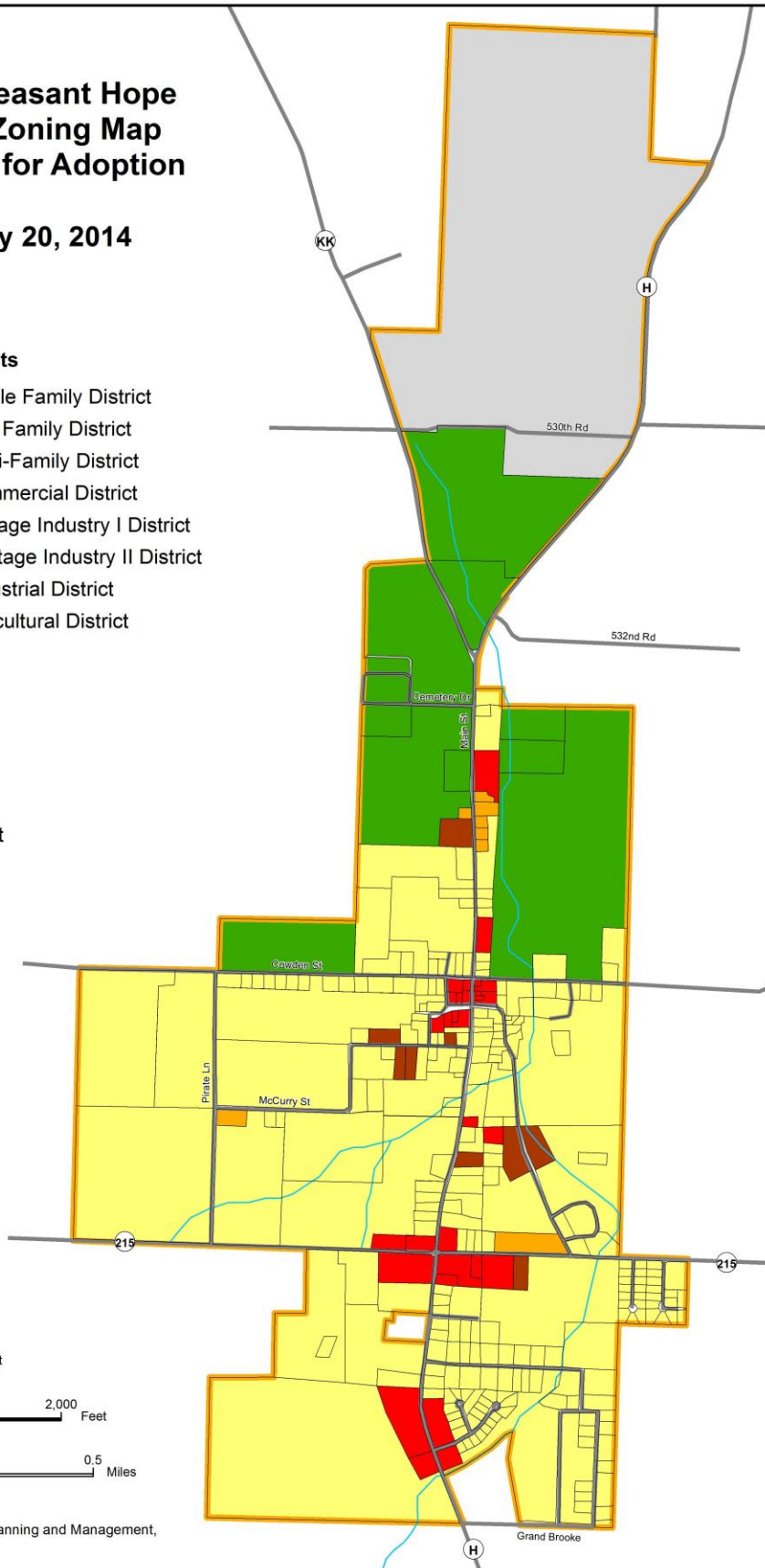
Zoning Districts

- R-1 Single Family District
- R-2 Two Family District
- R-3 Multi-Family District
- C-1 Commercial District
- CI-I Cottage Industry I District
- CI-II Cottage Industry II District
- M-1 Industrial District
- A-1 Agricultural District

- Road
- Water
- Parcel
- City Limit



Prepared by: Center for Resource Planning and Management,
Missouri State University
January 8, 2014



Sub Section B. The Official Zoning Map is incorporated herein by reference. Amendments to this map shall be made in accordance with the procedures set forth in Section 405.110 through 405.220.

Sub Section C. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map, the following rules shall apply:

1. District boundaries are either streets or alleys unless otherwise shown.
2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the map are bounded approximately by lot lines, said lot lines shall be construed to be the boundaries of the districts unless otherwise indicated.
3. Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the centerline of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended district.
4. In unsubdivided property, the district boundary lines on the map shall be determined by use of the scale appearing on the map.

Section 405.255: Zoning District Regulations

Classifications of Zoning Districts and Regulations

Section 405.260: "A-1" Agricultural District

Sub Section A. Permitted Uses.

The "A-1" District allows for agricultural uses and related accessory uses in the more rural areas of Pleasant Hope.

1. Agricultural uses as defined in Section 405.100, provided that any building or enclosure in which farm animals or fowl are kept shall be three hundred feet (300) from any residential district.
2. Single-family detached dwellings on a lot with at least three (3) acres.
3. Single-family detached dwellings existing at the time the district is mapped.
4. Public utilities, transportation, pipeline and utility easements and rights-of-way, except for office buildings, garages and shops, loading yards and warehouses.
5. Home occupations, in accordance with Section 405.420 through 405.440
6. Accessory uses customary to and incidental to permitted agricultural uses and including temporary roadside stands for the sale of farm products grown on the premises or in the vicinity. Such roadside stand shall be set back from the roadway pavement at least twenty-five (25) feet to permit adequate ingress, egress and parking.
7. Accessory uses customary to and incidental to permitted non-agricultural uses, in accordance with the provisions of Section 405.370 through 405.410
8. Temporary uses, in accordance with Section 405.370 through 405.410.

Sub Section B. Conditional Uses.

The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Golf courses, but not including miniature golf courses or driving ranges or any other form of commercial amusement.
2. Cemeteries and pet cemeteries.
3. Type I and II wireless telecommunications facilities, in accordance with the provisions of Section 405.370 through 405.410

Sub Section C. Lot Size Requirements:

1. *Minimum lot area.*
 - a) *Agricultural uses.* Ten (10) acres.
 - b) *All other uses.* Three (3) acres.

2. *Minimum lot width.* One hundred fifty (150) feet.

Sub Section D. Height, Bulk And Open Space Requirements:

1. *Maximum structure height.*
 - a) *Primary structure.* Thirty-five (35) feet.
 - b) *Accessory structure.* Thirty-five (35) feet.
2. *Minimum yard requirements (additional bufferyard may be required according to Section 405.540 through 405.620 Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Thirty-five (35) feet.
 - b) *Side yard.* Twenty (20) feet.
 - c) *Rear yard.* Thirty-five (35) feet.
 - d) In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential single-family	25 feet plus the required yard setback
Local residential multi-family	30 feet plus the required yard setback

3. *Maximum building coverage (including accessory structures).* Forty percent (40%).

Sub Section E. Design Requirements:

1. All parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530.
2. A plot plan or site plan as defined in Section 405.110 through 405.220 meeting all provisions required shall be submitted for all uses.
3. A landscaping plan meeting the requirements of Section 405.540 through 405.620 shall be submitted and approved for all non-residential and non-agricultural uses.

Section 405.270: "R-1" Single-Family Residence District

Sub Section A. Permitted Uses.

The "R-1" District is intended primarily for single-family detached dwellings at densities of approximately three (3) dwelling units per acre. Other uses necessary to meet educational, governmental, religious, recreation and other neighborhood needs are permitted or allowed as conditional uses subject to restrictions intended to preserve the residential character of the district.

1. Single-family detached dwellings, stick built or modular construction, one (1) dwelling per lot.
2. *Residential group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
3. Family day care homes.
4. Schools, elementary and secondary or development centers for elementary and secondary school-age children with handicaps or developmental disabilities, on a minimum of five (5) acres of land.
5. Publicly owned or operated parks, playgrounds and community buildings.
6. Home occupations, in accordance with Section 405.420 through 405.440.
7. Police and fire stations.
8. Temporary uses, in accordance with Section 405.370 through 405.410.
9. Accessory uses, in accordance with Section 405.370 through 405.410.
10. Public utilities and governmental buildings, including transformer stations, pumping stations,

elevated water towers, water ground storage tanks, lift stations, but excluding office buildings, garages and shops, loading yards and warehouses.

Sub Section B. Conditional Uses

The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Museums, public art galleries and libraries, on a minimum two (2) acres of land.
2. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions. Such uses shall be located on a minimum of two (2) acres of land to provide sufficient area for off-street parking, bufferyards and proper site design to lessen impact on adjacent residential areas. Churches and other places of worship on less than two (2) acres of land at the time of adoption of this Chapter shall be considered conforming uses.
3. Type I and II wireless facilities, in accordance with the provisions of Section 405.370 through 405.410.
4. Type III, IV and V wireless telecommunications towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Section 405.370 through 405.410.
5. Non-commercial, not-for-profit neighborhood facilities, including indoor and outdoor recreation facilities, operated by a neighborhood or community organization or a property owners association.
6. Horses kept for the personal pleasure and/or use of the residents occupying the dwelling unit located on a minimum of three (3) acres, with a minimum fenced pasture area of two (2) acres per horse. Fencing shall be constructed of a material that will adequately maintain the horse on the property and that will minimize the potential of injury or accident to the horse. A horse barn or other suitable structure shall be provided within the fenced pasture area to provide shelter, with such shelter to be located at least one hundred fifty (150) feet from any adjoining residential zoned property. The shelter shall be kept in sanitary conditions at all times and shall not be allowed to accumulate refuse, rubbish, manure or other unsanitary materials. The applicant shall submit a site plan showing the location of the fenced pasture area, horse shelter and other structures on the property. No Farm Animals--see Section 405.460.

Sub Section C. Lot Size Requirements

1. *Minimum lot area.* Twelve thousand (12,000) square feet.
2. *Minimum lot width.* Eighty (80) feet (example: eighty (80) feet width requires one hundred fifty (150) feet depth).
3. *Minimum lot depth.* One hundred twenty-five (125) feet (example: one hundred twenty-five (125) feet depth requires ninety-six (96) feet width).

Sub Section D. Height, Bulk and Open Space Requirements

1. *Maximum structure height.*
 - a) *Primary structure.* Twenty-five (25) feet.
 - b) *Accessory structure.* Twenty-five (25) feet.
2. *Minimum yard requirements (additional buffer-yard may be required according to Section 405.540 through 405.620 Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Twenty-five (25) feet.
 - b) *Side yard.* Eight (8) feet. On any lot that a side yard abuts a street, the minimum side yard setback shall be increased to twenty (20) feet.
 - c) *Rear yard.* Twenty-five (25) feet.
3. *Accessory structure.* Side and rear yard setback of eight (8) feet.
4. In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback

Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

5. *Maximum building coverage (including accessory structures).* Forty percent (40%).
6. *Minimum open space.* Not less than thirty percent (30%) of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section E. Design Requirements.

1. All off-street parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530.
2. All off-street parking and vehicular use areas for non-residential uses shall be screened from all residential uses in accordance with Section 405.540 through 405.620
3. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to any non-residential use shall be screened from public view.
4. A plot plan or site plan as defined in Section 405.110 through 405.220 meeting all provisions required shall be submitted for all uses.
5. A landscaping plan meeting the requirements of Section 405.540 through 405.620 shall be submitted and approved for all non-residential uses.

Section 405.280: "R-2" Two-Family Residence District

Sub Section A. Permitted Uses

This residential district is intended to accommodate a variety of single-family and two-family housing types at low to moderate densities of up to approximately five (5) dwelling units per acre. The district is also intended to serve as a transition between the less intense "R-1" District and the Multi-Family Residence Districts.

1. Single-family detached dwellings.
2. Duplex dwellings.
3. Family day care homes.
4. *Residential group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
5. Schools, elementary and secondary, or development centers for elementary and secondary school-age children with handicaps or developmental disabilities, on a minimum of five (5) acres of land.
6. Publicly owned or operated parks, playgrounds and community buildings.
7. Home occupations, in accordance with Section 405.420 through 405.440.
8. Police and fire stations.
9. Type I and II wireless facilities, in accordance with the provisions of Section 405.370 through 405.410.
10. Temporary Uses, in accordance with Section 405.370 through 405.410.
11. Accessory Uses, in accordance with Section 405.370 through 405.410.
12. Public utilities and governmental buildings, including transformer stations, fire stations, pumping stations, elevated water towers, water ground storage tanks, lift stations, but excluding office buildings, garages and shops, loading yards and warehouses.

Sub Section B. Conditional Uses.

The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen. No farm animals allowed refer to Section 405.460.

1. Conditional uses permitted in the "R-1" District.
2. Group day care homes.
3. Bed and breakfasts.
4. Cemeteries, on a minimum of ten (10) acres of land.

5. Type III, IV and V wireless telecommunications towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Section 405.370 through 405.410

Sub Section C. Lot Size Requirements

1. *Minimum lot area.*
 - a) *Single-family dwellings.* Twelve thousand (12,000) square feet per dwelling unit.
 - b) *All other uses.* Seven thousand (7,000) square feet (example: duplexes count as two (2) units, total fourteen thousand (14,000) square feet)
2. *Minimum lot width.* Seventy (70) feet.
3. *Minimum lot depth.* One hundred (100) feet.

Sub Section D. Height, Bulk and Open Space Requirements.

1. *Maximum structure height.*
 - a) *Primary structure.* Twenty-five (25) feet.
 - b) *Accessory structure.* Twenty-five (25) feet.
2. *Minimum yard requirements (additional buffer yard may be required according to Section 405.540 through 405.620 Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Twenty-five (25) feet.
 - b) *Side yard.* Six (6) feet. On any lot that a side yard abuts a street, the minimum side yard setback shall be increased to twenty (20) feet.
 - c) *Rear yard.* Twenty-five (25) feet.
 - d) *Accessory structure.* Side and rear yard setback of six (6) feet.
 - e) In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway H	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

3. *Maximum building coverage (including accessory structures).* Forty percent (40%).
4. *Minimum open space.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section E. Design Requirements.

1. All off-street parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530.
2. All off-street parking and vehicular use areas for permitted non-residential uses shall be screened from all residential uses in accordance with Section 405.540 through 405.620.
3. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to any non-residential use shall be screened from public view.
4. A landscaping plan, including buffer yard plan if applicable, meeting the requirements of Section 405.540 through 405.620 shall be submitted for all uses except for single-family dwellings.
5. A plot plan or site plan as defined in Section 405.110 through 405.220 meeting all provisions shall be submitted for all uses.

Section 405.290: "R-3" Medium Density Multi-Family Residence District

Sub Section A. Permitted Uses.

The "R-3" Medium Density Multi-Family Residence District is intended to accommodate multi-family residential developments at up to approximately eight (8) dwelling units per acre.

1. Single-family detached dwellings existing at the time the district is mapped.
2. Duplexes.
3. Custodial group homes.
4. Family day care homes and group day care homes.
5. *Residential group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
6. Three- and four-family dwellings, including conversions.
7. Town houses.
8. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions.
9. Schools, elementary and secondary or development centers for elementary and secondary school-age children with handicaps or developmental disabilities, on a minimum of five (5) acres of land.
10. Publicly owned or operated parks, playgrounds and community buildings.
11. Home occupations, in accordance with Section 405.420 through 405.440
12. Police and fire stations.
13. Accessory uses, in accordance with Section 405.370 through 405.410
14. Temporary uses, in accordance with Section 405.370 through 405.410
15. Type I and II wireless facilities, in accordance with the provisions of Section 405.370 through 405.410
16. Public utilities and governmental buildings, including transformer stations, fire stations, pumping stations, elevated water towers, water ground storage tanks, lift stations, but excluding office buildings, garages and shops, loading yards and warehouses.

Sub Section B. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Museums, libraries and art galleries.
2. Bed and breakfasts.
3. Cemeteries, on a minimum of ten (10) acres of land.
4. Type III, IV and V wireless telecommunications towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Section 405.370 through 405.410

Sub Section C. Lot Size Requirements.

1. *Minimum lot area.*
 - a) *Duplex dwellings.* Seven thousand (7,000) square feet per dwelling unit.
 - b) *Other uses.* Four thousand (4,000) square feet per dwelling unit.
2. *Minimum lot width.* Sixty (60) feet.

Sub Section D. Height, Bulk and Open Space Requirements.

1. *Maximum structure height.*
 - a) *Primary structure.* Thirty-five (35) feet.
 - b) *Accessory structure.* Thirty-five (35) feet.
2. *Minimum yard requirements (additional buffer yard may be required according to Section 405.540 through 405.620 Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Twenty-five (25) feet.
 - b) *Side yard.* Six (6) feet. On any lot that a side yard abuts a street the minimum side yard setback shall be increased to twenty (20) feet.
 - c) *Rear yard.* Twenty-five (25) feet.
 - d) *Accessory structure.* Side and rear yard setback of six (6) feet.
 - e) In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

3. *Maximum building coverage (including accessory structures).* Forty percent (40%).
4. *Minimum open space.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section E. Design Requirements.

1. All off-street parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530
2. All off-street parking and vehicular use areas for permitted non-residential uses shall be screened from all residential uses in accordance with Section 405.540 through 405.620.
3. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to any non-residential use shall be screened from public view.
4. A landscaping plan, including buffer yard plan if applicable, meeting the requirements of Section 405.540 through 405.620, shall be submitted for all uses except for single-family dwellings.
5. A plot plan or site plan as defined in Section 405.110 through 405.220 meeting all provisions required shall be submitted for all uses.

Section 405.310: "R-MP" Manufactured Housing Park District

Sub Section A. Permitted Uses

The "R-MP" Manufactured Housing Park District is established for manufactured housing developments at medium densities of up to approximately three (3) dwelling units per acre.

1. Manufactured housing parks.
2. Family day care homes and group day care homes.
3. *Residential group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.
4. Police and fire stations.
5. Schools, elementary and secondary, or development centers for elementary and secondary school-age children with handicaps or developmental disabilities, on a minimum of five (5) acres of land.
6. Home occupations, in accordance with Section 405.420 through 405.440.
7. Accessory uses, in accordance with Section 405.370 through 405.410
8. Temporary uses, in accordance with Section 405.370 through 405.410
9. Public utilities and governmental buildings, including transformer stations, fire stations, pumping stations, elevated water towers, water ground storage tanks, lift stations, but excluding office buildings, garages and shops, loading yards and warehouses.
10. Type I and II wireless facilities, in accordance with Section 405.370 through 405.410.

Sub Section B. Conditional Uses.

The following uses are permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Clubhouses associated with any permitted use.
2. Cemeteries on a minimum of ten (10) acres of land.
3. Type III, IV and V wireless telecommunications towers and related facilities existing at the time

the district is mapped, provided any modifications are made in accordance with Section 405.370 through 405.410.

Sub Section C. Use Limitations.

In Manufactured Housing Park Districts, recreational vehicles shall not be occupied as dwellings and manufactured home sales lots shall not be permitted.

Sub Section D. Minimum Tract Area Requirements

Where the district is established, the minimum area shall be ten (10) acres. The tract shall comprise a single parcel, except where the site is divided by a public street or where the total property includes separate parcels for maintenance and storage facilities and the like. All parcels involved shall be of sufficient size and dimensions to allow for efficient design and management.

Sub Section E. Density and Lot Size Requirements

1. *Minimum lot area.* Six thousand (6,000) square feet per dwelling unit.
2. *Minimum lot width.* Fifty (50) feet.
3. *Minimum lot depth.* One hundred twenty (120) feet.
4. Maximum density shall not exceed six (6) dwelling units per gross acre. Gross acreage shall include all land within the exterior boundaries of the tract.

Sub Section F. Height, Bulk and Open Space Requirements

1. *Maximum structure height.*
 - a) *Primary structure.* Twenty-five (25) feet.
 - b) *Accessory structure.* Twenty-five (25) feet.
2. *Minimum yard requirements (additional bufferyard may be required according to Section 405.540 through 405.620 Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Twenty-five (25) feet.
 - b) *Side yard.* Eight (8) feet. On any lot that a side yard abuts a street, the minimum side yard setback shall be increased to twenty (20) feet.
 - c) *Rear yard.* Twenty-five (25) feet.
 - d) *Accessory structure.* Side and rear yard setback of eight (8) feet.
 - e) In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

3. *Maximum building coverage (including accessory structures).* Forty percent (40%).
4. *Minimum open space.* Not less than thirty percent (30%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section G. Design Requirements for Manufactured Housing Parks.

1. A site plan meeting the provisions of Section 405.110 through 405.220 shall be submitted for all uses.
2. Refuse storage areas, storage for maintenance and mechanical, electrical or other equipment incidental to any permitted non-residential use shall be screened from view.
3. Manufactured homes shall be placed on a permanent foundation. Skirting shall be placed around the manufactured home. The skirting shall be similar in appearance to the siding of the manufactured home or the materials used for permanent foundations.

4. Mechanical and electrical equipment shall be screened from view.
5. Lighting shall be designed to reflect away from adjacent residential districts.
6. There shall be at least twenty (20) feet between manufactured homes or any other buildings located in a manufactured home park.
7. Off-street parking and vehicular use areas shall be provided in accordance with Section 405.490 through 405.530
8. A landscaping and bufferyard plan, if applicable, meeting the requirements of Section 405.540 through 405.620, shall be submitted and approved.

Section 405.320: "C-1" General Commercial District

Sub Section A. Permitted Uses.

The following uses shall be permitted in the "C-1" General Commercial District. They shall be permitted only upon the condition that no manufacturing, processing or treating of products other than that which is clearly incidental and essential to retail business and where all such products are sold at retail on the premises.

1. Arcades and game rooms, bowling alleys, theaters and other such similar place of entertainment, provided that no such building or premises is closer than one hundred (100) feet to the boundary of any "R" district.
2. Ambulance service offices or garages.
3. Banks.
4. Bakeries and delicatessens, with on premise sales.
5. Boat sales.
6. Car wash.
7. Clinics, dental laboratories and similar medical service facilities.
8. Day care center.
9. Drive-in restaurant and other restaurant establishments.
10. Dry cleaning and Laundromat.
11. Farm implement, sales and service.
12. Funeral home.
13. Greenhouse or nursery, on premises sales permitted.
14. Health and fitness centers, including dance studios.
15. Heating, air-conditioning and plumbing shop.
16. Library, museum, art gallery and similar uses.
17. Liquor store and tavern.
18. Miniature golf courses and driving ranges not accessory to golf courses.
19. New or used automobile, trailer or motorcycle sales and service facilities, outside storage permitted, but excluding the wrecking of motor vehicles. The buildings housing any of the uses permitted herein shall be at least one hundred (100) feet from the boundary of any "R" District.
20. Nursing care facilities.
21. Offices, clerical, research and services not related to goods and merchandise, such as offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents and government.
22. Off-street parking lot.
23. Personal services such as barber or beauty shop, dressmaking, tailoring, shoe repair, household appliance repair, interior decorating, catering, photography studio, furniture repair and other similar uses.
24. Public utilities and buildings.
25. Retail sales and rental of goods, merchandise and equipment.
26. Self-service storage facilities provided that no activity other than the rental of storage units shall be conducted on the premises and there is no outdoor storage.
27. Service stations or gas stations, including repair shops.
28. Veterinarian and small animal hospital, provided there are no boarding facilities outside of the building.
29. Single-family detached dwellings existing at the time the district was mapped.
30. Accessory uses, in accordance with Section 405.370 through 405.410

31. Temporary uses, in accordance with Section 405.370 through 405.410
32. Type I and II wireless facilities, in accordance with the provisions of Section 405.370 through 405.410

Sub Section B. Conditional Uses

The following uses are permitted as conditional uses, subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Motels and hotels, when located on a State or Federal highway.
2. Lumber yards.
3. Substance abuse treatment facilities.
4. Type V wireless facilities, in accordance with Section 405.370 through 405.410
5. Other towers, exceeding one hundred (100) feet in height and related facilities, provided the maximum height does not exceed two hundred (200) feet, only one (1) tower is permitted on a lot and all other provisions of Section 405.370 through 405.410 are met.

Sub Section C. Lot Size Requirements.

1. *Minimum lot area.* No minimum.
2. *Minimum lot width.* No minimum.
3. *Minimum lot depth.* No minimum.
4. *Maximum floor area ratio.* One (1.0).

Sub Section D. Height, Bulk and Open Space Requirements.

1. *Maximum structure height.*
 - a) *Primary structure.* Thirty-five (35) feet.
 - b) *Accessory structure.* Thirty-five (35) feet.
2. *Minimum yard requirements (additional bufferyard may be required according to Article X, Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Twenty-five (25) feet.
 - b) *Side yard.* None, except on the side of a lot adjoining any residential district, in which case a setback of six (6) feet shall be provided. See Section 405.400.
 - c) *Rear yard.* None, except on the side of a lot adjoining any residential district, in which case a setback of twenty-five (25) feet shall be provided.
 - d) In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1", and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

- e) *Maximum building coverage (including accessory structures).* Fifty percent (50%).
3. *Minimum open space.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section E. Design Requirements.

1. All off-street parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530.
2. All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with Section 405.540 through 405.620.
3. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to the use shall be screened from public view.
4. A landscaping plan, including bufferyard plan if applicable, meeting the requirements of Section

- 405.540 through 405.620, shall be submitted for all uses.
5. Lighting shall be designed to reflect away from adjacent residential districts.
 6. A site plan in accordance with the provisions of Section 405.110 through 405.220 shall be submitted for all uses.

Section 405.340: "M-1" Industrial District

Sub Section A. Permitted Uses

The following uses shall be permitted in the "M-1" Industrial District:

1. Warehousing and the manufacture, processing, assembly, packaging or treatment of goods and materials, provided that there shall be no offensive noise, dust, smoke, odors, heat or glare noticeable at or beyond the property line and not more than ten percent (10%) of the lot is used for the open storage of products, materials and equipment.
2. Retail sales of products made on site.
3. Public uses, buildings and utilities.
4. Lumber yards.
5. Type I and II wireless facilities, in accordance with the provisions of Section 405.370 through 405.410
6. Type III wireless facilities in accordance with Section 405.370 through 405.410 provided that towers sixty (60) feet or greater in height shall allow collocation of at least one (1) additional provider's facilities.
7. Type IV wireless facilities in accordance with Section 405.370 through 405.410 provided wireless towers are setback from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.

Sub Section B. Conditional Uses

The following uses shall be permitted as "conditional uses" in the "M-1" Industrial District:

1. Warehousing and manufacturing activities where more than ten percent (10%) of the lot is used for the open storage of products, materials and equipment, provided that there shall be no offensive noise, dust, smoke, odors, heat or glare noticeable at or beyond the property line.
2. Accessory residential structure for a resident watchman and/or caretakers employed on the premises.
3. Acid manufacture provided that no such facility shall be located within five hundred (500) feet of any residential district.
4. Cement, lime, gypsum or plaster of Paris manufacture.
5. Explosives manufacture or storage. All explosives manufacture or storage shall be subject to the minimum requirements and regulations of the Bureau of Alcohol, Tobacco and Firearms Publication ATFP 5400.7 (6/1990) or any subsequent amendments.
6. Scrap and salvage yards and automobile wrecking yards, provided that no such use shall be located within five hundred (500) feet of a residential district.
7. Refining of petroleum or its product.
8. Type V wireless facilities, in accordance with the provisions of Section 405.370 through 405.410
9. Recycling centers.

Sub Section C. Use Limitations.

1. No use or operation shall disseminate dust, smoke, fumes, gas, vibration, noxious odors or glare at or beyond the property line.
2. No use or operation shall produce noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point.
3. No use or operation shall create fire hazards on surrounding property.
4. Storage maintained outside a building shall be screened from public streets and other property, except property located in an "M-1" District.
5. All outdoor storage shall be at least two hundred (200) feet from any residence district.

Sub Section D. Lot Size Requirements

1. *Minimum lot area.* No minimum.
2. *Minimum lot width.* One hundred (100) feet.
3. *Minimum lot depth.* No minimum.
4. *Maximum floor area ratio:* One and one-half (1.50).

Sub Section E. Height, Bulk and Open Space Requirements

1. *Maximum structure height.* Forty-five (45) feet.
2. *Minimum yard requirements (additional bufferyard may be required according to Article X, Screening, Buffering and Landscaping Requirements).*
 - a) *Front yard.* Thirty-five (35) feet.
 - b) *Side yard.* None, except on the side of a lot adjoining a residential district, in which case a ten (10) foot setback shall be provided. See Section 405.400.
 - c) *Rear yard.* None, except on the side of a lot adjoining a residential district, in which case a twenty-five (25) foot setback shall be provided.
 - d) In no event shall a structure be erected closer to the right-of-way centerline of an existing or planned street than as established in the following table:

STREET CLASSIFICATION	REQUIRED SETBACK FROM RIGHT-OF-WAY CENTERLINE
Highway	60 feet plus the required yard setback
Arterial	45 feet plus the required yard setback
Collector--"R-1", "R-2", "R-3"	30 feet plus the required yard setback
Collector--"C-1" and "M-1"	30 feet plus the required yard setback
Local residential--single-family	25 feet plus the required yard setback
Local residential--multi-family	30 feet plus the required yard setback

3. *Maximum building coverage (including accessory structures).* None
4. *Minimum open space.* Not less than fifteen percent (15%) of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, parking areas, driveways or internal streets.

Sub Section F. Design Requirements.

1. All off-street parking and loading areas shall be provided in accordance with the requirements set forth in Section 405.490 through 405.530
2. All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with Section 405.540 through 405.620.
3. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to the use shall be screened from public view.
4. A landscaping plan, including bufferyard plan if applicable, meeting the requirements of Section 405.540 through 405.620, shall be submitted for all uses.
5. Lighting shall be designed to reflect away from adjacent residential districts.
6. All outdoor storage, except the storage of motor vehicles in operating condition, shall be enclosed by screening, except where the lot adjoins another "M-1" zoned property. Off-street parking and loading spaces and the storage of motor vehicles in operating condition shall be enclosed when such use abuts a residence district or is separated from a residence district by only an alley.
7. All salvage and scrap yards and automobile wrecking yards shall be enclosed by a solid board fence or wall not less than ten (10) feet high of new material and well-maintained.
8. A site plan in accordance with the provisions of Article III shall be submitted for all uses.

Section 405.350: Planned Unit Developments

Sub Section A. Purpose and Intent

1. The purpose and intent of the planned unit development regulations is to provide for the

- compatible development of two (2) or more different land uses within a single site. This combination of traditional zoning classifications under one (1) development is designed to permit greater flexibility and should benefit both the developer and the public interest.
2. It is not the intent of these regulations to circumvent traditional zoning classifications, increase the average density or uses beyond that which is provided for in other Sections of the zoning regulations or allow development which is not compatible with the principles of the Comprehensive Plan. These regulations should provide for a greater flexibility in the design of yards, courts, buildings and circulation than would otherwise be possible through the strict application of district regulations in order to provide the opportunity for:
 - a) A pattern of development which preserves trees, outstanding natural topographic and geologic features and prevents soil erosion.
 - b) A creative approach to the use of land and related physical development.
 - c) Open space and/or recreation areas.
 - d) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower building and maintenance costs.
 - e) An environment of stable character that is in harmony with surrounding development and that creates a sense of place.
 - f) A more desirable environment than would be possible through the strict application of other Sections of this Chapter.
 3. The Commission and subsequently the Board of Aldermen may exclude any restrictions or conditions. Consideration may be given but not be limited to the compatibility and relationship of land uses adjacent to or in close proximity to the proposed development, overall impact of the proposed development upon the community and the proposed development's conformance with the principles of the Comprehensive Plan.

Sub Section B. Application of Planned Unit Development

A planned unit development zone may be proposed for any location in the City if it is in accordance with the provisions of this Article.

Sub Section C. Effect Of Planned Unit Development Approval. Approval by ordinance of a planned unit development zone shall constitute an amendment to the zoning regulations. Approval of a planned unit development shall supersede all existing and prior zoning classifications. Property approved for planned unit development shall be identified with the letters "PUD" followed by the corresponding zoning case number.

Sub Section D. Planned Unit Development Requirements.

All planned unit development districts shall, at a minimum, satisfy the following standards and requirements:

1. *Permitted uses.* The planned unit development must contain a minimum of two (2) different land uses or intensities from the following list:
 - a) "R-1" Single-Family.
 - b) "R-2" Two-Family.
 - c) "R-3" Medium Density Multi-Family.
 - d) "C-1" General Commercial.
2. *Development intensity.* The intensity of the planned unit development as a whole or by subarea shall not exceed that allowed in the comparable zoning district of the allowed uses and shall further be governed by the following:
 - a) For non-residential development, the intensity of development may be regulated by:
 1. Specifying an appropriate Floor Area Ratio(s) (FAR),
 2. Specifying maximum square footage or gross leasable area,
 3. Specifying setbacks, height and bulk restrictions,
 4. A combination of such restrictions for the project as a whole or for components or subareas within the project.
 5. In addition, non-residential development plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of commercial and other non-residential activities.
 - b) The residential density of a project shall be computed in accordance with the following

formula:

Maximum number of dwelling units = Entire area of the property to be utilized for residential purposes multiplied by the maximum district(s) in effect for the property at the time of ("PUD") district application.

ZONING DISTRICT	MINIMUM LOT AREA PER DWELLING UNIT
"R-1" Single-family	12,000 square feet
"R-2" Two-family	7,000 square feet
"R-3" Multi-family	4,000 square feet
"C-1" Commercial	Residential not permitted

3. *Public facilities.* All uses within the planned unit development are required to be connected to public utilities including: water, sewer, and electric, gas and telephone. If these facilities are not available at the time of development, it shall be the responsibility of the developer to provide them unless stipulated otherwise by the Board of Aldermen.
4. *Access to public streets.*
 - a) All uses within the planned unit development are required to be connected to public streets. If additional roads or streets are required, it shall be the responsibility of the developer to construct them to the standards of the City of Pleasant Hope unless stipulated otherwise by the Board of Aldermen. In addition, certain uses may not be developed unless access is provided to a specific street classification as set forth in the following table.
 - b) In addition to these minimum standards, no one- or two-family residential dwelling units should have direct access to any street classified as secondary arterial or higher.

LAND USE	MINIMUM STREET CLASSIFICATION
"R-1" Single-family	Local
"R-2" Two-family	Local
"R-3" Multi-family	Collector
"C-1" General commercial	Secondary arterial

5. *Parking.* Unless specifically modified by the planned unit development amendment, the parking requirements of Section 405.490 through 405.530 shall apply. Reductions in parking requirements shall be approved only if it can be demonstrated that parking demand will be less due to the design and character of the planned unit development.
6. *Perimeter treatment.* The planned unit development amendment shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The Board of Aldermen may impose those standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.

Sub Section E. Procedure For Planned Unit Development Approval.

Applications for planned unit development shall be processed, reviewed and approved pursuant to the procedures prescribed in Section 405.110 through 405.220.

Section 405.360: CI-1 and CI-2 Cottage Industry "Limited" Or "General"

Permitted uses of on-site production of goods by hand manufacturing which involves the use of hand tools or which have limited impact on adjoining development by virtue of either low development densities or more stringent review and standards.

- Ceramic or stained glass studios
- Custom jewelry
- Hand-worked textiles

- Small furniture
- Outdoor ornamentation
- Additional uses considered on an individual basis

Sub Section A. Size, space and design requirements as outline in corresponding zoning category shall be applied.

Sub Section B. CI-1 “Limited” located in a residential area.

1. The cottage industry shall not produce evidence of its existence in the external appearance of the dwelling or premises, or in the creation of noise, odors, smoke, vibrations or other nuisances to a degree greater than that normal for the neighborhood.
2. All merchandise is sold “off premises”, either in other outlets or on the internet.
3. The CI shall not generate pedestrian or vehicular traffic beyond what is normal in the neighborhood in which it is located.
4. The CI shall not generate any visual or audible interference of radio or television reception.
5. Prior to establishing the CI the owner must obtain a city business license and maintain that license throughout operation of the business.
6. The CI may employ a total of 6 persons who reside off the subject property but may not have more than 3 persons who reside off the subject property working on the site at any one time.
7. Not more than one (1) cottage industry shall be allowed in or on the same premise.
8. Any new structure constructed to accommodate the CI shall be limited in scale so that it is in character with neighboring properties. Only those buildings or areas as specifically approved by the Zoning Administrator may be utilized in the conduct of business.
9. All activity related to the conduct of the business except for the display of agricultural produce and goods shall be conducted within an enclosed structure or be sufficiently screened from view of adjacent residences and public right-of-ways. Activities shall be screened using landscaping, fencing, the retention of native vegetation, or combination thereof necessary to meet buffer-yard screening requirements of Section 405.270.
10. The cottage industry must provide gravel, asphalt or paved parking sufficient for employees present at any one time. Owner and employee parking must be off-street.
11. No more than one commercial vehicle shall be operated from the site or stored there overnight and adequate parking for said vehicle must be provided.
12. No more than one (1) non-illuminated sign no greater than 3 square feet is allowed.

Sub Section C. CI-2 “General” located in a “commercial” area.

1. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet use enjoyment of adjoining and surrounding property.
2. The bulk of merchandise produced is sold “off premises”, however a small retail area may be incorporated as long as adequate parking is available.
3. All lights are directed on-site and shielded to reduce glare to adjacent areas.
4. Manufacturing and fabricating areas must be enclosed in buildings.
5. Only one (1) sign is permitted and it must comply with sign regulations in the zoning ordinance.
6. The CI-2 may employ a total of 6 persons as long as adequate off-street parking is available.
7. Not more than one (1) cottage industry shall be allowed in the same building space.
8. Any new structure constructed to accommodate the CI shall be limited in scale so that it is in character with neighboring properties. Only those buildings or areas as specifically approved by the Zoning Administrator may be utilized in the conduct of business.
9. All activity related to the conduct of the business except for the display of agricultural produce and goods shall be conducted within an enclosed structure or be sufficiently screened from view of adjacent residences and public right-of-ways. Activities shall be screened using landscaping, fencing, the retention of native vegetation, or combination thereof necessary to meet buffer-yard screening requirements of Section 405.320.

10. Retail sales on the premises are limited to the following: products produced or repaired on-site and incidental retail sales directly associated with the cottage industry.
11. Any CI allowing customers to visit the site shall provide adequate on-site parking spaces in addition to one (1) for each full time equivalent employee and owner.
12. No more than 2 commercial vehicles shall be operated from the site or stored there overnight.
13. The CI-2 owner is required to obtain a city business license prior to operating the CI.
14. Prior to the expansion of the cottage industry beyond the limits specified, the CI would need to be relocated to another property with the proper zoning.

Section 405.370: Accessory Uses and Structures

Sub Section A. Purpose.

This Section provides for the regulation of accessory uses and structures and lists those common accessory uses and structures that are specifically permitted.

Sub Section B. Definition

1. In accordance with Article II, Definitions, an *"accessory use or structure"*:
2. Is subordinate to and serves a principal use or structure;
3. Is subordinate in area, extent or purpose to the principal use or structure;
4. Contributes to the comfort, convenience or necessity of occupants of the principal use or structure;
5. Is located on the same lot as the principal use or structure served and shall include all structures or uses whether or not they are permanently affixed to the ground by foundation or otherwise; and
6. Is not injurious, noxious or offensive to surrounding properties and uses.

Sub Section C. Permitted Accessory Uses and Structures.

Any use or structure that complies with the definition in Sub Section (B) may be allowed as an accessory use or structure.

1. Accessory uses and structures include, but are not limited to, the following list of examples:
 - a) Structures for parking incidental to a permitted use, not to exceed twenty-five percent (25%) of the square footage of the lot, provided however that a residential use shall be permitted a garage with at least six hundred (600) square feet.
 - b) Structures for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed twenty-five percent (25%) of the residential building's ground floor level gross floor area.
 - c) Children's playhouses.
 - d) Private swimming pools and bath houses.
 - e) A guest house, without kitchen facilities or rooms for guests in an accessory building provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units or for permanent occupancy as housekeeping units.
 - f) Greenhouses.
 - g) Satellite dish antennas.
 - h) Barbecue pits.
 - i) Storage of boats, boat trailers, camping trailers and recreational vehicles owned and used by the property owner, provided the equipment is not used for living, sleeping or housekeeping purposes when parked or stored.
 - j) Restaurants, drugstores, gift shops, cocktail lounges, newsstands and other similar uses located in a permitted motel, hotel or office building.
 - k) Employee restaurants and cafeterias when located in a permitted business or manufacturing building.
 - l) Central laundry and washroom facilities, clubhouse, manufactured home park office and maintenance buildings when located in a manufactured home park.
 - m) A day care center located in a permitted business or manufacturing building providing day care for children of persons employed on the premises.
 - n) A day care center, hourly care center or preschool located on the same lot as a church or school.

2. None of the following shall be permitted as an accessory use:
 - a) Outdoor storage or overnight parking in a residence district of a commercial truck, van, bus or other vehicle with a gross volume weight of more than one (1) ton. Church and school buses are permitted provided they are parked on church or school property.
 - b) Outdoor storage, except as specifically permitted by the zoning district regulations.
 - c) Modular homes, manufactured or mobile homes or house trailers used as storage, workshops or accessory buildings. The conversion of such dwelling units or vehicles to a purpose other than for which it is manufactured is prohibited.
 - d) Living quarters in any zoning district other than a residential district unless specifically permitted.

Sub Section D. Use Limitations

All accessory uses and structures shall comply with the limitations applicable in the zoning district in which they are located. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of construction of the principal structure to which it is accessory.

Sub Section E. Bulk and Setback Regulations.

All accessory structures and uses shall comply with the bulk and setback regulations applicable in the zoning district in which they are located and provided that no accessory use or structure shall be permitted in any required front yard.

Section 405.380: Temporary Uses

Sub Section A. Purpose

This Section provides for the regulation of land uses or structures which are in place or needed for only a short period of time.

Sub Section B. General Provisions

1. No temporary use or portion of a temporary display or structure shall be located on publicly owned property or right-of-way unless approval has been granted by the City.
2. Unless otherwise specified in the following Sub Sections, any temporary use authorized in this Section shall not require that a temporary use permit be obtained from the City.

Sub Section C. Temporary Uses Permitted In Every District.

The following temporary uses of land are permitted in every zoning district subject to the specific regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted:

1. Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only for the duration of the project.
2. Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
3. Fund raising activities and events, such as craft sales, bazaars and Christmas tree sales, for non-profit organizations such as churches, libraries and schools in the districts where the non-profit organization use is permitted, provided that no more than six (6) such events per calendar year shall be permitted and each event shall not exceed a period of (five) consecutive days. Christmas tree sales shall be permitted for a period not to exceed thirty (30) consecutive days.
4. Garage or yard sales, provided that no more than three (3) sales per calendar year shall be permitted and each garage or yard sale shall not exceed a period of three (3) consecutive days.
5. Temporary wireless facilities towers for special events provided the temporary tower does not exceed sixty (60) feet in height and a permit shall not be issued for a period of time exceeding two (2) days preceding and following the special event. Temporary towers may also be located on the same site as an approved permanent tower during the period that the permanent tower is being constructed. A temporary use permit shall be obtained from the City.

Sub Section D. Temporary Uses Permitted In The "C-1" And "M-1" Districts.

The following temporary uses of land or structures are permitted in the "C-1" and "M-1" Districts, subject to the limitations in this Sub Section and the other applicable regulations in the district or districts in which the temporary use is permitted:

1. Christmas tree sales for a period not to exceed thirty-five (35) days. Display of Christmas trees need not comply with the yard and setback requirements of this Chapter provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets or any sight triangle required in this Chapter.
2. Retail business may display merchandise that is for sale within a building in the area immediately adjacent to the building subject to the following conditions:
 - a) No food or drink may be displayed outside the building except in accordance with the standards of the Polk County Department of Public Health and approval of the City.
 - b) These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, appliances, plumbing, housewares, automobiles or other vehicles, trailers and equipment rental or other second-hand merchandise in those districts which do not otherwise permit such uses.
3. Temporary promotional activities sponsored by retail merchants may be conducted outside of enclosed buildings for a period of not more than two (2) consecutive weeks in any three (3) month period. Any temporary promotional use shall be subject to the following conditions:
 - a) The merchant sponsoring the temporary promotional use shall obtain a temporary use permit from the City. No permit for a temporary promotional use shall be granted where the promotional activities, lighting, noise or increased traffic associated with the temporary use will unreasonably disturb adjacent residential properties.
 - b) Temporary promotional uses shall not occupy more than ten percent (10%) of any paved parking area.
 - c) No more than two (2) temporary promotional uses on the same property shall be conducted during any six (6) month period.
4. Temporary outdoor seasonal sale of garden plants, fruits and vegetables and incidental supplies. Such uses shall not exceed a period of six (6) months in one (1) calendar year, including time to erect and dismantle any temporary greenhouse or stand.

Sub Section E. Temporary Vendors.

1. *Location restricted.* Temporary vendors are permitted only in the "C-1", "M-1" and "M-2" Districts and are required to conform to all applicable regulations of the district, including allowed temporary uses.
2. *Temporary vendor permits.* A temporary vendor is required to obtain a permit from the City for each temporary vendor site. The application for a temporary vendor permit shall include the following information:
 - a) Address or other property description of the site.
 - b) Plot plan showing the proposed location of the temporary vendor site on the lot or tract. The plot plan shall show required setbacks, indicating that the temporary vendor does not encroach into the required setbacks or sight triangles.
 - c) Description of use or activity to be conducted by the temporary vendor on the site.
 - d) Written verification from the property owner indicating the temporary vendor is authorized to use the site for the stated purpose.
 - e) If applicable, the following information is required to erect a temporary structure on an existing parking lot (excluding vehicles or trailers on wheels with a license to operate on roadways):
 - 1) Written permission from the property owner to authorize erection of a temporary structure on the site.
 - 2) The plot plan shall show the location of the temporary structure, indicating the temporary structure does not encroach upon required setbacks.
 - 3) Written verification the temporary structure conforms to the requirements of the City's Building Code.
3. *Limitations.*
 - a) A temporary vendor shall be limited to six (6) months occupation on the same property within a calendar year, including time taken to erect and remove all necessary temporary structures.

- b) No more than two (2) permits for a temporary vendor use on the same property shall be issued by the City during any six (6) month period.
- 4. *Licenses required.* A temporary vendor shall not occupy a temporary vendor site or sell merchandise within the City without first obtaining a business license from the City. A business license may be issued to a temporary vendor for a specific vendor site for the period of time approval has been granted for the vendor site. A copy of this license must be on display, in full view of the public, on the approved site. No property owner shall allow any temporary vendor to occupy any part of his/her premises without a permit being issued by the City for the actual location of the temporary vendor business and a City business license being issued and in effect for the temporary vendor.

Section 405.390: Exceptions to Height Regulations

The following structures are not subject to the height limitations in this Chapter:

1. When they are an integral part of a building: elevator machinery, stairways, tanks, ventilating fans or similar equipment required for operating and maintaining the buildings and fire or parapet walls, skylights, towers (excluding radio, television and telecommunications towers), steeples, flagpoles, silos, chimneys and smokestacks. No space above the height limit shall be used to provide additional floor space for the use being conducted on the premises.
2. When they are a separate structure: water standpipes, water ground storage tanks or similar structures.

Section 405.400: Supplemental Yard and Open Space Regulations

Sub Section A. Front Yard Regulations

All property shall have a front yard of not less than prescribed in Article V, Zoning District Regulations, except that the following provisions shall apply:

1. Where the front yard setback of existing buildings on platted lots of record fronting the same street is less than the required front yard specified in this Chapter, any building or structure hereafter erected or structurally altered or enlarged shall conform to the following:
 - a) On interior lots, where the frontage is located between two (2) intersecting streets, the front yard setback line shall be at least the average setback of the two (2) adjacent developed lots fronting the same street.
 - b) On interior lots, where the frontage is located between two (2) intersecting streets and only one (1) adjacent lot is developed, the setback line shall be at least the average between the setback of the existing building and the minimum required front yard setback on the vacant lot.
 - c) On corner lots, where the frontage is located at the intersection of two (2) streets and the zoning district requires a setback, the front yard setback line shall be the average of the adjacent existing building setback and the required minimum setback fronting the same street. However, no structure shall be located in an area formed by a triangle measured twenty-five (25) feet along the right-of-way lines from the intersection of adjacent street right-of-way lines.
2. Where property on one (1) side of the street between two (2) intersecting streets is located in a non-residential district adjacent to a residential district, the front yard setback required in the residential district shall also apply to the non-residential district. This requirement shall apply only to the first one hundred (100) linear feet of frontage zoned non-residential. No parking shall be permitted within the required front yard setback.
3. On cul-de-sacs, the front yard setback line shall be located on the lot so that it is parallel to a line drawn tangent to the cul-de-sac right-of-way line at the center of the lot frontage. The front yard setback line shall be located at a distance from the cul-de-sac right-of-way line where the length of the front yard setback line is equal to the minimum lot width required in the zoning district and the resulting front yard setback is at least equal to the minimum required in the zoning district.

Sub Section B. Yards Open

Except as otherwise specified in this Chapter, required yards shall be open and unobstructed to the sky.

Sub Section C. Exceptions To Yard Regulations.

The following exceptions shall be permitted to yard and area regulations:

1. *Peculiar shape of yard.* Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, such regulations may be modified or determined by the Board of Adjustment, as provided in Section 405.110 through 405.220.
2. *Variations from Major Street plan.* Where the Board of Aldermen has adopted right-of-way of greater or lesser width from those established by the City's Major Street Plan, the right-of-way established by the Board of Aldermen shall apply. Such right-of-way width shall be used in determining yard requirements.
3. *Modification of lot width.* Where an odd-shaped lot has more than the required area for its particular zoning district, the width of such lot may be computed in the most buildable portion having minimum area requirements, provided that it complies with all bulk and open space requirements for the zoning district.
4. *Parking area in rear yard.* A parking area may occupy a required rear yard or any part thereof, if in conformance with Section 405.490 through 405.530.
5. *Loading space in rear yard.* A loading space may occupy a required rear yard or any part thereof, if in conformance with Section 405.490 through 405.530.

Sub Section D. Vision Clearance Requirements

1. *Sight triangles.* Unless otherwise permitted by this Chapter, no wall, fence, other structure, hedge, tree, shrub, other vegetation or landscaping materials over two (2) feet in height shall be placed within the sight triangle formed by the intersection of two (2) public streets, as defined in Section 405.540 through 405.620 or within the sight triangle formed by the intersection of a public street and driveway, as defined in Section 405.540 through 405.620. However, a single tree having a single trunk shall be allowed in a sight triangle provided the tree is pruned to a height of seven (7) feet above the yard grade.
2. *When front yard not required.* On any lot on which a front yard is not required by this Chapter, no wall, fence, other structure, hedge, tree, shrub, other vegetation or landscaping materials over two (2) feet or under seven (7) feet in height above the lowest grade of two (2) or more intersecting streets shall be placed within the street intersection sight triangle; the two (2) sides of which are defined by measuring twice the pavement width of each intersecting street, as classified in the City's major street plan, along its centerline from the center of the intersection.

Section 405.410: Telecommunications Facilities

Sub Section A. Telecommunication Towers

1. *Federal jurisdiction.* The Federal Communications Commission (FCC) has exclusive jurisdiction over:
 - a) The regulation of the environmental effects of radio frequency emissions from telecommunications facilities.
 - b) The regulation of radio signal interference among users of the radio frequency spectrum.
2. *Purposes.* The general purpose of this Section is to regulate the placement, construction and modification of towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Pleasant Hope. More specifically, the purposes are:
 - a) To protect residential areas and land uses from potential adverse impacts of towers and telecommunications facilities;
 - b) To minimize adverse visual impacts of towers and telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques;
 - c) To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
 - d) To avoid potential damage to adjacent properties caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed.
 - e) To the greatest extent feasible, ensure that towers and telecommunications facilities are compatible with surrounding land uses.
 - f) To create a licensing process that allows the City to more efficiently administer this Section.
3. *Applicability.*
 - a) All towers, antenna support structures and telecommunications facilities, any portion of which are

- located within the City are subject to this Chapter. All towers within the City at the effective date of this Chapter or that are annexed at a later date, shall be registered with the City Clerk within sixty (60) days from the effective date thereof together with the height, width and location thereof and a registration fee established by the Board of Aldermen. Failure to register an existing tower shall raise a presumption that said tower was not a legal use on the date of passage of this Chapter. However, this Chapter shall not apply to tower structures used or to be used, solely for services provided pursuant to a broadcast radio or television license issued by the Federal Communications Commission or to towers and antennas used for private telecommunications services when the equipment is located on the premises of the entity using said private telecommunication service or the towers and antennas, support structure or masts are located on the primary business premises of a provider of communications services if used to monitor the provider's services and the equipment used by the broadcaster, private telecommunicator or provider is in compliance with any Federal, State or local laws.
- b) Except as provided in this Chapter, any current legal use being made of an existing tower or antenna support structure on the effective date of this Chapter (herein "non-conforming structures") shall be allowed to continue, even if in conflict with the terms of this Chapter.

Sub Section B. Definitions

For the purposes of this Section, the following terms, phrases, words and their derivations shall have the meanings given herein:

ACT: The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may from time to time be amended.

ANTENNA SUPPORT STRUCTURE: Any building or other structure other than a tower that can be used for location of wireless telecommunications facilities.

APPLICANT: Any person that applies for a Tower license pursuant to this Chapter.

COMMUNICATIONS OR TELECOMMUNICATIONS: The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds or any other symbols.

FCC: The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

LICENSEE: Any person who has lawfully obtained a Tower license pursuant to Sub Section (E).

PERSON: Any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not-for-profit.

SITE: The actual location of a tower and may be only part of a larger parcel or premise.

STEALTH: Any towers or telecommunications facilities that are designed to blend into the surrounding environment.

TELECOMMUNICATIONS FACILITIES: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the wireless transmission or reception of wireless telecommunications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure. However, the term "telecommunications facilities" shall not include:

- a) Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned and used for industrial or commercial purposes.
- b) Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.
- c) Any satellite earth station in excess of two (2) meters in diameter which is utilized for the

reception of broadcast television, video or radio signals and which is an ancillary use to a structure on the premises of the holder of the broadcast license.

TOWER: A self-supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC. The term "tower" does not include: utility poles that are utilized for the support of electrical, telephone, cable television or other similar cables and wires; are located on public rights-of-ways or easements for that purpose; and are a part of a system of such poles throughout the City.

Sub Section C. Permitted and Conditional Uses

1. *Generally.* The use of towers and placement of telecommunications facilities are allowed as either permitted uses or conditional uses in the zoning districts shall be as set forth herein and in Article V. Multiple locations may be approved in one (1) application process.
2. *Tower types.* Wireless facilities and telecommunications towers shall be of the following types:

TYPES	
	Wireless facilities and antennas mounted on buildings or other structures, including existing towers, public buildings and structures, school buildings and structures and churches.
	Cell towers of a stealth design that are not greater than 60 feet in height, located on the same premise or parcel as public buildings and structures, school buildings and facilities, church buildings and non-commercial, not-for-profit residential neighborhood facilities and approved by ordinance.
	Cell towers of a monopole or stealth design that are less than 100 feet in height.
	Cell towers of a monopole or stealth design that are more than 100 feet in height.
	Cell towers not of monopole or stealth design, 100 feet or taller and not able to collocate additional facilities.

3. In no event shall a licensee be required to allow collocation of facilities if to do so would result in technical interference with the delivery of licensee's service. Failure to permit collocation or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for collocation may result in any enforcement action as permitted in this Chapter.
4. *Same tower type.* A tower which is modified to accommodate the collocation of additional telecommunications facilities shall be of the same tower type as the existing tower. However, a different type of tower may be permitted by the approval of the City if it is demonstrated that permitting a different tower type will not exceed the height permitted in Sub Section C(2) and will permit the collocation of more carriers than could be accomplished by the modification of the same tower type as the existing tower.
5. *Movement of tower.* No towers shall be relocated without going through the appropriate permitting and licensing procedure.
6. *Appeal process.* Any applicant who is denied a tower application or who is determined by the City to be in violation of this Section shall have the right of a hearing before an administrative hearing examiner appointed by the Mayor and mutually agreeable to the applicant or tower owner. The Hearing Examiner shall set the hearing date no later than twenty (20) days following

the denial of an application or the determination of a violation and shall consider, in addition to a determination of whether or not a violation exists or the application was improperly denied, the question of the technical or economic feasibility of compliance with this Section. In the event the Hearing Examiner finds that the tower was constructed in accordance with setback and other provisions relating to towers designed for collocation and said tower is not being made available for joint use or collocation as indicated at the time of application, the Hearing Examiner shall order utilities disconnected until such time as the tower is used jointly for collocation as originally stated in the application. The Hearing Examiner's final decision shall be subject to review pursuant to Chapter 536, RSMo. Any appeal under said Chapter shall be filed within thirty days (30) from the date of the Hearing Examiner's decision. Enforcement of the decision of the Hearing Examiner may be stayed by the posting of a supersedes bond in an amount determined by the Hearing Examiner to be sufficient under the facts of the case to protect the interests of the public and any third party in the matter whose rights would be adversely affected by such a stay as demonstrated during any hearing on a request for said bond.

Sub Section D. Construction Standards

1. Setbacks.

a. All towers shall be set back a distance equal to:

(1) Fifty percent (50%) of the height of the tower up to one hundred (100) feet, plus one (1) foot for each foot over one hundred (100) feet in height; or

(2) The distance between the tower base and guy wire anchors, whichever is greater, with the guy wire anchors set back at least twenty-five (25) feet from adjoining residential districts, public property or a street or at least the rear yard setback from adjoining land in other districts, unless the tower is designed for collocation.

(3) In the event a tower is capable of being used for collocation for at least two (2) additional carriers, the setbacks for structures in the zoning district where the tower is located shall be complied with for the tower base and any guy wire anchors.

b. Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.

2. Structural requirements. All towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the City's Building Code, any applicable State and Federal laws and other standards outlined in the City Code. A building permit must be obtained before construction may begin.

3. Separation or buffer requirements.

a. Towers shall be separated from the types of areas and comply with the minimum standards established in the table set forth below unless: (1) constructed on the same site as another tower designed for the same purpose and (2) the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located:

DESIGNATED AREA	SEPARATION DISTANCE
Single-family or two-family residential units in a residential district ¹	300 feet. If the Tower ¹ is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant single-family or two-family residentially zoned land which is either platted or has preliminary subdivision plat approval which is not expired	300 feet. If the Tower ¹ is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant unplatted residentially zoned land and residential units in non-residential zoned districts ¹	200 feet or 100% of tower ² , whichever is greater.
Existing multi-family residential units greater than two-family units	100 feet or 100% height of tower, whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

¹	Includes modular homes and mobile homes used for living purposes. Separation from a unit for purposes of this table is to be measured from the edge of the building or structure itself.
²	Separation measured from the center of the tower to closest building setback line.

b. The minimum tower separation distances above listed shall be calculated and applied irrespective of City and County jurisdictional boundaries.

c. Measurement of tower separation distances for the purpose of compliance with this Section shall be measured from the center of a tower to the closest point of a designated area as specified in the above table.

d. Separation distances from other uses set forth in this Sub Section may be reduced for towers designed for the collocation of telecommunications facilities of other carriers by obtaining a conditional use permit which will require demonstrating that the separation distances will:

- (1) Have the effect of preventing service to an area of the City; or
- (2) Constitute a barrier to entry into the market place by the applicant; or
- (3) Will constitute a technical or economic hardship on the applicant.

Additionally the applicant must demonstrate that the location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located and that landscaping techniques will be used to screen the tower from any adjacent residential use.

e. Proposed towers must meet the following minimum separation requirements from towers existing at the time a License is granted unless constructed for the purpose of providing collocation capacity on the same site as another tower designed for the same purpose and the height of the second tower does not exceed the height permitted in the zoning district. However, an exception from separation distances between towers may be obtained from the Board of Aldermen if the applicant demonstrates that such an exception is necessary for the engineering design of the system the tower is to be a part of or that no other option is available to provide coverage for the service area.

PROPOSED TOWERS TYPES	EXISTING TOWER TYPES			
	Lattice or guyed 150 feet in height or greater	Lattice or guyed less than 150 feet in height	Monopole towers 75 feet in height or greater	Monopole towers less than 75 feet in height
Lattice	3,000 feet	2,500 feet	1,500 feet	750 feet
Guyed	3,000 feet	2,500 feet	1,500 feet	750 feet
Monopole 75 feet in height or greater	1,500 feet	1,500 feet	1,500 feet	750 feet
Monopole less than 75 feet in height	750 feet	750 feet	750 feet	750 feet
The separation distances shall be measured by drawing or following a straight line between the center of the existing tower and the center of the proposed tower.				

4. Method of determining tower height. The height of the tower shall be measured as follows: the vertical distance between the highest point of the tower and the natural grade below this point.

5. Illumination. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). At time of construction of a tower dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance from the proposed tower that is equal to three (3) times the proposed height of the tower.

6. Finished color and tower markings. Towers not requiring FAA painting or marking shall have either a galvanized steel finish or be painted an off-white, light gray, silver or white finish. No commercial signs or advertising shall be allowed on any towers or telecommunications facilities.

7. Fencing and screening. Fences must be constructed around or upon parcels containing towers,

antenna support structures or telecommunications facilities and shall be constructed in accordance with this Article.

8. *Bufferyard and landscape.* All landscaping on parcels containing towers, antenna support structures or telecommunications facilities shall be in accordance with the landscaping and bufferyard requirements of this Chapter. Existing vegetation shall be maintained to the extent possible. However, the City may require additional landscaping if to do so would make the tower, antenna support structure or telecommunications facility more reasonably compatible with the surrounding area. All vegetation used in the landscaping shall be located outside any fenced area.

9. *Security.* All towers must be secured to protect against trespass or unauthorized use of the property, tower or telecommunications facilities.

a. If high voltage is necessary for the operation of a tower or telecommunications facilities and it is presented in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every twenty (20) feet. The signs shall display in bold letters at least eight (8) inches high the following: "HIGH VOLTAGE: DANGER".

b. Identification tags or signs shall be posted on all communications towers and telecommunications facilities in accordance with FCC and OSHA requirements. The tags shall include the FCC tower registration number, the latitude and longitude of the tower and the name, address and telephone number of the tower owner. The identification tags shall be posted on the perimeter fence and shall be constructed of durable materials.

10. *Access.* All parcels upon which towers are located must provide adequate on-site parking. Traffic associated with the facility shall not adversely affect traffic on adjacent streets.

11. *Interference with public safety radio services.* In order to ensure that the City's public safety radio services will be free from objectionable technical interference, all applicants requesting a permit to site a tower or telecommunications facilities shall agree:

- a.** To demonstrate compliance with good engineering practices;
- b.** To provide the City a copy of all intermodulation studies submitted to the FCC;
- c.** Not to induce objectionable technical interference to the City's public safety radio services;
- d.** To comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements and any and all other Federal statutory and regulatory requirements relating to radio frequency interference (RFI);
- e.** In the case of co-location of telecommunications facilities either in the same location or on the same tower as the City's, to not cause or permit to be caused by its transmissions or other activities on the premises, objectionable technical interference of any kind whatsoever to the broadcasting transmission, reception or electromagnetic communications of the City;
- f.** To pay for any studies requested by the City to determine if the applicant's telecommunications facilities are causing objectionable technical interference;
- g.** Upon notification by the City, if the operations of the applicant are causing objectionable technical interference, to immediately undertake all steps necessary to determine the cause of and eliminate such interference at the cost of the applicant. If said interference continues for a period in excess of forty-eight (48) hours after notice from the City, the City shall have the right to cause the applicant to cease operating the equipment that is causing the objectionable technical interference or to reduce the power sufficiently to mitigate the objectionable technical interference until the condition causing said interference has abated.

12. *Certifications and inspections.*

a. All towers shall be certified by a structural engineer to be structurally sound and in conformance with the requirements of the City Building Code and all other construction standards set forth by the City's Code and Federal and State law. For new towers, such certification shall be submitted with an application pursuant to Sub Section E (4) and every ten (10) years thereafter. For an existing tower annexed into the City; such certification shall be submitted within sixty (60) days of the date of annexation and then every ten (10) years thereafter. The tower owner may be required by the City to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is or has been jeopardized.

b. The City and its agents shall have authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the City's Building Code and all other construction standards provided by the City's Code and Federal and State law.

c. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the City shall be borne by the tower owner.

13. Maintenance.

a. Licensees shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

b. Licensees shall install and maintain towers, telecommunications facilities, wire, cables, fixtures and other equipment in compliance with the requirements of all FCC, State and local regulations.

c. All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition order and repair so that the same shall not menace or endanger the life or property of any person.

14. Stealth design. All licensees shall make every reasonable effort to design and construct new towers and telecommunications facilities to blend into the character and environment of the area in which they are located, including the use of camouflage techniques, path array antennas and side mounting antennas unless such use shall create a hazard for the traveling public or it is not technically feasible to use such design and collocate other facilities on the tower.

Sub Section E. Licensing Requirement

1. License required. No person may own or operate a tower or place wireless telecommunications facilities on a tower, without first obtaining from the City a license to do so pursuant to this Section (herein referred to as "tower license" or "license"). This requirement applies both to new towers and to existing towers. Unless otherwise expressly provided elsewhere in this Section, the license required by this Section is in addition to all other applicable provisions of the zoning district and requirements for a building permit to construct the tower itself. A license may be denied if the applicant is not in compliance with any other provision of the Pleasant Hope Zoning Regulations regarding the use or provision of towers and telecommunications services. The license required under this Section shall not be in lieu of a license to conduct business in the City of Pleasant Hope, Missouri. A license shall be for a term of not more than five (5) years. A renewal must be made in compliance with this Sub Section.

2. Applications for towers. The following applications shall be submitted for the construction and operation of a tower:

a. **License application.** Prior to the construction of any tower, a license application and fee shall be submitted to the City Clerk. This is an initial license application fee and an additional fee shall be due from the applicant should the City's actual costs of review of the application exceed the fee. The City reserves the right to employ an outside consultant to review any application. All tower license applications shall include the following information and documentation:

(1) The name, address and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner and the name, address, telephone number of the owner.

(2) A statement of whether or not the applicant will be developing the tower for its own use or for the use of others.

(a) If for applicant's use, the following is required:

(i) A description of the use.

(ii) A description of the network the proposed tower will be part of.

(iii) A description of the technological design proposed and description of

alternatives.

(iv) Evidence of drive-by tests or other studies relating to the proposed tower which support location on the proposed property.

(v) Construction date or schedule.

(3) The legal description and address of the parcel of land upon which the tower is to be situated.

(4) The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures which are capable of providing a location to construct the telecommunications facilities that are planned to be housed or located on the tower within a three thousand (3,000) foot radius of the proposed new tower site, including City-owned property.

(5) Written documentation that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on City-owned towers or useable antenna support structures or made diligent, but unsuccessful efforts to install or collocate the applicant's telecommunications facilities on towers or useable antenna support structures owned by other persons.

(6) Written documentation containing the following information:

(a) Whether the applicant's telecommunications facilities are technically capable of being installed or collocated on another person's tower or useable antenna support structure.

(b) If the applicant asserts that its telecommunications facilities are economically or technically infeasible of being installed or collocated on another person's tower or useable antenna support structure, a written statement from the applicant setting forth the reason(s) why such installation or collocation is technically or economically infeasible.

"Technically infeasible", for the purpose of this Sub Section, means that the collocation or installation of applicant's telecommunications facilities on another person's tower or useable antenna support structure would not comply with sound engineering principles, would materially degrade or unreasonably impair the tower or useable antenna support structure's current or planned use or interfere operationally with applicant's planned use.

"Economic infeasibility", for purposes of this Section, shall mean that the cost of collocation is not a reasonable business decision from an economic standpoint when all factors are considered.

(c) If the tower is designed to accommodate one (1) or more additional carriers or capacity for the location of telecommunications facilities other than that of the applicant and, if so, the application shall designate the nature, quality and location of the collocation that will be accommodated.

(d) An affidavit submitted with written technical evidence from a radio frequency engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another persons' tower or usable antenna support structure located within the search area and must be located at the proposed site in order to avoid prohibiting or effectively prohibiting the provision of personal wireless service by the applicant.

(e) Written technical evidence from a structural engineer that the proposed structure meets the standards set forth in this Section and the applicable requirements of the Building Code of the City.

(f) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire or other danger due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas or corrosive or other dangerous chemicals.

(g) Written technical documentation of any Federal Aviation Administration (FAA) approvals and lighting requirements and, if applicable, documentation of approval or denial of dual mode lighting as provided in this Section and a statement whether an FAA "Determination of No Hazard to Aviation" is required by 47 C.F.R. Part 17 of the tower. If such a determination is required, no building permit for the tower shall be issued until a copy of the determination is filed with the City.

(7) A map of the City and the first (1st) half (½) mile of all bordering communities showing the design of the applicant's entire existing or proposed wireless telecommunications network. Such map shall, at minimum, indicate the exact location of all proposed or existing tower and antenna sites, their dimensions, specifications and signal area coverage.

(8) A site plan drawn to scale specifying the location of tower(s), its planned height, guy anchors (if any), transmission building(s), all telecommunications facilities, accessories, parking access plans, landscaping plans (specifying size, spacing and plant material proposed), fences and zoning designation of adjacent land.

(9) The names of all adjacent property owners.

(10) A bond or irrevocable letter of credit in an amount determined by the City to ensure that, should the tower be abandoned pursuant to this Section, removal of said tower will be guaranteed and to insure the tower and property are maintained.

(11) An applicant shall only be required to maintain one (1) maintenance bond and one (1)

removal bond pursuant to subparagraph (10) for all of the applicant's towers in the City; provided however, the applicant must maintain the initial level of such bonds if drawn upon by the City for any reason.

(12) Proof of general liability insurance for claims for injury or death and property damage in an amount approved by the City, but not less than three hundred thousand dollars (\$300,000.00) per occurrence for personal injury and three hundred thousand dollars (\$300,000.00) per occurrence for property damage with the City listed as an additional insured.

(13) An acknowledgment that, by signing a permit application, the applicant agrees to indemnify and hold harmless the City consistent with indemnification language in the application.

(14) The tower and/or landowner shall promptly notify the City by certified or registered mail of the sale, transfer or assignment of any tower or telecommunications facility. Each sublease shall be conditioned upon the sublease obtaining the necessary approvals for the subject facility or site from the City prior to siting such facility.

Within forty-five (45) days after a license application for a tower location is filed with the City Clerk, the Planning and Zoning Commission shall determine whether the applicant meets all the requirements of this Section; and, accordingly, shall recommend approval or denial of the application. The forty-five (45) day limit may be extended should the City find it requires additional information or additional study and the applicant agrees to said continuance. The application shall be presented to the Board of Aldermen following Planning and Zoning Commission recommendation. If the application is approved, the City Clerk shall issue the license.

b. Conditional use permit application. If the zoning district in which the tower is proposed to be located requires a Conditional Use Permit, a Conditional Use Permit application shall be submitted to the City in accordance with the provisions of Section 405.110 through 405.220.

c. Applications for wireless facilities on towers. No person shall construct or maintain a wireless facility on a tower without first obtaining a license from the City for such wireless facilities. An application shall include the name and address of the applicant, a statement by a qualified engineer or other professional that the addition of such wireless facilities meets all conditions of the City Code, the location of the tower and the location on the tower itself where the wireless facilities will be located, the location on the site for any supporting equipment and utility for said wireless facility and the approximate length of time the applicant plans to use the tower to locate its wireless facilities. The fee for this license shall be renewable every five (5) years in accordance with Sub Section (E)(6).

3. Inspections. By applying for a permit or license for a tower location, an applicant grants the City authority to enter onto its property to inspect the tower for the purpose of determining whether it complies with the applicable State law and all other construction standards provided by the City codes and Federal law. The City reserves the right to conduct such inspections at any time.

4. Filing requirement. A licensee shall certify in writing that its tower is structurally sound and conforms to the requirements of the applicable State law and all other construction standards set forth by the City codes, Federal and State law every five (5) years by filing, by January first (1st) of every fifth (5th) year following the date of the grant of its tower license a sworn statement by the licensee or his/her representative to that effect. Together with this statement, every licensee shall provide a certificate of liability insurance for no less than three hundred thousand dollars (\$300,000.00) coverage for injury to persons or and an additional three hundred thousand dollars (\$300,000.00) coverage for property as a result of any tower failure or malfunction or defect which lists the City as an additional insured. Licensee shall list City as a party who must be notified should this insurance be canceled or discontinued for any reason thirty (30) days before the expiration of coverage.

5. Discontinuance of use. In the event the licensed use of a tower is discontinued by the licensee, the licensee shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

6. License renewal fee. On or by January first (1st) of every fifth (5th) year following the granting of an initial tower or wireless telecommunications facilities license for a new or existing tower or facilities placed on a new or existing tower, each licensee shall submit a license renewal fee. In no event shall a license be revoked or considered expired for failure to pay the fee unless the licensee has received at least thirty (30) days' written notice of the proposed action.

Sub Section F. Revocation of License

The City may at any time revoke a tower license for failure to comply with the provisions of this Section or any other City Code or State or Federal law. To properly revoke a tower license, the City must comply

with the procedures set forth below:

1. The City Clerk shall provide licensee with written notice of all causes for revocation and the intent to revoke and shall allow licensee sixty (60) days subsequent to receipt of the notice in which to correct the violations or to provide adequate assurance of performance in compliance with this Section. Together with the notice required herein, the City Clerk shall provide licensee with written findings of fact which are the basis of the revocation.
2. The City shall provide the licensee with the right to a public hearing before the Hearing Examiner appointed for that purpose by the Mayor and mutually agreed to by the parties, which public hearing shall follow the sixty (60) day notice required herein. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.
3. After the public hearing, the Hearing Examiner shall, within thirty (30) days after the public hearing date, issue a written order setting forth his/her findings of fact and conclusions of law forming the basis for his/her decision.
4. Upon written determination by the Hearing Examiner to revoke a license, the licensee may appeal the decision to a court of competent jurisdiction pursuant to Chapter 536, RSMo. The Hearing Examiner may provide for a supersedeas bond in an amount deemed by said examiner to be sufficient to protect the interests of the public and such third (3rd) parties whose interests were identified during any hearing on such a request to post a bond, to permit the stay of enforcement of any revocation or enforcement action by the City.
5. Upon satisfactory correction by licensee of the violation upon which said notice was given as determined in the City's sole discretion, the initial notice shall become void.
6. Upon licensee's failure to correct a violation as found by the Hearing Examiner, the City may issue an order to disconnect utilities to said tower to any utility company providing same unless a supersedeas bond in an amount determined by the Hearing Examiner under Sub Section F (4). As long as said bond is in full force and effect and an appeal is pending under Chapter 536, RSMo, no order to disconnect utilities shall be made. Said order shall not be issued prior to thirty (30) days from the date of the Hearing Examiner's written determination. Said order shall be served upon the chief executive officer thereof, together with the licensee at the last known address and have attached to it the findings of the Hearing Examiner.

Sub Section G. Transfer of License

A tower license may not be sold, transferred, leased or assigned to any other person, without the consent of the City, such consent not to be unreasonably withheld.

Sub Section H. Abandonment of Tower

1. In the event the use of any tower has been discontinued for a period of one (1) year or in the event that a licensee has taken no action within ninety (90) days after the revocation of a tower license pursuant to Sub Section (F) to appeal the decision of the Hearing Examiner or to remedy or correct the violations resulting in the revocation, such tower shall be deemed abandoned.
2. The City shall provide the tower owner three (3) months' notice and an opportunity to be heard before a Hearing Examiner appointed by the City Administrator for the purpose and agreeable to the tower owner if he/she may be located, before initiating such action. After such notice has been provided, the City shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the then fair market value, to approve the sale of the tower to a third (3rd) party or in the alternative order the demolition of the tower and all appurtenances.
3. The City shall provide the tower owner with the right to a public hearing before the Hearing Examiner, which public hearing shall follow the three (3) months' notice required in Sub Section (H)(2). All interested parties shall be allowed an opportunity to be heard at the public hearing.
4. After a public hearing is held pursuant to this Section, the Hearing Examiner may order the forfeiture to the City or demolition of the tower. The City may draw upon any maintenance bond or performance bond or letter of credit as provided in Sub Section (E)(2)(a)(11) to pay for all expenses necessary to acquire or demolish the tower. The tower owner may stay such a draw or enforcement of an order of abandonment if he/she posts a supersedeas bond in an amount set by the Hearing Examiner sufficient to protect the interests of the public. However, in no event shall the removal of a tower which is determined to create a danger to the public or adjacent

property be stayed due to the filing of such a bond.

Sub Section I. Location of Towers on City-Owned Property

The City may authorize any person to locate a tower, antenna support structure or telecommunications facilities on publicly-owned property, subject to the application process set forth in Sub Section (E)(2) and subject to the terms and conditions of any lease agreement executed between the City and such person. (Ord. No. 06-04-01 §607, 4-25-06)

Section 405.420: Home Occupations - Intent

The provisions in this Section are intended to allow for the use of portions of residential structures or accessory structures in residential districts for economic gain. It is not the intent of this Chapter to subvert the commercial zoning districts contained in the zoning regulations nor to allow any use which is detrimental to the use of the property for residential purposes.

Section 405.430: Home Occupations - Performance Standards

Performance standards are as follows:

1. Home occupations shall involve no more than one (1) employee outside the resident family.
2. Home occupations shall not alter the residential appearance of the residence in which they are conducted and no home occupation may be continued in a residence that is otherwise vacant.
3. A home occupation may display one (1) sign that meets the following conditions:
 - a) The sign may not exceed four (4) square feet in effective area.
 - b) The sign must be attached to the structure in which the home occupation takes place.
 - c) The sign may not be illuminated, either directly or indirectly.
4. Home occupations should not involve more than occasional client or customer visits and the construction of additional parking to serve the home occupation is prohibited.
5. No home occupation shall necessitate regular truck deliveries, nor shall a commercial vehicle be allowed as a part of the home occupation.
6. There shall be no outside storage of materials that are used in the home occupation.
7. The total area used for the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling.
8. There shall be no offensive noise, dust, smoke, odors, heat or glare noticeable at or beyond the property line.
9. The following uses shall not be permitted as home occupations:
 - a) Animal hospitals, veterinary clinics or kennels.
 - b) Nursing homes.
 - c) Restaurants.
 - d) Automobile and other motor vehicle repair.
 - e) Antique shops.
 - f) Group day care homes.
 - g) Boarding or lodging of three (3) or more people for remuneration.
 - h) Dance, art or other instructional occupations with more than six (6) students at any one (1) session.
 - i) Physicians, dentists, chiropractors.
 - j) Barber and beauty shops.

Section 405.440: Home Occupations Business License Required

All home occupations are required to obtain a business license issued by the City of Pleasant Hope before such home occupation may commence.

Section 405.450: Non-Conforming Uses, Buildings and Structures

Sub Section A. Authority to Continue

The lawful use of any building, structure or land existing at the effective date of this Section may be continued although such use does not conform with the provisions of this Section.

Sub Section B. Repairs and Maintenance

Repairs and alterations necessary for the general maintenance of a building or structure may be made to a non-conforming building or structure, provided that no structural alteration shall be made and further provided that this Section shall never be construed to allow an addition to a non-conforming building or structure. Structural alterations and/or additions may be allowed in the event that the entire use, building or structure is brought into conformance.

Sub Section C. Damage or Destruction

Any non-conforming building or structure which is damaged, partially or fully destroyed by fire, flood, wind, explosion, earthquake or other calamity or act of God, shall not be repaired or rebuilt or used for the same purpose if the expense of such repair or rebuilding exceeds sixty percent (60%) of the replacement costs of the building or structure at the time such damage took place. Any repair or replacement of a building or structure damaged in excess of sixty percent (60%) of its replacement cost at the time of such damage shall conform to all regulations of the zoning district in which it is located.

Sub Section D. Change in Use

When no structural alterations are made in any building or structure devoted to a non-conforming use, the use of the building or structure may change from one (1) use to another use permitted in the zoning district in which the non-conforming use is allowed, provided that the uses are similar to one another and the proposed use is not more intense in terms of activity, traffic generation and impacts on surrounding property. At such time a non-conforming use changes to a conforming use, it shall not thereafter be changed back to a non-conforming use.

Sub Section E. Abandonment or Discontinuance

When a non-conforming use of land or of a building or structure is abandoned or vacant for a period of one (1) year, no portion of the building or structure may be used except in conformity with the regulations. This provision shall not apply to non-conforming buildings or structures that are for sale with the intent of same or similar use, nor shall it apply to buildings or structures which are being repaired in accordance with Sub Section (B) above and further provided that such work proceeds and is completed in a timely fashion.

Sub Section F. Expansions and Enlargement

No building or structure devoted in whole or part to a non-conforming use shall be enlarged or added to in any manner unless such building or structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

Section 405.460: Farm Animals in Residential Zones

Except as hereinafter specified, farm animals maintained on any residential zoned property at the time of the effective date of the City of Pleasant Hope Zoning Regulations may continue as a legal, non-conforming use, subject to the following provisions:

1. The number of farm animals shall not be increased, nor shall any existing farm animal be replaced by a different species of farm animal.
2. When the resident at the time of the effective date of the Zoning Regulations no longer occupies the property, the maintenance of farm animals on the property shall cease and the property shall not be used except in conformity with the provisions of the residential zoning district in which it is located.

Section 405.470: Changes in Districts or Regulations

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one (1) district to another district of a different classification or when boundaries or districts are changed as a result of annexation of new territory or changes in the regulations or restrictions of the zoning regulations, the foregoing provisions shall also apply to any uses existing therein which may so become non-conforming.

Section 405.480: Unlawful Use Not Authorized

Nothing in this Article shall be interpreted as authority for or approval of a continuance of the use of a structure, building or land in violation of the regulations in effect at the time of the effective date of this Chapter, or previously adopted ordinance.

Section 405.490: Parking and Loading Area - General Requirements

Sub Section A. All developments in all districts shall provide sufficient off-street parking spaces to

accommodate vehicles that are likely to be attracted to the development.

Sub Section B. All parking spaces required herein shall be located on the same lot with the principal building or use served, except as provided in this Article. If the off-street parking spaces required by this Article cannot reasonably be provided on the lot on which the principal use is located, such parking space may be provided on a lot within two hundred (200) feet of the principal use or building. The principal use shall be permitted to continue only as long as its parking requirements are met.

Sub Section C. Whenever a building constructed or a use established after the effective date of this Chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Chapter is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Sub Section D. Off-street parking facilities shall comply with the requirements of the Americans with Disabilities Act.

Sub Section E. Where fractional spaces result in computation of parking space requirements, the parking spaces required shall be computed to the nearest whole number.

Sub Section F. The parking space requirement for a use not specifically listed in Section 405.500 shall be the same as required for a use of similar nature as determined by the Commission.

Section 405.500: Minimum Number of Parking Spaces Required

LAND USE	PARKING SPACE REQUIREMENT
Single-family dwellings	2 spaces per dwelling
Two-family dwellings	2 spaces per dwelling
Multi-family dwellings	1.5 spaces per dwelling unit with ground floor entry and living space; 1 space per dwelling unit for multi-family units limited to the elderly; all other multi-family require 1 space per bedroom in each unit plus 1 additional space per unit in the development. Rooming house 1 space per bedroom
Tourist home, hotel, motel	1 space for each room to be rented plus additional space for restaurant or other facilities, in accordance with other Sections of this table.
Home occupations	2 spaces for attorneys; 1 space for all others
Appliance, furniture, general discount, wholesale stores	1 space per 400 square feet of gross floor area.
Convenience and miscellaneous sales	1 space per 200 square feet of gross floor area.
Offices, banks and similar institutions	1 space per 200 square feet of gross floor area.
Manufacturing	1 space for each employee on the largest shift and 1 space for each company vehicle.
Nursery school, day care	1 space per 200 square feet of gross floor area.
Education (elementary and secondary)	1 space for each staff member and employee; in the case of the secondary schools, 5 spaces per classroom.
Churches	1 space for every four seats in the principal place of assembly.
Community centers, libraries, museums, clubs	1 space per 300 square feet of gross floor area.
Bowling alleys	1 space per 200 square feet of gross floor area.
Stadiums and movie theaters	1 space for every 3 seats.
Golf courses	2 spaces for each hole plus 1 space for each employee on the maximum shift; If the course also includes a restaurant/lounge

	facility add 1 space per 100 square feet of gross floor area.
Hospital, clinics	2 spaces per bed or 1 space per 150 square feet of gross floor area, whichever is greater.
Nursing or rest homes, similar resident care facilities	3 spaces for every 5 beds; Multi-family units require 1 space per unit plus 1 space for each employee.
Funeral homes	1 space per 100 square feet of gross floor area.
Restaurants, bars	1 space for every 3 fixed seats; 1 space for every 2 employees on the largest shift.
Vehicle sales, mobile home sales	1 space per 200 square feet of gross floor area.
Vehicle repair, body work	1 space per 200 square feet of gross floor area.
Service stations	2 spaces for each gas pump plus 3 spaces for each grease rack.
Car wash	2 spaces for drying and cleaning purposes per stall plus 2 reservoir spaces in front of each stall.
Storage and parking	1 space for every two employees on the largest shift but not less than 1 space per 5,000 square feet of area devoted to storage (inside or outside).
Dry cleaners	1 space per 200 square feet of gross floor area.
Emergency services	1 space per 200 square feet of gross floor area.
Open air markets	1 space per 1,000 square feet of area used for display, storage or sales.
Greenhouses	1 space per 200 square feet of gross floor area.
Animal services	1 space per 200 square feet of gross floor area.
Salvage yards	1 space per 200 square feet of gross floor area.
Mixed uses	Spaces required shall equal the sum of the various uses computed separately.

Section 405.510: Joint Use of Parking Facilities

Recognizing that different land uses may have differing peak activity periods, joint use of parking facilities shall be permitted subject to the following:

1. Up to fifty percent (50%) of the parking spaces required for theaters, public buildings, bowling alleys, night clubs, cafes and up to one hundred percent (100%) of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed herein.
2. Where such parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed two hundred (200) feet from any use served.
3. In any case where the required parking spaces are collectively or jointly provided and used, a written agreement thereby assuring the retention of the parking spaces for such use, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

Section 405.520: Parking Space Dimensions and Design Requirements

Sub Section A. Minimum dimensions for parking spaces according to the angle of parking shall conform to the requirements in the following table:

	PARKING ANGLE			
45°	60°	90°	Parallel	
Width of parking space	12'	10'	9'	9'
Length of parking space	19'	19'	19'	23'
Width of driveway aisle, one-way traffic	13'	18'	24'	12'
Width of driveway aisle, two-way traffic	21'	23'	24'	19'
Width of access driveway	18'	14'	14'	14'

Sub Section B. Parking areas shall be designed so that vehicles may exit without backing onto a public street. This requirement does not apply to driveways that provide parking space for single-family and two-family dwellings, although backing onto an arterial street is discouraged.

Sub Section C. Parking areas shall allow for reasonable access and movement by emergency, sanitation and other public service vehicles.

Sub Section D. Parking spaces in commercial, industrial, institutional and public parking lots shall be clearly marked with painted lines or dividers.

Section 405.530: Loading and Unloading Areas

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, funeral home or any other similar use, involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain off-street loading spaces on the site in accordance with the following:

1. One (1) loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof.
2. Loading space area shall have a minimum dimension of twelve (12) feet by fifty-five (55) feet, with an overhead clearance of fourteen (14) feet from the street grade.
3. No area allocated to loading and unloading facilities may be used to satisfy the requirements for off-street parking, nor shall any portion of any off-street parking area be used to meet the requirements for loading and unloading.

Section 405.540: Screening, Buffering and Landscaping - Purpose

The purposes of the screening, buffering and landscaping requirements contained in this Section are to:

1. Enhance the environmental and visual character of the City through landscaping.
2. Protect and enhance property values by promoting quality living and working environments which integrate landscaping as part of the development design.
3. Reduce or mitigate the negative effects of air and noise pollution through natural plantings which absorb dust, carbon monoxide and which screen the glare of lighting.
4. Provide for the use of green buffers and/or structural buffers to reduce the negative impacts of potentially incompatible land uses.

Section 405.550: Applicability

The requirements of this Article shall apply to all public, private and institutional developments approved after the effective date of this Chapter with the following exceptions:

1. Previously approved developments which have been issued a building permit or have received final plat approval shall not be subject to the landscaping, screening or buffering requirements.
2. Individual single-family homes built on existing lots of record or lots platted after the effective date of this Chapter shall not be subject to the landscaping, buffering or screening requirements.
3. Single-family subdivisions platted after the effective date of this Chapter shall not be subject to the landscaping requirements. However, such subdivisions may be subject to the screening and buffering requirements herein.

Section 405.560: Approval Process

Sub Section A. No building permits shall be issued for the improvement of any site, the construction of any building or the establishment of any use for which a landscaping plan is required until such plan has been submitted and approved by the City Building Inspector.

Sub Section B. A certificate of occupancy shall not be issued for any building or structure until all screening, buffering and/or landscaping is in place in accordance with the approved landscape plan.

Sub Section C. In any case in which a certificate of occupancy is sought during a season of the year which the City Building Inspector determines that weather conditions make it impractical to plant trees, shrubs or other required landscaping, a temporary certificate of occupancy may be issued, provided that the applicant posts a letter of credit or deposits cash in an escrow account in the amount of the estimated cost of such landscaping. Such letter of credit or escrow deposit shall contain the following conditions:

1. The installation of all landscaping required by the landscape plan shall be completed within six (6) months of the date of the application for the temporary certificate of occupancy.
2. The City shall have the right to draw upon the letter of credit or escrow account to complete said landscaping if the applicant fails to do so.

Section 405.570: Landscape Plans

Sub Section A. Where a site plan is required, the landscape plan may be submitted concurrently with the site plan. The City Building Inspector shall review the landscape plan and shall approve them if the plans are in accordance with the requirements of this Article. If the plans are not in accord, a written statement shall be provided to the applicant setting forth the changes necessary to bring the plan into compliance.

Sub Section B. Landscape plans shall include the following information:

1. The location of all trees or other vegetation to be preserved.
2. The location of all plant and landscaping materials to be used, including plants, paving or other landscape features.
3. The types of all plant material (canopy, understory, ornamental, evergreen, shrub, etc) to be used.
4. Common names, quantity, spacing and size of all proposed material at the time of planting.
5. Location and description of other landscaping improvements, such as berms, walls, fences, screens, paved area, street furniture, etc.
6. The name and address of the person responsible for preparation of the landscape plan.

Sub Section C. Wherever possible, the landscape plan shall provide for the preservation of existing trees. A landscape plan which includes the clear cutting of existing trees shall be approved only if the developer establishes through convincing evidence that the prohibition of clear cutting would substantially and unreasonably restrict his/her ability to develop the property and that the development will not be economically viable unless clear cutting is permitted.

Section 405.580: Landscape Planting Standards

The following standards and criteria shall apply to landscape materials and installation.

1. *Quality.* All trees and shrubs installed in conformance with this Article shall have well-developed leaders and tops, roots characteristic of the species and shall show evidence of proper pruning. All plant materials shall be free of insects, diseases or mechanical injury.
2. *Coverage.* Grass, ground cover or other living landscape material shall be used to cover all open ground. Mulch, bark or other landscaping materials may be incorporated in the landscape plan where appropriate.
3. *Maintenance.* The applicant is required to guarantee the plants for one (1) year or they must be replaced by the owner. Property owner shall maintain all trees and vegetation planted in accordance with this Chapter.
4. *Shrubs and hedges.* Shrubs shall be a minimum of eighteen (18) inches in height when measured immediately upon planting. Where installed, hedges shall be planted so as to form a continuous, solid visual screen which will be at least three (3) feet high within one (1) year of planting.
5. *Trees.* Trees referred to in this Article shall be of a species common to or adapted to the climate and soil conditions of this area. The selection of trees should take into consideration the ease of maintenance, tolerance of City conditions and availability from area nurseries. Caliper

measurements shall be taken six (6) inches above grade. Trees shall meet the following minimum standards:

- a) Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall have a caliper width of two (2) inches at time of planting.
 - b) Understory trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. All understory trees shall have a caliper width of one and one-half (1½) inches at time of planting.
 - c) Ornamental trees shall be flowering deciduous trees. All ornamental trees shall have a caliper width of one (1) inch at time of planting.
 - d) Evergreen or conifer trees shall have a minimum height of twenty (20) feet at maturity. All evergreen trees shall be at least four (4) feet high at time of planting.
6. *Credit for existing trees.* Any existing trees preserved on a site in required bufferyards, interior or perimeter landscaped areas and meeting the specifications in this Section may, at the determination of the City Building Inspector, be credited towards meeting the tree requirements of this Chapter. Any tree for which credit is given shall be in a condition that allows for long term survival and shall be in a location that conforms to the intent and standards of this Chapter. The following conditions shall apply:
- a) Existing trees for which credit is given shall be protected during construction. A temporary fence shall be constructed around the root zone and no heavy equipment or building materials shall be used or stored within the temporary fence area.
 - b) Existing trees for which credit is given but which subsequently die within one (1) year of issuance of certificate of occupancy, shall be replaced with the required number of living trees in accordance with the standards of this Chapter.

Section 405.590: Landscape Requirements--Parking and Vehicle Use Areas

The perimeter and interior of parking lots and vehicular use areas shall be landscaped in accordance with the following requirements. Areas used for parking or vehicular storage which are located under or within buildings are exempt from these requirements.

1. *Perimeter landscaping--parking and vehicle use areas.*
 - a) Perimeter landscaping shall be provided where an off-street parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building.
 - b) Whenever an off-street parking lot or vehicular use area abuts a public right-of-way, a perimeter landscaped area at least ten (10) feet in depth shall be maintained between the abutting right-of-way and the parking lot or vehicular use area.
 - c) Perimeter landscaping shall contain one (1) canopy tree, one (1) understory ornamental or evergreen tree and four (4) shrubs per one hundred (100) linear feet of frontage. Where a perimeter landscaped area is less than fifty (50) linear feet, four (4) shrubs and one (1) canopy tree or two (2) understory ornamental or evergreen trees shall be required. Where utility lines, easements or other conditions not under the control of the developer limit the planting of canopy trees, each required canopy tree may be replaced by two (2) understory ornamental or evergreen trees.
 - d) Required trees and shrubs may be clustered to allow for the most effective use of landscaping. All other areas shall be landscaped with grass, groundcover or other appropriate landscape treatment.
2. *Interior landscaping--parking and vehicle use areas.*
 - a) For developments containing parking and vehicular use areas totaling twenty (20) or more parking spaces, a minimum of five percent (5%) of the parking or vehicular use area shall be landscaped. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. Landscaped areas outside of the parking lot may not be used to meet interior landscaping requirements.
 - b) Interior landscaped areas shall be protected from damage by vehicles through appropriate wheel stops or curbs.
 - c) Interior landscaping shall contain one (1) canopy or understory tree or two (2) ornamental trees for each twenty (20) parking spaces or fraction thereof.
 - d) Interior trees shall be planted within a planting island, with one (1) planting island required for

every twenty (20) parking spaces. Planting islands shall be located so as to best relieve a continuous expanse of paving. Planting islands for canopy trees shall be at least one hundred (100) square feet for each understory tree and at least two hundred (200) square feet for each canopy tree. Islands shall be dimensioned in such a way as to be suitable for planting and to prevent damage to plantings from opening car doors.

Section 405.600: Residential Landscaping Requirements

Except where exempt in accordance with Section 405.550, landscaping requirements for residential uses shall be in conformance with the following table:

RESIDENTIAL TYPE	MINIMUM NUMBER CANOPY OR UNDERSTORY TREES*	MINIMUM NUMBER ORNAMENT OR EVERGREEN TREES*
Town houses, two-family, three-family	1 per dwelling	1 per dwelling
Multi-family dwellings	0.5 per dwelling	1 per dwelling
* Total number of trees to be located on lots and in common open space.		

Section 405.610: Screening and Bufferyard Requirements

Sub Section A. This Section establishes requirements for screening and buffering to minimize the negative impacts of incompatible land uses on adjoining properties. Whenever the installation of a bufferyard is required, the requirement shall be in addition to any other applicable landscaping requirements in conformance with this Chapter.

Sub Section B. Screening shall be provided between uses in accordance with the following table:

PROPOSED USE	ADJACENT EXISTING USE					
	Single Family	2-3 Family Town House	Multi-Family	Manufactured Housing Park	Commercial	Industrial
Single-family	None	A	A	A	B	C
2--3-family town house	A	None	A	A	B	C
Multi-family	B	A	None	None	A	C
Manufactured housing park	A	A	None	None	A	C
Commercial	B	B	A	A	None	A
Industrial	C	C	C	C	A	None
() Buffer required when permitted non-residential uses locate adjacent to existing residential uses.						
"A" Bufferyard category required. See Sub Section D for definition and standards.						

Sub Section C. The following specific uses will also be required to provide screening. Such developments shall be required to meet Bufferyard "C" standards.

1. Feedlots and dairies adjacent to residential uses; and
2. Residential uses adjacent to feedlots, dairies and riding academies.

Sub Section D. Bufferyard/Screening Standards.

The developer of the proposed use shall be responsible for providing the screening when required in accordance with Sub Section (B) and the following standards:

1. *Bufferyard A.* This screen is intended to partially block visual contact between adjacent uses and to create a strong impression of separation of spaces. The following buffer area and plantings are required per one hundred (100) linear feet.
 - a) Minimum width of bufferyard area shall be fifteen (15) feet.

- b) One (1) canopy tree, and
 - c) One (1) understory tree, and
 - d) Six (6) shrubs.
- 2. *Bufferyard B.* This screen is intended to provide more intensive visual block between adjacent uses and to create a stronger sense of separation of spaces. The following buffer area, plantings and/or other structural screening are required per one hundred (100) linear feet.
 - a) Three (3) canopy trees, and
 - b) Two (2) understory trees, and
 - c) Two (2) evergreen trees, and
 - d) Fifteen (15) shrubs, and
 - e) Six (6) foot solid wood fence or six (6) foot solid masonry/brick wall or six (6) foot solid evergreen hedge.
 - f) As an option, the requirement for a six (6) foot fence, wall or evergreen hedge may be replaced with a three (3) foot earthen berm with required plantings and perennial groundcover sown on the berm.
 - g) Minimum width of bufferyard area shall be twenty-five (25) feet.
- 3. *Bufferyard C.* This screen is intended to provide an opaque visual screen that excludes visual contact between adjacent uses and creates a very strong impression of separation. The following buffer area, plantings and/or other structural screen are required per one hundred (100) linear feet.
 - a) Four (4) canopy trees, and
 - b) Four (4) understory trees, and
 - c) Five (5) evergreen trees, and
 - d) Twenty (20) shrubs, and
 - e) Six (6) foot solid wood fence or six (6) foot solid masonry/brick wall or six (6) foot solid evergreen hedge.
 - f) As an option, the requirement for a six (6) foot fence, wall or evergreen hedge may be replaced with a three (3) foot earthen berm with required plantings and perennial groundcover sown on the berm.
 - g) Minimum width of bufferyard area shall be forty (40) feet.

Sub Section E. Maintenance

Maintenance of the bufferyard/screening shall be the responsibility of the following:

- 1. The property owner on which the screening is located. If this option is chosen, it shall be stated as a deed restriction placed on the property.
- 2. A homeowner's association with the authority to collect dues in an amount sufficient to provide for such required maintenance. If this option is chosen, a copy of the homeowner's association bylaws must be filed with the Planning and Zoning Commission.

Section 405.620: Substitution of Smaller/Fewer Plantings

The number and size of plantings required by this Chapter may be reduced upon the approval of the Planning and Zoning Commission where the applicant establishes that the location of driveways or the physical characteristics of the property would not allow the plantings required.

Section 405.630: Standard for Placement and Maintenance of Signs

This Section establishes standards for the erection and maintenance of signs. The purpose of these standards is to protect the safety of persons and property, to promote the efficient communication of information, to protect the public welfare and to preserve and enhance the appearance and economy of the City of Pleasant Hope. Except as otherwise provided, no sign shall be erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Chapter.

Section 405.640: Definitions associated with signs

Unless otherwise provided, the words and phrases defined in this Section shall have the meanings

indicated when used in this Article.

SIGN: Any words, numbers, figures, devices, designs or trademarked by which anything is made known, such as are used to designate an individual, a firm, profession, business or a commodity and which are visible from any public street.

SIGN, ATTACHED: Any sign substantially and permanently attached to, applied on, structurally connected to, painted on, etched on, or supported by any part of a building.

SIGN, DETACHED (FREESTANDING): Any sign other than an attached sign and including any inoperable vehicle or any trailer located for the primary purpose of advertising.

SIGN, OFF-PREMISES: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, ON-PREMISES: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at the located where the sign is located.

SIGN, TEMPORARY (PORTABLE): A sign which either; Is not permanently attached to any structure, building, motor vehicle or the ground; or Is intended for a limited display period covering a special event; or is designed and constructed to be movable from one location to another.

SIGN, VEHICULAR: Any sign permanently attached to a motor vehicle.

Section 405.650: General Provisions for Signs

The following provisions shall apply to all signs in the City:

Sub Section A. Sign illumination:

All illuminated signs shall be designed, constructed and located to eliminate or minimize glare. Such signs shall not increase the lighting intensity upon adjoining properties.

Sub Section B. Signs painted on building walls:

Signs painted on building walls must be previously approved by the Board of Aldermen.

Sub Section C. Sign condition. All signs, including supports, braces and anchors, shall be kept in good repair. Unsafe signs in danger of falling or breaking apart shall be removed or repaired by the sign owner. All signs shall be installed and maintained in accordance with the Building Codes of the City of Pleasant Hope.

Section 405.660: Allowed Signs

Sub Section A. Signs Not Requiring A Permit.

The following signs shall not require a sign permit, but must be in conformance with any other sign regulation of the City of Pleasant Hope.

1. *Address numbers and name plates.* Address numbers not exceeding one (1) square foot in area per character and name plates not exceeding two (2) square feet in area per dwelling unit or business. Such signs may be attached to a mailbox or curb if they do not alter the size or shape of the mailbox or curb.
2. *Banner signs.* Signs, consisting of a flexible lightweight material, such as a banner, not exceeding four (4) square feet of area. One (1) sign per business premise is permitted, posted for not more than thirty (30) business days per year.
3. *Construction site signs.* Construction site identification signs, exceeding no more than one (1) sign

per site, with such sign exceeding no more than thirty-two (32) square feet in area.

4. *Directional signs.* Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that contain no advertising.
5. *Flags.* Flags, pennants or insignia of any government or non-profit organization when not displayed in connection with a commercial promotion.
6. *Governmental signs.* Signs erected by, or on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and information signs, traffic and directional signs or regulatory signs.
7. *Neighborhood identification signs.* Neighborhood identification signs, such as a masonry wall, landscaping or other similar materials which are combined to display neighborhood identification. The message of such signs shall display only the name of neighborhood, tract or historic district.
8. *Non-commercial signs.* Signs proclaiming religious, political or other non-commercial messages that do not exceed one (1) per abutting street and sixteen (16) square feet in area and that are not internally illuminated.
9. *Official signs.* Official signs of a non-commercial nature erected by public utilities. Real estate sale or lease signs. Detached or attached, non-illuminated, temporary on premise signs pertaining to the sale or lease of the premise. Such signs shall not exceed four (4) square feet in area. For lots exceeding five (5) acres and having street frontage in excess of four hundred (400) feet, a second sign may be erected with the area of such sign not to exceed thirty-two (32) square feet. Such signs shall be removed within fourteen (14) days of sale or lease of the premises.
10. *Sandwich board signs.* Sandwich board signs shall be permitted only in the Business District, provided that such signs are displayed on the premises of the business only during the hours of business operation.
11. *Temporary special event signs.* Temporary signs not exceeding thirty-two (32) square feet in area, erected to advertise a special event of a civic, educational, philanthropic, religious, political or similar nature. Such signs may be erected no sooner than two (2) weeks before the event and shall be removed no later than five (5) days after the event.
12. *Vehicular signs.* Signs painted on or permanently attached to vehicles. Vehicular signs may not contain flashing or blinking lights, nor any animation.
13. *Window signs.* Any sign, symbol or picture, designed to provide information about a business, activity, service or event that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Window signs shall not exceed fifty percent (50%) of the glass.

Sub Section B. Signs Requiring a Permit:

1. According to residential district. Dwelling units in single-family, two-family and manufactured housing park districts are allowed to use any non-business sign as proscribed in Sub Section A, but no other signs shall be allowed.
2. According to specific sign type.
 - a) Detached (freestanding) signs.
 - i. Each premise containing multi-family use, permitted non-residential use or legal non-conforming use shall be permitted one (1) detached sign in accordance with the following provisions:

If a development is located on a corner lot that has at least one hundred (100) feet of frontage on each of the two (2) intersecting streets, the development may have one (1) detached sign along each street frontage.

- ii. Premises with more than seven hundred fifty (750) feet of frontage along a public street may have one (1) additional detached sign; however, a minimum of three hundred (300) feet of separation shall be maintained between signs and a minimum setback of twenty-five (25) feet from adjacent property lines is maintained for both signs.
 - iii. The surface area of a detached sign may not exceed three-tenths (0.3) square feet for every linear foot of frontage along the street to which the sign is oriented. However, in no case shall a single side of a detached sign exceed fifty (50) square feet in surface area if the lot has less than two hundred (200) feet of frontage on the street towards which the sign is oriented, seventy-five (75) square feet on lots with frontage of two hundred (200) feet or more but less than four hundred (400) feet and one hundred (100) square feet on lots with four hundred (400) or more feet of frontage.
- b) Off-premise signs. Off-premise signs (billboards) shall be permitted only in the "M-I" Industrial District. The surface area of a detached, off-premise sign shall be subject to the provisions of Sub Section B(2)(a)(3) if the sign is oriented towards a street classified as an arterial, collector or local street. Where the street towards which the sign is oriented is classified as a highway, a single side of a detached off-premise sign may not exceed seventy-five hundredths (0.75) square feet in surface area for every linear foot of street frontage. In no case may a single side of such sign exceed two hundred fifty (250) square feet in surface area.

Section 405.670: Prohibited Signs

The following signs are specifically prohibited.

1. Signs which advertise or promote unlawful activity.
2. Signs which may be confused with a traffic control signal sign or device the light of an emergency or road equipment vehicle or any other governmental agency sign.
3. Signs which hide from view any traffic or street sign, signal or similar traffic control or directional sign.
4. Signs that use searchlights, strobe lights or that are animated to attract the attention of the public.

Section 405.680: Legal Non-Conforming Signs

1. Any sign lawfully erected before the effective date of this Chapter, but which does not comply with the requirements and restrictions of this Article, shall be considered a legal, non-conforming sign and may be continued subject to the provisions of this Section.
2. A non-conforming sign shall not be expanded in size or effective area or altered in any manner so as to increase the degree of non-conformity. Illumination shall not be added to any non-conforming sign.
3. A non-conforming sign shall not be moved or replaced except to bring the sign into complete conformance with this Article.
4. Except for safety requirements, a non-conforming sign shall not be structurally altered so as to prolong the life of the sign. Non-conforming signs may be repaired so long as the cost of materials and labor for such work does not exceed within any twelve (12) month period fifty percent (50%) of

the value (tax value if listed for tax purposes) of the sign.

5. If a non-conforming sign is destroyed, it may not be repaired, reconstructed or replaced except in conformity with the provisions of this Article. A non-conforming sign is considered "destroyed" if damaged to an extent where the cost of materials and labor to restore the sign or replace it with an equivalent sign exceeds seventy-five percent (75%) of the value (tax value if listed for tax purposes) of the damaged sign.
6. Abandoned or discontinued non-conforming signs shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located or other party having control over the sign. A sign shall be considered abandoned or discontinued if:
 - a) For a period of six (6) consecutive months the sign advertises a service, product or activity that is no longer operating, being conducted or offered.
 - b) For a period of twelve (12) consecutive months the sign is blank or is maintained without an advertising message. For purposes of this Section, a sign is considered blank if:
 - i. The advertising message displayed becomes illegible in whole or substantial part.
 - ii. The message on the sign contains no advertising other than the name, address, telephone number or other identification of the sign owner or message intended solely to advertise the sign for rent or sale.

Section 405.690: Total Sign Surface Area Permitted

1. In Residential Districts. The maximum sign surface area permitted on any lot in the "R-1", "R-2" and "R-MP" residential districts shall not exceed four (4) square feet and the maximum sign surface area on any lot in the "R-3" and "R-4" residential districts shall not exceed thirty-two (32) square feet.
2. In Commercial Districts. The maximum sign surface area permitted on any lot in any commercial district shall be determined by:
 - a) A maximum of one-half (0.5) square feet of sign surface area per linear foot of lot street frontage up to two hundred (200) feet of frontage, provided however, that any lot shall be permitted at least six (6) square feet of total sign surface area.
 - b) A maximum of seventy-five hundredths (0.75) square feet of additional sign surface area per linear foot of lot street frontage in excess of two hundred (200) feet.
3. In Industrial Districts. The maximum sign surface area permitted on any lot in the "M-1" Industrial District shall be determined by multiplying the number of linear feet of street frontage of the lot by one (1.0) foot.
4. Multiple Frontages. If a lot has frontage on more than one (1) street, the total sign surface area permitted on that lot shall be the sum of the sign surface area allotted to each street on which the lot has frontage. However, the total sign surface area oriented towards a particular street may not exceed the surface area allocation determined from the frontage on that street.

Section 405.700: Sign Surface Area Calculations

1. A sign shall be considered a single display containing elements related, organized and composed to form a unit. Where information is displayed in a random manner without any organized relationship, each element shall be considered a single sign.
2. Two-sided and multi-sided signs shall be considered as one (1) sign, provided that:

- a) The distance between the backs of each face of a two-sided sign does not exceed three (3) feet.
 - b) The distance between the backs of a "V" (multi-sided) type sign does not exceed five (5) feet.
- 3. The sign surface area shall be calculated by adding the entire area within a single continuous perimeter, enclosing the writing, emblem or other display, together with the material forming the background of the sign, but excluding supporting framework or bracing that is incidental to the sign. If a sign consists of more than one (1) section or unit, all of the area, including the spacing between units, shall be included in the calculation of the sign surface area.
- 4. The sign surface area of two-sided or multi-sided signs shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one (1) time from one (1) vantage point. The following shall apply:
 - a) The surface area of a two-sided, back to back sign shall be calculated by totaling the area of only one (1) side of the sign, as long as the distance between the backs of the signs does not exceed three (3) feet.
 - b) The surface area of a double faced sign constructed in the form of a "V" shall be calculated by totaling the area of the largest side, as long as the angle of the "V" does not exceed thirty degrees (30°) and the distance between the backs of the signs does not exceed five (5) feet.

Section 405.710: Sight Triangles

1. Signs at street intersections.

Street intersection sight triangles shall reflect the street classification as identified in the City of Pleasant Hope Comprehensive Plan. Minimum requirements for sight triangles shall be in accordance with the following table.

The sight triangle shall be measured along the right-of-way as illustrated in Figure 1101. The City may require additional triangle area for clear sight and safety as may be warranted by special condition or the recommendation of City Council.

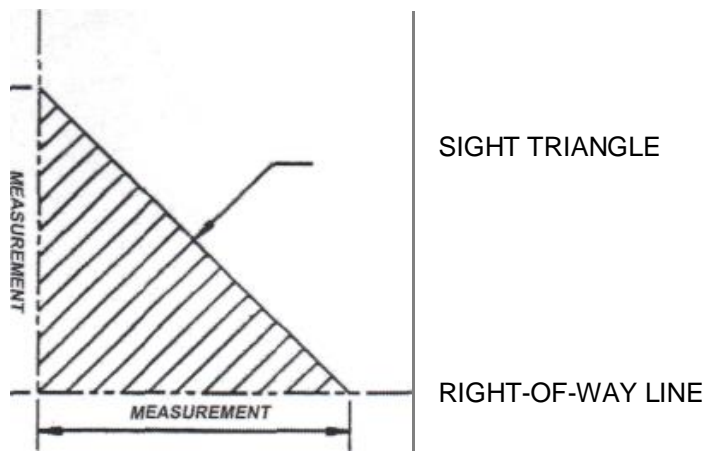
Signs may be erected in the street intersection sight triangles. However, any such sign must be at least ten (10) feet above street grade except for supports, which may not exceed one (1) foot in width or diameter or be spaced less than ten (10) feet apart from any other stationary object.

STREET SIGN TRIANGLE REQUIREMENTS:

INTERSECTING STREET	HIGHWAY	ARTERIAL	COLLECT OR SINGLE-FAMILY RESIDENTIAL	COLLECTOR ALL OTHERS	LOCAL RESIDENT SINGLE-FAMILY	LOCAL RES MULT FAMILY
Highway	A	A	B	B	B	B
Arterial	A	A	B	B	C	C
Collector—	B	B	C	C	C	C

single-family residential						
Collector-all others	B	B	C	C	C	C
Local residential single-family	B	C	C	C	C	C
Local residential multi-family	B	C	C	C	C	C
Key:	A- B- C-	100' x 100' Sight Triangle 30'x30' Sight Triangle 10' x 10' Sight Triangle				

FIGURE 1101. SIGHT TRIANGLES FOR STREET INTERSECTIONS



2. Signs at street/driveway intersections.

Signs may be erected in the street/driveway sight triangles. However, any such sign shall be at least ten (10) feet above street grade except for supports, which may not exceed one (1) foot in width or diameter or be spaced less than ten (10) feet apart from any other stationary object. Figure 1102 illustrates the measurement of a street/driveway sight triangle.

A street/driveway sight triangle shall be measured as follows:

A triangle formed by the intersection of a public street and a driveway where the triangle area is that area encompassed within two (2) intersecting lines formed by the edge of the pavement, curb, roadway or projection thereof and extending forty (40) feet down the street from the right edge of the driveway when standing in the driveway facing the street and extending twelve (12) feet from the edge of the street extending up the driveway pavement and a third imaginary line connecting the other two (2) lines without overlaying the pavement. On the left side of the driveway, the triangle is determined by measuring sixty-five (65) feet down the street pavement from the edge of the driveway and measuring twelve (12) feet

down the driveway pavement from the edge of the street and an imaginary third line connecting the other two (2) lines without overlaying the pavement.

3. Location. Height and Setback Requirements.

- a. No sign or supporting structure, other than a government sign, shall be located in or over any public property or right-of-way, unless the sign is attached to a structural element of a building and permission has been obtained from the City.
- b. No sign shall extend beyond a parapet or be located upon a roof. For the purposes of this Section, roof surfaces constructed at an angle of seventy-five degrees (75°) or more shall be considered wall space. This Section shall also not apply to displays, including animated displays, erected on roofs of structures in connection with the observation of holidays.
- c. Wall signs attached to a building shall not extend past the edge of the wall and shall not project more than eighteen (18) inches from the building wall. A wall sign is a sign in a parallel plane to and attached upon a structure's wall.
- d. Projecting signs shall have a minimum clearance often (10) feet above the highest level of the ground under the sign at the sign's lowest point and shall not project more than twenty-four (24) inches from the wall to which it is attached.

A projecting sign is a sign which is attached to and projects from the building surface or face.

- e. No part of a detached sign may exceed a height, measured from ground level, of twenty-five (25) feet in the "C-I" and "M-I" districts and fifteen (15) feet in all other districts.

Detached signs shall meet the setback requirements as established in the following table:

STREET CLASSIFICATION	MINIMUM SETBACK FROM STREET RIGHT-OF-WAY LINE
Highway	15 feet
Arterial	15 feet
Collector— single-family residential	10 feet
Collector—all others	10 feet
Local residential—single-family	10 feet
Local residential— multi-family	10 feet

Section 405.720: Sign Permits and Inspection

Permits Required. Except as otherwise provided in this Chapter, no sign shall be erected, moved, enlarged, illuminated or substantially altered without first obtaining a sign permit for each sign from the City in accordance with the provisions of Section 405.220. Repainting or changing the message on a sign shall not be considered a substantial alteration and shall not require a sign permit.

Article IX – Annexations

Chapter 100 - Extending Boundaries

Section 100.100: Extending the City Limit Boundaries (Ordinance 19, (11/2/1964)

The City of Pleasant Hope, Missouri which presently has the following described boundaries:

Beginning at the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 29, Township 32, Range 21, Polk County, Missouri; running thence West 80 rods; thence North 20 rods; thence West 80 rods; thence South 360 rods; thence East 160 rods; thence North 340 rods, to the place of beginning,

Be extended to take in additional land so that the boundary lines of the City of Pleasant Hope shall read as follows:

Beginning at the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 29, Township 32 North, Range 21 West, in Polk County, Missouri, thence West 80 rods (1320 feet), thence North 20 rods (330 feet), thence West 220 feet to the easterly right-of-way line of State Route "H", thence northerly and along said right-of-way line 130 feet, more or less to the point of intersection with the extended easterly right-of-way line of State Route "K", thence northwesterly and along said easterly right-of-way line of Route "K" 900 feet, more or less, to the north line of the Southeast Quarter of the said Northeast Quarter of Section 30, thence West and along the North line of said Southeast Quarter of the Northeast Quarter 700 feet, more or less, to the Northwest Corner of said quarter-quarter section. Thence south 220 rods (3530 feet) more or less; thence West and parallel to the South line of the Southwest Quarter of the Southeast Quarter of Section 30, 80 rods (1320 feet) to the West line of said quarter-quarter section; thence South 140 rods (2310 feet); thence East 40 rods (660 feet) more or less; thence South 695 feet more or less to the South right-of-way line of State Route "M"; thence East 660 feet more or less (40 rods) thence South 295 feet more or less, thence East and parallel to said right-of-way line 160 rods (2640 feet) more or less to the East line of the Northwest Quarter of the Southwest Quarter of Section 32; thence North 340 rods (5610 feet) more or less to the point of beginning, containing in all 449 acres, more-or-less.

Section 100.110: Annexation of the First Addition of Anchor Haven

Subdivision (Ordinance 136, 3/9/1991)

Upon a verified petition for annexation filed by the owners of all the fee interests of the real estate to be annexed, and upon a finding that said annexation is reasonable and necessary to the proper development of the City of Pleasant Hope, the following described tracts of real estate are hereby annexed into and made a part of the City of Pleasant Hope, Missouri, pursuant to Section 71.012 RSMo, and the City Limits of the City of Pleasant Hope are hereby-extended to include the same following described tracts of real estate:

TRACT 1: All of Lot 1 in First Addition to Anchor Haven, a Subdivision located in the SE 1/4 of Sec. 31 and in the SW 1/4 of Sec. 32 3 both in Twp. 32, Range 21, in Polk County, Missouri, in accordance with the recorded plat thereof.

TRACT 2: All of Lot 2 of the First to Anchor Haven, a Subdivision in Polk County, Mo. Addition

Section 100.120: Annexation of the Pleasant Valley Addition (Ordinance 144, 12/13/1993)

The corporate limits of the City of Pleasant Hope, in the County of Polk, State of Missouri, to be extended so as to embrace and include all that part of said County of Polk lying within the following boundary lines:

All of the west 280 feet of the west 398 feet of the north 618 feet of the East half of the Southwest Quarter of Section 32 Township 32 Range 21 in Polk County, Missouri; less any part thereof for roadway purposes. Also a tract for roadway purposes described as beginning at the Northeast corner of the West 280 feet of the West 398 feet of the North 618 feet of the East one-half of the Southwest Quarter of Section 32, Township 32, Range 21, Thence west 20 feet, thence south 300 feet, thence west 20 feet, Thence north 300 feet to the point of beginning.

Section 100.130: Annexation of Anchor Haven II Sub Division (Ordinance 174, 05/17/1996)

That the corporate limits of the City of Pleasant Hope, in the County of Polk, State of Missouri, be extended so as to embrace and include all that part of said County of Polk lying within the following boundary lines:

Beginning at the southwest corner of Lot 1 of the first addition to Anchor Haven, a sub-division in Pleasant Hope, Polk County, Missouri. Thence S 87°40'04" E 195.00 feet, thence N 00°34'48" E 200.00 feet, thence S 87°48'45" E 719.76 feet, thence S 02°11'15" W 177.40 feet, thence S 51°24'38" W 149.10 feet, thence S 31°36'28" W 244.31 feet, thence S 59°38'30" W 544.86 feet, to the east right of way of Missouri State Highway H. Thence N 21°05'37" W 380.00 feet along said right of way. Thence along a curve to the right to said right of way, having a radius of 925.40 feet, a chord bearing of N 13°46'43" W, an arc length of 242.39 feet to the point of beginning.

Section 100.140: Annexation of Old Farm Acres "Ridgeview St" (Ordinance 175, 8/11/1997)

That the corporate limits of the City of Pleasant Hope extended so as to embrace and include all said County of Polk lying within the following boundary lines:

All of the west 648 feet of the north 618 feet of the east half of the southwest quarter, less the west 280 feet, Section 32, Township 32 North, Range 21 West, Polk County, Missouri.

Section 100.150 Annexation of the Triangle at Hwy KK and Hwy H North (Ordinance 176, 05/11/1998)

The corporate limits of the City of Pleasant Hope extended so as to embrace and include all that part of said County of Polk lying within the following boundary lines:

All that part of the following described tract lying east of the Bolivar and Pleasant Hope public road and north of Highway H to-wit: The southeast quarter of the northeast quarter of section 30, township 32, range 21, less and except a tract described as beginning 235 feet west and 510 feet north of the southeast corner of said southeast quarter of the northeast quarter, thence north 13 05' east 233 feet; thence north 28 west 55 feet; thence south 69 west 148 feet; thence south 22 30' east 240 feet to the point of beginning. Also the northeast quarter of the northeast quarter of said section 30 lying east of the Pleasant Hope and Bolivar public road; Also a strip 8 rods wide off of the south end of the east half of the southeast quarter of the southeast quarter of section 19; Also the west half of the northwest quarter of section 29, lying north and west of Highway H, less a tract described as beginning at the northwest corner of said section 29, thence south 403 feet; thence east 953 feet to the west right of way line of state road H; thence northeasterly along

said right of way 472 feet to the north line of said section 29, thence west 1202 feet to the point of beginning, all in township 32, range 21, Polk County, Missouri, less any part thereof for public roads.

Section 100.160: Annexation to Extend State Right-of-Ways (Ordinance 177, 5/11/1998)

Sub Section A. Right-of- Ways on State Highway 215

That the corporate limits of the City of Pleasant Hope, in the County of Polk, State of Missouri, be extended so as to embrace and include all that part of said County of Polk lying within the following boundary lines:

1. All of the Right of Way for State Highway 215 lying in the West Half of Section 31 and in the West Half of the East Half of Section 31, Township 32 North, Range 21 West in Polk County, Missouri, said Right of Way and the widths thereof being more particularly described from the surveyed centerline of said Highway per plans for Federal Project No. S-227(1) on file with the Missouri Department of Transportation, as follows:
2. Beginning at the point of intersection of the West line of said Section 31 with the centerline of said Highway 215, approximately at centerline station 175+21; thence South 88 degrees 17 minutes East 311.70 feet to station 178+32.7; thence South 89 degrees 12 minutes East, 3,120.1 feet to station 209+52.8; thence South 88 degrees 54 minutes East 447.2 feet to the East line of the West Half of the East half of said Section 31 for the point of termination.
3. The width of Right of Way on the right or southerly side of the above-described centerline is 35 feet. The widths of Right of Way on the left or Northerly side of the above-described centerline are as follows: Beginning with 35 feet at the West line of said Section 31, thence 35 feet to station 199+98, widening uniformly to 75 feet at station 200+57, thence 75 feet to station 200+88, diminishing uniformly to 35 feet at station 201+47, thence 35 feet to the East line of the West Half of the East Half of said Section 31.
4. Also, all of the Right of Way for State Highway 215 lying in the East Half of the West Half of Section 32 and in the West Half of the East Half of Section 32, Township 32 North, Range 21 West in Polk County, Missouri, said Right of Way and the widths thereof being more particularly described from the surveyed centerline of said highway per plans for Federal Project No. S-806(4) on file with the Missouri Department of Transportation, as follows: Beginning at the point of intersection of the West line of the East Half of the West Half of said Section 32 with the centerline of said Highway 215, approximately at centerline station 17+76; thence South 88 degrees 02 minutes East, 1943.0 feet to station 37+19.0; thence South 87 degrees 51 minutes East, 738.0 feet to the East line of the West Half of the East Half of said Section 32 at approximate centerline station 44+57 for the point of termination.
5. The widths of Right of Way on the right or southerly side of the above-described centerline are as follows: Beginning 30 feet at the West line of the East Half of the West Half of said Section 32, thence 30 feet to Station 24+12 widening directly to 35 feet at station 24+12, thence 35 feet to station 27+66, diminishing directly to 30 feet at station 27+66, thence 30 feet to station 43+82, widening uniformly to 75 feet at station 44+57. The widths of right of way on the left or northerly side of the above-described centerline are as follows: Beginning with 30 feet at the West line of the East Half of the West Half of said Section 32, thence 30 feet to station 23+50, widening uniformly to 35 feet at station 24+50, thence 35 feet to station 25+50, diminishing uniformly to 30 feet at station 26+50, thence 30 feet to station 44+57.

Sub Section B. Right-of- Ways on Highway "H"

1. All of the Right of Way for State Highway "H" lying in the West Half of the Northwest Quarter of Section 29 and in the Southeast Quarter of the Northeast Quarter of Section 30, all in Township 32 North, Range 21 West in Polk County, Missouri, said Right of Way and the widths thereof being more particularly described from the surveyed centerline of said Highway per plans for Federal Project No. F.A.S. 568-B(l) on file with the Missouri Department of Transportation as follows:

Beginning at the point of intersection of the North line of the Northwest Quarter of said Section 29 with the centerline of said Highway "H", approximately at centerline station 530+50; thence southwesterly along a curve to the right having a central angle of 18 degrees 01 minutes 41 seconds, a radius of 1432.7 feet, and a chord bearing of South 31 degrees 32 minutes 10 seconds West, an arc distance of 450.8 feet to centerline station 535+00.8; thence South 40 degrees 33 minutes West, 1461.20 feet to station 549+62; thence Southwesterly along a curve to the left having a central angle of 39 degrees 27 minutes and a radius of 1432.7 feet, an arc distance of 986.25 feet to station 559+48.3 (back) - 559+17.6 (ahead); thence South 01 degrees 06 minutes West, 182.40 feet to station 561+00 for the point of termination.

The widths of right of way on the right or westerly side of the above-described centerline are as follows: Beginning with 40 feet at the North line of the Northwest Quarter of said Section 29, thence 40 feet to station 553+00, widening directly to 45 feet at station 553+00, thence 45 feet to station 555+00, diminishing directly to 40 feet at station 555+00, thence 40 feet to station 561+00.

The widths of Right of Way on the left or Easterly side of the above-described centerline are as follows: Beginning with 40 feet at the North line of the Northwest Quarter of said Section 29, thence 40 feet to the point where the left or Easterly Right of Way line intersects the West line of said Section 29 and the East line of Section 30, thence widening uniformly along the East line of said Section 30 to a width of 45 feet, thence 45 feet to Station 559+48.3 (back) - 559+17.6 (ahead), thence diminishing directly to 40 feet at Station 559+17.6, thence 40 feet to station 561+00.

2. Also, all of the Right of Way for State Highway "H" lying in the East Half of the Southeast Quarter of Section 31, Township 32 North, Range 21 West, in the East Half of Lot 2 of the Northeast Quarter of Section 6, Township 31 North, Range 21 West, and in the West Half of Lots 1 and 2 of the Northwest Quarter of Section 5, Township 31 North, Range 21 West, all in Polk County, Missouri, said Right of Way and the widths thereof being more particularly described from the surveyed centerline of said Highway per plans for Highway Project No. WPSO 568 on file with the Missouri Department of Transportation, as follows:

Beginning at the point of intersection of the North line of the Southeast Quarter of Section 31, Township 32 North, Range 21 West with the centerline of said Highway "H", approximately at centerline Station 614+54.6; thence South 04 degrees 39 minutes West 229.3 feet to centerline Station 616+83.9; thence South 06 degrees 25 minutes West, 1079.8 feet to Station 627+63.7; thence Southeasterly along a curve to the left having a central angle of 27 degrees 48 minutes and a radius of 955.4 feet, an arc distance of 463.3 feet to Station 632+27.0; thence South 21 degrees 23 minutes East, 1850.4 feet to Station 650+77.4; thence Southerly along a curve to the right having a central angle of 32 degrees 28 minutes and a radius of 1432.7 feet, an arc distance of 811.7 feet to Station 658+89.1; thence South 11 degrees 05 minutes West 314.9 feet to Station 662+04.0 (back) = 658+39.5 (forward); thence South 11 degrees 05 minutes West, 340.7 feet to Station 661+80.2; thence Southerly along a curve to the left having a central angle of 11 degrees 00 minutes and a radius of 1146.3 feet, an arc distance of 220.0 feet to Station 664+00.2; thence South 00 degrees 05 minutes West, 110.8 feet to the South line of the Northwest Quarter of Section 5, Township 31 North, Range 21 West for the point of termination.

The width of Right of Way on each side of the above-described centerline is 30 feet, for a total Right of Way width of 60 feet for the entire length of the centerline described.

Sub Section C. Right-of – Way on State Highway "KK"

All of the Right of Way for State Highway "KK" lying in the East Half of the Northeast Quarter of Section 30, Township 32 North, Range 21 West in Polk County, Missouri, said Right of Way and the widths thereof being more particularly described from the surveyed centerline of said Highway per plans for Federal Project No. 5-1990(1) on file with the Missouri Department of Transportation, as follows: Beginning at the point of intersection of the North line of the Northeast Quarter of said Section 30 with the centerline of said Highway "KK", approximately at centerline Station 304+15; thence South 18 degrees 34 minutes East 370.7 feet to centerline Station 307+85.7; thence Southeasterly along a curve to the right having a central angle of 08 degrees 53 minutes and a radius of 1910.08 feet, an arc distance of 296.1 feet to Station 310+81.8; thence South 09 degrees 41 minutes East, 448.9 feet to Station 315+30.7; thence Southeasterly along a curve to the left having a central angle of 20 degrees 10 minutes and a radius of 955.37 feet, an arc distance of 336.1 feet to Station 318+66.8; thence South 29 degrees 51 minutes East, 265.7 feet to Station 321+32.5; thence Southeasterly along a curve to the right having a central angle of 6 degrees 11 minutes and a radius of 1910.08 feet, an arc distance of 206.1 feet to Station 323+38.6; thence South 23 degrees 40 minutes East, 468.4 feet to Station 328+07 (within the Right of Way of State Highway "H") for the point of termination. The width of Right of Way on the right or Westerly side of the above-described centerline is 30 feet to the entire length of centerline described. The widths of Right of Way on the left or Easterly side of the above-described centerline are as follows: Beginning with 30 feet at the North line of the Northeast Quarter of said Section 30, thence 30 feet to Station 326+00, widening uniformly to a point on the Westerly Right of Way line of State Highway "H", said point being 40 feet right of Highway "H" centerline Station 555+50, thence diminishing uniformly along the curve of the Westerly Right of Way line of said Highway "H" to the point of intersection of said Right of Way line and the centerline of Highway "KK".

Section 100.170: Annexation of Right-of-Ways on Highway H North and Highway KK North. (Ordinance 248, 12/15/2008)

Sub Section A. Pursuant to the provisions of section 71.012 RSMo as amended; the following described real estate is hereby annexed into the City of Pleasant Hope, Missouri;

1. (STATE HIGHWAY H, NORTH) All that portion of State Highway H situated in the west half of Section 20, and the northwest quarter of Section 29, Township 32 North, Range 21 West, that lies south of the Pomme de Terre River and extends to the north City Limit of the City of Pleasant Hope. All in Polk County. Missouri.
2. (STATE HIGHWAY KK, NORTH) All that portion of State Highway KK situated in the south nine hundred ninety feet (990') of the southeast quarter of Section 19, Township 32 North, Range 21 West, all in Polk County, Missouri.

Section 100.180: (Ordinance 182. 1/10/2000)

Sub Section A. The City is able to furnish normal municipal services to said area within a reasonable time after annexation; and pursuant to the provision of Section 71.012 RSMo 1969 as amended by laws of 1976, the following described real estate is hereby annexed into the City of Pleasant Hope, Missouri:

The East one-fourth of the Northwest quarter of the Southeast quarter of Section 31, Township 32, Range 21, except the North 250 feet of the East 40 feet thereof and except any part now used for road purposes, and subject to an electrical transmission line easement.

All of the South 5 acres of the East one-half (E V*) of the Northwest quarter (NW1A) of the Southeast quarter (SE Vi) of Section 31, Township 32, Range 21 West, except the East 330.00 feet thereof, being Tract 1 of County Surveyor's Record Book 7 of page 193 in Polk County Missouri, and also except that part conveyed for highway purposes and subject to easements of record.

Sub Section B. The boundaries of the City of Pleasant Hope, Missouri, hereby are altered so as to encompass the above described tract of land lying and adjacent and contiguous to the present corporate limits.

Section 100.190: (Ordinance 188, 7/8/2002)

That the corporate limits of the City of Pleasant Hope, in the County of Polk, State of Missouri, be extended so as to embrace and include all that part of said County of Polk lying within the following boundary lines:

The Northeast Quarter of the Northwest Quarter less two (2) acres out of the Northwest corner, all in Section Thirty-One (31), Township Thirty-Two (32), of range Twenty-One (21), containing in all thirty-eight acres more or less, situated in the County of Polk, State of Missouri.

Also: An existing road running along or near the line between the E 1/2 of the NW 1/4 and W 1/2 of the NE 1/4, all in Section 31, Township 32 North Range 21 West in Polk County.

Section 100.200: (Ordinance 189, 3/10/2003)

That the corporate limits of the City of Pleasant Hope, in the County of Polk, State of Missouri, be extended so as to embrace and include all that part of said County of Polk lying within the following boundary lines:

The Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-One (31), Township Thirty-Two (32) North, Range Twenty-One (21) West, in Polk County.

Section 100.210: (Ordinance 195, 3/14/2005)

That the corporate limits of the City of Pleasant Hope, in the County of Polk, State of Missouri, be extended so as to embrace and include all that part of said County of Polk lying within the following boundary lines:

The Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-One (31), Township Thirty-Two (32), Range Twenty-One (21) in Polk County.

Section 100.220: Second Addition of Anchor Haven Subdivision (Ordinance 196, 4/11/2005)

That the corporate limits of the City of Pleasant Hope, in the County of Polk, State of Missouri, be extended so as to embrace and include all that part of said County of Polk lying within the following boundary lines:

All that part of the Southeast Quarter of the Southeast Quarter of Section 31, lying East of the present State Highway and South of First Addition to Anchor Haven Subdivision as shown recorded in Plat Book 3, Page 70; all in Township 32 North, Range 21 West, in Polk County, Missouri, subject to roads and easements, and The Southwest Quarter of the Southwest Quarter of Section 32, Township 32, Range 21, Polk County, Missouri.

LESS AND EXCEPT a tract of land as surveyed in County Surveyor's Record Book 7, Page 218, as Part of the West Half of the Southwest Quarter of Section 32, Township 32 North, Range 21 West. Beginning at the Southwest corner of Lot 25 in First Addition to Anchor Haven, thence

South 87 degrees 43 minutes 35 seconds East along said Lot 301.08 feet, thence South 1 degree 35 minutes 22 seconds West along the East line of said West Half of the Southwest Quarter, 144.69 feet, thence North 87 degrees 43 minutes 35 seconds West 301.08 feet, thence North 1 degree 35 minutes 22 seconds East 144.69 feet to the point of beginning. Together with an easement for road and utilities being 50.00 feet wide adjacent to the West side of this described tract.

All of Lot 22 in First Addition to Anchor Haven, a Subdivision in Polk County Missouri, as shown by recorded Plat in Plat Book 3, page 70 of the Deed Records of Polk County, Missouri.

Section 100.230: (Ordinance 204, 11/21/2005)

That the corporate limits of the City of Pleasant Hope, in the County of Polk, State of Missouri, be extended so as to embrace and include all that part of said County of Polk lying within the following boundary lines:

All that part of the Southeast Quarter of the Southeast Quarter in Section 31, Township 32, Range 21, lying west of Missouri State Highway H, and also the Southwest Quarter of the Southeast Quarter of Section 31, Township 32, Range 21, in Polk County, Missouri.

Section 100.240: (Ordinance 206, 12/12/2005)

That the corporate limits of the City of Pleasant Hope, in the County of Polk, State of Missouri, be extended so as to embrace and include all that part of said County of Polk lying within the following boundary lines:

Tract A:

All of the North 329.91 Feet of the West 660.18 Feet of the Southwest Quarter, Northwest Quarter of Section 31, Township 32 North, Range 21, West of the Fifth Principal Meridian, Polk County, Missouri, Containing 5.0 acres, More or Less. Subject to All Rights of Way and Easements of Record.

Tract B:

The North 329.91 Feet of the Southeast Quarter, Northwest Quarter of Section 31, Township 32 North, Range 21, West of the Fifth Principal Meridian, Polk County, Missouri, Less and Except the West 660.18 Feet Thereof. Subject to all Rights of Way and Easements of Record. Tract Surveyed Contains 5.0 Acres, More or Less.

Tract C:

The Southeast Quarter Northwest Quarter of Section 31, Township 32 North, Range 21 West of the Fifth Principal Meridian, Polk County, Missouri, Lying North of Missouri State Highway 215, Less and Except the North 329.91 Feet Thereof. Subject To All Rights of Way and Easements of Record. Tract Surveyed contains 26.9 Acres, More or Less.

Section 100.250: Property Commonly known as Tai Shin (Ordinance 241, 5/19/2008)

Pursuant to the provision of Section 71.012 RSMo, the following described real estate is hereby annexed into the City of Pleasant Hope, Polk County, Missouri, as follows:

Beginning at the common corner between Sections 19, 20, 29 and 30, Township 32 North, Range 21 West, thence North 01° 55' 58" East 66.00 feet, thence North 88° 35' 47" West 661.28 feet, thence South 01° 57' 31" West 66.00 feet, thence North 88° 35' 47" West 346.80 feet, thence Northerly along the Easterly Right of Way of Missouri Highway "KK" 948.66 feet, thence North 01° 59' 04" East 90.24 feet, thence South 88° 35' 47" East 660.86 feet, thence North 02° 01' 34" East 2967.32 feet, thence South 88° 00' 09" East 660.62 feet, thence South 87° 15' 04" East

1333.34 feet, thence South 02° 04' 18" West 1213.35 feet, thence South 86° 11' 21" East 560.22 feet, thence Southerly along the Westerly Right of Way of Missouri Highway "H" 3357.87 feet to a point that is 403 feet South of the North line of said Section 29, thence North 87° 33' 40" West 952.43 feet, thence North 01° 43' 03" East 403.00 feet to the point of beginning, less that part used for county road, being in Polk County, Missouri.

Section 100.260: Right-of-Ways on Highway H North & Highway KK North

(Ordinance 248, 5/18/2009)

Pursuant to the provisions of section 71.012 RSMo as amended, the following described real estate is hereby annexed into the City of Pleasant Hope, Missouri, to wit

(STATE HIGHWAY H. NORTH)

All that portion of State Highway H situated in the west half of Section 20, and the northwest quarter of Section 29, Township 32 North, Range 21 West, that lies south of the Pomme de Terre River and extends to the north City Limit of the City of Pleasant Hope, all in Polk County, Missouri.

(STATE HIGHWAY K.K, NORTH)

All that portion of State Highway K.K situated in the south nine hundred ninety feet (990') of the southeast quarter of Section 19, Township 32 North, Range 21 West, all in Polk County, Missouri.

Article X - Flood Plain Management

Chapter 100 – Flood Plain Regulations (Ordinance 237, 1/7/2008)

Section 100.100: Statutory Authorization, Findings of Fact and Purposes

The Legislature of the State of Missouri has in RSMo 89.020 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of Pleasant Hope, Missouri ordains as follows:

Section 100.110: Findings of Fact

Sub Section A. Flood Losses Restating from Periodic Inundation

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

Sub Section B. General Causes of the Flood Losses

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

Section 100.120: Statement of Purpose

Sub Section A. It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in this Chapter at Section 100.110 to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(b) by applying the provisions of this ordinance to:

1. restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard

Section 100.200: General Provisions

Sub Section A. Lands to Which Ordinance Applies (Ordinance 237(b), 07/19/2010)

This chapter shall apply to all lands within the jurisdiction of the City of Pleasant Hope identified as unnumbered A zones, on the Flood Insurance Rate Map (FIRM) for Polk County dated September 17, 2010 on panel numbers 29167C0407D, 29167C0409D, and 29167C0425D as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Section 100.400.

Sub Section B. Floodplain Administrator

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

Sub Section C. Compliance

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

Sub Section D. Abrogation and Greater Restrictions

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

Sub Section E. Interpretation

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

Sub Section F. Warning And Disclaimer Of Liability

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

Sub Section G. Severability

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

Section 100.300: Administration**Sub Section A. Floodplain Development Permit (Required)**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article IX Chapter 100 Section 100.200. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

Sub Section B. Designation of Floodplain Administrator

The Mayor is hereby appointed to administer and implement the provisions of this ordinance. (Resolution 232, 11/19/2007)

Sub Section C. Duties and Responsibilities of Floodplain Administrator

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

1. review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
2. review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. issue floodplain development permits for all approved applications;

5. notify adjacent communities and the Missouri State Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse
7. where base flood elevation from other sources is utilized within unnumbered A zones:
 - a) verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
 - b) verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood proofed;
 - c) when flood proofing techniques are utilized for a particular non-residential structure, the Mayor shall require certification from a registered professional engineer or architect.

Sub Section D. Application For Floodplain Development Permit

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

1. describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed building or work;
2. identify and describe the work to be covered by the floodplain development permit;
3. indicate the use or occupancy for which the proposed work is intended;
4. indicate the assessed value of the structure and the fair market value of the improvement;
5. identify the existing base flood elevation and the elevation of the proposed development;
6. give such other information as reasonably may be required by the Mayor;
7. be accompanied by plans and specifications for proposed construction; and
8. be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

Section 100.400: Provisions for Flood Hazard Reduction

Sub Section A. General Standards

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any unnumbered A zone unless the conditions of this section are satisfied
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. All new construction, subdivision proposals, substantial-improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:
 - a) design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b) construction with materials resistant to flood damage;
 - c) utilization of methods and practices that minimize flood damages;
 - d) all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e) new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

- f) subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - i. all such proposals are consistent with the need to minimize flood damage;
 - ii. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - iii. adequate drainage is provided so as to reduce exposure to flood hazards; and
 - iv. all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

Sub Section B. Storage, material, and equipment

1. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation or if readily removable from the area within the time available after a flood warning.

Sub Section C. Accessory Structures

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-flood proofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

Section 100.500: Specific Standards

Sub Section A. In all areas of special flood hazard, once base flood elevation data is obtained, as set forth in Section 100.400 of this Chapter, the following provisions are required:

1. Residential Construction:

New construction or substantial-improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood level.

[*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.]
2. Non-Residential Construction:

New construction or substantial-improvement of any commercial, industrial, or other non-residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Sub Section are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C(7)(c). [*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to qualify for flood insurance rates based upon flood proofing.]
3. Require, for all new construction and substantial improvements, which fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for

meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - b) the bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. In all areas of special flood hazard, once floodway data is obtained, as set forth in Section 100.400 of this Chapter, the following provisions are required:
- a) The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one foot at any point; and
 - b) the community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Section 100.600: Manufactured Homes

Sub Section A. All manufactured homes to be placed within special flood hazard areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

Sub Section B. Require manufactured homes that are placed or substantially unproved within unnumbered A zones on the community's FIRM on sites:

1. outside of manufactured home park or subdivision;
2. in a new manufactured home park or subdivision;
3. in an expansion to and existing manufactured home park or subdivision; or
4. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial-damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Sub Section C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A zones on the community's FIRM, that are not subject to the provisions of Section 100.400 of this Chapter of this ordinance, be elevated so that either:

1. the lowest floor of the manufactured home is at one (1) foot above the base flood level; or
2. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

*[*The FEMA, Region VII office recommends elevating to one foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.]*

Section 100.700: Recreational Vehicles

Sub Section A. Require that recreational vehicles placed on sites within unnumbered A zones on the community's FHBM or FIRM either:

1. be on the site for fewer than 180 consecutive days, or
2. be fully licensed and ready for highway use*; or
3. meet the permitting, elevation, and the anchoring requirements for manufactured homes of this ordinance.

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

Section 100.800: Floodplain Management Variance Procedures

Sub Section A. Establishment of Appeal Board

The Board of Aldermen as established by the City of Pleasant Hope shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

Sub Section B. Responsibility of Appeal Board

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Mayor, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Section 100.800 Sub Section A. The Board of Aldermen shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Mayor in the enforcement or administration of this ordinance.

Sub Section C. Further Appeals

Any person aggrieved by the decision of the Board of Aldermen or any taxpayer may appeal such decision to the Polk County Circuit Court as provided in RSMO 89.110.

Section D. Floodplain Management Variance Criteria

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

1. the danger to life and property due to flood damage;
2. the danger that materials may be swept onto other lands to the injury of others;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations, not subject to flood damage, for the proposed use;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges

Sub Section E. Conditions for Approving Flood Plain Management Variances

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

the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon:
 - a) a showing of good and sufficient cause,
 - b) a determination that failure to grant the variance would result in exceptional hardship to the applicant,
 - c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
5. A community shall notify the applicant in writing over the signature of a community official that:
 - a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for SI 00.00 of insurance coverage and
 - b) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required

Sub Section F. Conditions for Approving Variances for Accessory Structures

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Section 100.800 of this Chapter.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-flood proofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 100.400 of this Chapter.
3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Section 100.400 of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 100.400 of this Chapter.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood,

contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 100.400 of this Chapter.

6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Section 100.400 of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that:
 - a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage
 - b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
10. Wet-flood proofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Section 100.900: Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500, and in addition, shall pay all costs and expenses involved in the case. For each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Pleasant Hope or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 101.100: Amendments

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Pleasant Hope. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

Section 201.200: Definitions

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

100-year Flood - see "base flood."

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

Actuarial Rates - see "risk premium rates."

Administrator - means the Federal Insurance Administrator.

Agency - means the Federal Emergency Management Agency (FEMA).

Agricultural Commodities - means agricultural products and livestock.

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

Appeal - means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance

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

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

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

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see "structure."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood proofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or unproved real property, water and sanitary facilities, or structures and their contents.

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

Historic Structure - means any structure that is

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

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

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

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

Map - means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

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

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

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

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

NFIP - means the National Flood Insurance Program (NFIP).

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

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

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

Recreational Vehicle - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light-duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 5.

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

Risk Premium Rates - means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. Risk premium rates include provisions for operating costs and allowances.

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

Special Hazard Area - means an area having special flood hazards and shown on an FHBM or FIRM as zones (unnumbered or numbered) A, AO, AE, or AH.

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

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

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

Substantial-Damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial-Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial-damage," regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

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

Article XI - City Processes, Policies and Procedures

Chapter 100 – Intergovernmental Agreements

Section 100.100: Agreement for Membership in the Southwest Missouri Council of Governments. (Resolution 212, 05/08/2006)

Sub Section A. Generally

Local governments in Southwest Missouri (within Barry, Christian, Dade, Dallas, Greene, Lawrence, Polk, Stone, Taney and Webster counties), form one regional community, with a citizenry bound by not just one unit of local government but by the many and the expansion of the concept of cooperation among local governments, while retaining local home rule, is a positive solution for dealing with regional challenges beyond individual capabilities.

Sub Section B. Southwest Missouri Council of Governments provides the City of Pleasant Hope the opportunity to participate with other local governments in Southwest Missouri to resolve problems and develop policies that are of common interest.

1. The City of Pleasant Hope hereby joins as a member in the Southwest Missouri Council of Governments.
2. The City of Pleasant Hope may withdraw from the Southwest Missouri Council of Governments by resolution adopted by its governing body.
3. The City of Pleasant Hope recognizes a responsibility to share the financial support of the council, as provided in the bylaws, through payment of annual membership fees.

Sub Section C. The Board of Aldermen at the regular City Council Meeting 8/20/2012, by motion, elected not to participate in the membership of the Southwest Missouri Council of Governments.

Sub Section D. The Board of Aldermen at the regular City Council Meeting April 15, 2013, by motion, elected to reinstate the City's membership with Southwest Missouri Council of Governments.

Chapter 200 - Policies & Procedures for Selecting Professional Services & for Bidding Construction Projects (Ordinance 275, 04/12/2012)

Section 200.100: Policies and Procedures for Selecting Professional Service Firms including Architectural, Engineering and Land Surveying Firms.

Sub Section A. Policies and procedures for selecting professional services and for bidding construction projects are hereby established as follows:

1. Contracts and Fees:

It shall be the policy of City to negotiate contracts with firms for services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable fees

2. Qualifications of Firms:

It shall be the policy of City to encourage firms engaged in the lawful practice of their professions to annually submit statements of their qualifications and performance record Whenever a proposed project requires the services of a firm, the City shall evaluate current statements of qualifications and performance records of firms on file together with those that may be submitted by other firms regarding the proposed project The City shall use the following criteria in evaluating the qualifications of each firm:

- a) The specialized experience and technical competence of the firm with respect to the type of services required The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project
- b) The past record of performance of the firm with respect to such factors as control costs, quality of work, and ability to meet schedules,
- c) The firm's proximity to and familiarity with the area in which the project is located

3. City Files for Firms and Projects

- a) The purchasing agent shall compile and maintain a file of firms that are potential consultants for doing projects for City.
- b) The purchasing agent shall prepare every six months a list of all the firms used in the preceding year for review.
- c) Each firm shall be evaluated within 30 days after completing a contract with the City
- d) When a project is proposed, the principal department proposing the project shall prepare a description of the project, including the Scope of Work, the identification of applicable plans, a timetable and a budget.
- e) The Board of Aldermen shall cause a list to be prepared of firms from which to select for each proposed project. Selection of the firms shall be based upon preliminary review comparing the nature of the job with the experience of the firms and other significant factors.
- f) The firms selected shall be sent a description of the project and a questionnaire designed to obtain more detailed information related to the firm's qualifications for the specific project. Selected firms from those responding to the questionnaire shall be interviewed by the Board of Aldermen.

4. Negotiation For Contract

- a) The Board of Aldermen shall select from the file for each project, up to three firms that are highly qualified to fulfill the proposed assignment in the best interest of the City. The firms shall be placed in ranked order.
- b) The firm ranked first shall be asked to make a comprehensive written and oral presentation demonstrating its methods and experience related to the project, which principals shall be assigned to the project, the consultants to be used, a schedule of document preparation,

estimating procedures, services to be rendered during construction, and any other information helpful in determining how well the particular firm is qualified to do the job.

- c) The Board of Aldermen shall then reach a decision as to whether or not to proceed with fee negotiations with the selected firm. If the parties reach an agreement, a contract shall be prepared and the other firms shall be promptly advised.
- d) If the first-ranking firm's proposal is not satisfactory, negotiations shall be initiated with the second-ranking firm. Again, if the negotiations are unsatisfactory, the selection committee shall negotiate with the third-ranking firm. If these negotiations prove unsatisfactory, the project shall be restudied and the City's expectations shall be reexamined before beginning the process again. If the process begins again, the Board of Aldermen shall compile a list of qualified firms and proceed in the same manner.

Sub Section B. Bidding procedure for construction projects.

The following describes procedures to be followed by the City in selecting construction contractors for projects. When construction documents have been completed and approved and the approved sets have been delivered to the appropriate City official, the next step is the selection of a construction firm for the project. This contractor shall be selected as follows:

- 1. Competitive bids: The City shall seek competitive bids for projects by advertising and or invitations to prospective contractors that the City intends to construct said project.
- 2. Advertising or invitation to contractors: To inform prospective bidders that a contract is to be awarded and invite bids for the proposed project an advertisement shall be placed in a newspaper of general circulation. Items which may be included in the advertisement or invitation are:
 - a) A brief description of the project and its location.
 - b) Name and address of the owner
 - c) Name and address of the person authorized to receive bids.
 - d) The place, date and hour of bid opening, restrictions on submission, changes and withdrawal of bids.
 - e) Character of bids: Phasing, unit-price, lump-sum, alternates etc.
 - f) Quantities involved in the project
 - g) The amount of the bid surety and whether it is to be by certified check, bid bond etc. and provisions for returning surety to unsuccessful bidders.
 - h) Statement as to where plans and specifications may be obtained or examined and the charge or deposit required for each set and provision for recovery of charge or deposit when documents are returned
 - i) Conditions of contract award and the owner's right to accept the lowest responsible bid and to reject any or all bids.
 - j) Name of the consultant and the authorized representative for the owner and consultant.
 - k) Contract surety: The amount and type of performance and payment bond.

Sub Section C. Instructions to bidders

A document in which all bidders are furnished identical information on the features of the project along with instructions on the procedure to be followed in submitting bids. Items which may be included in the instructions to bidders are:

- 1. Bidder's experience, work record and or prequalification data.
- 2. Procedure for completing and submitting the bid.
- 3. A list of the plans and specifications and an estimate of quantities for unit-price contracts or an exact description of the scope of the project if contract is to be lump-sum.
- 4. An estimate of the time it will take the bidder to complete the project.
- 5. Responsibility for accuracy of bidding information in reference to subsoil data, test borings, errors in plans and specifications, etc.
- 6. Information on formalities and informalities in accepting or rejecting bids.
- 7. Miscellaneous instructions as needed.

Sub Section D. The Bid Form

The Bid form is a document to ensure that all bids are prepared in a similar manner and to facilitate the analysis and comparison of bids and to detect informalities in the bids. It is a convenience to bidders and it encourages accuracy and fairness. Items which may be included in the bid form are:

1. An offer from the bidder to perform the work as specified for a given price.
2. An agreement to complete the project in a given number of days after the notice to proceed has been given.
3. The amount of the bid bond, certified check or other form of guarantee that is to accompany the bid
4. An agreement by the bidder to furnish the required contract surety if the contract is awarded.
5. Provision for the bidder to acknowledge receipt of all addenda to the plans and specifications.
6. The list of subcontractors to be employed for special work.
7. The experience record, financial statement and plant equipment questionnaire, when required
8. Statement that there is no collusion or fraud with reference to illegal relationships of bidders and representatives of the Owner or consultant, bid pooling or straw bids.

Statement by the bidder that the site has been examined and the plans and specifications are understood by the bidder. Appropriate signatures and witnesses as required.

Sub Section E. Pre-bid conference

Preparatory to putting the bid together, a pre-bid conference may be held for those bidders anticipating submitting a bid on said project the pre-bid conference is to do the following:

1. Allow bidders, both contractors and subcontractors a chance to ask questions of those who prepared the plans and wrote the specifications.
2. Allow explanations and answers to questions to be given by those best qualified.
3. To allow scheduled pre-bid conference to be held midway between advertising for bids and the bid opening date.
4. To give additional opportunities so the site can be visited, if necessary.

Sub Section F. Addenda

During the bidding period, any and all additional instructions, clarifications, interpretation or modifications shall be made by an addendum prepared by the consultant or Owner and signed by the consultant and the Owner's representative.

1. The addendum shall be delivered, either by the Owner or the consultant, as agreed upon by the two.
2. A receipt shall be received for all hand delivered addendum by the deliverer. Addendum sent by mail shall be mailed by the fastest delivery method and shall be sent by registered mail with a signed receipt requested.
3. No one is authorized to make any clarifications, interpretations, or modifications or give any instructions to the bidders during the bidding period except as described in this section.

Sub Section G. Receiving and Opening Bids.

Bids may be submitted at any time after the project has been officially advertised or invitations extended and prior to the hour designated for the opening of the bids.

1. Bids submitted may be withdrawn or changed any time before the official opening.
2. No changes are permitted after bids have been opened.
3. Bids shall be submitted on the proposal/bid form with all accompanying papers placed in a sealed envelope addressed to the person authorized to receive same and endorsed with the bidder's name and the title of the project.
4. All bids shall be opened and read aloud publicly at the proper time so that all bidders and others interested may be present as witnesses and/or to tabulate amounts.

Sub Section H. Awarding the contract

After the bids have been opened any consultant and the Owner's representative shall meet to determine if a low and responsible bid has been received. The following shall be done:

1. A study of the qualifications of the bidders shall be made to determine if they are suitable for the project
2. An analysis and comparison of bids shall be made to determine the lowest and best bidder.
3. When the lowest and best bidder has been determined, the City shall proceed to obtain a contract with the lowest and best bidder,
4. A formal notice of award shall be issued to the bidder notifying the bidder of his/her selection. The bidder shall be told of the time and place designated to sign the contract.
5. If the lowest and best bidder is unable to execute a contract, the City shall proceed to execute a contract with the next lowest and best bidder. If this bidder is unable to execute a contract, the City shall continue the process with all the next lowest and best bidders if necessary.
6. The City shall have the right to use any or all of the bid security of any or all bidders to execute a contract when the bidder is unable to execute a contract for a project bid.
7. After acceptance of the bid and the contract has been signed, a formal notice to proceed shall be forwarded to the contractor authorizing the contractor to begin work.

Sub Section I. When Low Bid Exceeds Funds

Occasionally after opening bids, the lowest and best bid may exceed available funds. These are the possible alternatives when this happens:

1. The owner and any consultants shall meet with the low bidder to see if enough substitutes and changes can be realized to make constructing the project feasible and within the budget.
2. Rework the plans and specifications and reduce the scope of the project to allow bids within the budget
3. Secure additional funds.
4. A combination of 1 and 3. Negotiate as much as possible with the lowest and best bidder and secure additional funding [when other than state or federal funds.
5. Rejection of all bids.

Sub Section J. Preconstruction Conference

Immediately after a construction contract has been fully executed and before construction begins, the Owner, consultants and contractor shall meet to do the following:

1. Meet with subcontractors and the superintendent for the project.
2. Get acquainted and discuss the several phases of the project so that when understood by all, the job will run smoothly.
3. To establish lines of communication and lines of authority to be followed during construction.
4. To discuss items of interest and interest and concern

Chapter 300 – Rules Governing Procedures For Acquiring And Accepting Bids From Outside Contractors For Materials and/or Labor.

(Ordinance 245, 12/15/2008)

Section 300.100: Procurement Policy: Procedure on acquiring bids from outside contractors relative to the purchase of materials and/or labor.

Sub Section A. Formal bidding procedures for purchases provide a framework for economic management of city resources and help insure the city receives fair value by contracting with the lowest and best vendors. Competitive bidding also helps ensure all parties are given equal opportunity to participate in the city's business. The city should ensure compliance with the established procedures. In addition, written documentation of bids should be maintained to provide evidence that the city has complied with its purchasing policy.

Bid documentation should include:

1. a list of vendors contacted,
2. any discussion with vendors,
3. a copy of the bid specifications and
4. copies of all bids received.

Sub Section B: Procedures for Solicitation, Receipt of Bids and Award and Administration of Contracts.

1. When the consideration is estimated to be less than Five Hundred Dollars (\$500.00), an informal method of solicitation may be utilized to obtain the lowest and best possible bid. Informal methods of procurement may include telephone quotes. A minimum of up to three (3) quotes shall be solicited, if three (3) are available.
2. When the consideration is estimated to be greater than Five Hundred Dollars (\$500.00), but less than Two Thousand Dollars (\$2000.00), then a more formal written estimate should be utilized to obtain the best and lowest possible bid. A minimum of up to three (3) quotes in writing shall be solicited, if three (3) are available.
3. When the consideration is estimated to be more than Two Thousand Dollars (\$2000.00), then formal competitive bidding shall be utilized to obtain the best and lowest possible bid. Formal bids shall be solicited by advertising in at least one local newspaper in general circulation at least ten (10) days preceding the last day set for the receipt of proposals. The newspaper notice required herein shall include a general description of the articles to be purchased, sold, or services required, shall state where bid blanks and specifications may be secured, the date and time of the deadline to submit bids and the time and place for opening bids.

The city reserves the right to accept any and all bids and to re-advertise and re-bid.

Sub Section C: Authorization to Procure Services in the Event of an Emergency.

Only in the Event of an Emergency Situation is the Mayor or his appointee authorized to procure such services, supplies, equipment or material without regard to the procedures formally ordained by the Board of Aldermen of the City of Pleasant Hope, provided that, if the Board of Aldermen meets at such time, he shall act subject to the directions and restrictions imposed by that body.

Sub Section D: Occupational Safety and Health Administration (OSHA) Construction Safety Program (Resolution 3-2010, 07/19/2010)

1. All bids for all public works construction, reconstruction, demolition, painting and decorating or major repairs contracts for the City of Pleasant Hope shall adhere to all requirements for specifying the requirements of Chapter 292, Section 292.675, RSMo in all requests for bids.
2. All contractors and subcontractors that are awarded bids for all public works construction, reconstruction, demolition, painting and decorating or major repairs contracts for public use or benefit or paid for wholly or in part out of public funds shall provide proof of documentation of completion of a ten-hour Occupational Safety and Health Administration (OSHA) construction safety program for all on-site employees, laborers, workmen, drivers, equipment operators and craftsmen employed by contractors and subcontractors as defined in Chapter 292, Section 292.675, RSMo.
3. It is the public policy of the City of Pleasant Hope to comply with Chapter 292 Health and Safety of Employees Section 292.675, RSMo in its entirety.

Sub Section E: A credit card or a debit card shall not be used as payment for materials and/ or labor in order to circumvent the bidding process. (Ordinance 250, 09/21/2009)

Article XII - Personnel

Chapter 100 – City Employees

Section 110.100: City Employees Pay (Ordinance 228, 06/29/2007)

Sub Section A. The Missouri Court of Appeals, in State ex rel Missouri State Board of Pharmacy vs. AHC, established that individually identifiable personnel records are not automatically closed.

Sub Section B. Section 610.021 RSMo allows a governmental agency to close personnel records containing personal information.

Sub Section C. The Board of Aldermen of the City of Pleasant Hope determined that establishing a policy to close such records will contribute to the safety and security of police officers and other employees of the City.

Sub Section D. All records of the city regarding the hiring, firing, disciplining or promoting of any particular employee where personal information about the employee is discussed or recorded, or when there is a discussion or decision as to whether to hire, fire, promote or discipline any particular employee, and all other personal information relating to the performance or merits of individual employees are hereby declared to be closed.

Section 110.200: Pay Rates of Employees of the City of Pleasant Hope

(Ordinance 249(d), 5/20/2013)

RSMo 79.270 requires the Board of Aldermen to fix the compensation of all the officers and employees of the city by ordinance.

The salary of an officer shall not be changed during the time for which he was elected or appointed. Therefore the following pay rates shall be in effect: Section 1: Pay rates

CITY CLERK	\$24,960.00	per annum
PUBLIC WORKS DIRECTOR	\$21,000.00	per annum
WATER & SEWER OPERATOR	\$22,880.00	per annum
CHIEF OF POLICE	\$20,800.00	per annum
PATROL OFFICER	\$9.25	per hour