

**TITLE I. GOVERNMENT CODE**

**CHAPTER 100: GENERAL PROVISIONS**

**ARTICLE I. CODE PROVISIONS**

**SECTION 100.010: CONTENTS OF CODE**

- A. This Code contains all ordinances of a general and permanent nature of the City of Buffalo, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulations, business and occupations, health and sanitation, public order and similar subjects.
- B. All ordinances hereafter adopted shall be numbered consecutively, authenticated, published, and recorded in the Book of Ordinances and ordinances which are of a general or permanent nature shall be prepared for insertion in this Code and be deemed a part hereof. (CC 1984 §10.010)

**SECTION 100.020: CITATION OF CODE**

This Code may be known and cited as the "Buffalo, Missouri, City Code." (CC 1984 §10.020)

**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 on file in the office of the City Clerk. A copy of this Code shall be kept in the City Clerk's office available for public inspection. (CC 1984 §10.030)

**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, firm or corporation violating this Section shall be punished as provided in Section 100.200 of this Code. (CC 1984 §10.040)

**SECTION 100.050: NUMBERING**

Each Section number of this Code will consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. (CC 1984 §10.050)

## **SECTION 100.060: AMENDMENTS TO CODE**

All amendments to this Code, duly passed by the Board of Aldermen, shall be considered a part hereof.  
(CC 1984 §10.060)

## **SECTION 100.070: DEFINITIONS**

In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

*BOARD OF ALDERMEN:* The Board of Aldermen of Buffalo, Missouri.

*CITY:* The words "*the City*" or "*this City*" or "*City*" shall mean the City of Buffalo, Missouri.

*COUNTY:* The words "*County*" or "*this County*" shall mean the County of Dallas, Missouri.

*DAY:* A day of twenty-four (24) hours, beginning at 12:00 Midnight.

*MAY:* The word "*may*" is permissive.

*MAYOR:* The Mayor of Buffalo, Missouri.

*MONTH:* A calendar month.

*OATH:* Shall be construed to include an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" shall be equivalent to the words "*affirm*" and "*affirmed*".

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

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

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

*PROPERTY:* Shall include real and tangible and intangible personal property.

*PUBLIC WAY:* Shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

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

*SHALL:* The word "*shall*" is mandatory.

*SIDEWALK:* That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

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

*STATE:* The words "*the State*" or "*this State*" or "*State*" shall mean the State of Missouri.

*STREET:* Shall mean and include any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

*TANGIBLE PERSONAL PROPERTY:* Shall include goods, chattels and all personal property, except intangible personal property.

*TENANT, OCCUPANT:* The words "*tenant*" or "*occupant*," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

*WRITING:* The word "*writing*" and "*written*" shall include printing, lithographing or any other mode of representing words and letters.

*YEAR:* A calendar year, unless otherwise expressed, and the word "*year*" shall be equivalent to the words "*year of our Lord*." (CC 1984 §11.010)

#### **SECTION 100.080: NEWSPAPER**

Whenever in this Code or other ordinance of the City it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the City," and if there is no such newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication. (CC 1984 §11.020)

#### **SECTION 100.090: TENSE**

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made herein, either as a power, immunity, requirement, or prohibition. (CC 1984 §12.070)

#### **SECTION 100.100: NOTICE**

- A. Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office, or place of business with some person of suitable age and discretion, or
2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address, or
3. If the person to be served is unknown, or may not be notified under the requirements of paragraphs (1) and (2) above, then by posting said notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City Officer, unless permission is given by said Officer.

B. *Exceptions.* The provisions of this Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice. (CC 1984 §12.080 12.090)

#### **SECTION 100.110: COMPUTATION OF TIME**

In computing any period of time prescribed or allowed by this Code or by any notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Sundays and legal holidays shall be excluded in the computation. A half-holiday shall be considered as other days and not as a legal holiday. (CC 1984 §12.100)

#### **SECTION 100.120: GENDER**

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included. (CC 1984 §12.110)

#### **SECTION 100.130: JOINT AUTHORITY**

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority. (CC 1984 §12.120)

## **ARTICLE II. CONSTRUCTION OF ORDINANCES**

### **SECTION 100.140: CONSTRUCTION, GENERALLY**

All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of Aldermen may be fully carried out. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to the technical import. (CC 1984 §12.010)

### **SECTION 100.150: HEADINGS**

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction. (CC 1984 §12.020)

### **SECTION 100.160: CONTINUATION OF PRIOR ORDINANCES**

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments. (CC 1984 §12.030)

### **SECTION 100.170: REPEAL NOT TO REVIVE FORMER ORDINANCE**

When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause, or provision unless it be expressly so provided and such former ordinance, clause or provision is set forth at length. (CC 1984 §12.050)

### **SECTION 100.180: SEVERABILITY**

It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section, or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections, and Chapters of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section. (CC 1984 §12.060)

### **SECTION 100.190: NUMBER**

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be deemed to be included. (CC 1984 §12.130)

## ARTICLE III. PENALTIES

### SECTION 100.200: GENERAL PENALTY

- A) Whenever in this Code or other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, and no specific penalty is provided for the violation of any such provision of this Code or any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and punishment; provided that in any case wherein the City and State have a penalty for the same offense, the statutory penalty shall apply, except that imprisonments, when made under City ordinances, may be in the City Prison or Workhouse, instead of the County Jail.
- B) *Every Day a Violation.* Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C) *Responsibility.* Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited. (CC 1984 §13.010 130.030; Ord. No. 13.010 §1, 8-14-89)

## ARTICLE IV. CORPORATE SEAL

### SECTION 100.210: SEAL DESCRIBED

The Seal of the City now in use which is circular in form and two and one-half (2½) inches in diameter with the words, "City of Buffalo, Missouri" near its margin and the word "Seal" in the center of same is hereby declared to be adopted for the common Seal for the City of Buffalo, Missouri. (CC 1984 §20.010)

**CHAPTER 105: GENERAL AND SPECIAL ELECTIONS**

**ARTICLE I. GENERAL PROVISIONS**

**SECTION 105.010: DATE OF GENERAL ELECTION**

A general election for the elective officers of this City shall be held on the first (1st) Tuesday in April of each year

1. On the first (1st) Tuesday in April of odd numbered years an election shall be held by the qualified voters of each Ward in the City for Mayor, and for one (1) Alderman for each Ward, who shall hold their respective offices for the term of two (2) years and until their successors shall be elected and qualified.
2. On the first (1st) Tuesday in April of even numbered years an election shall be held by the qualified voters of each Ward of this City for one (1) Alderman for each Ward, who shall hold their respective offices for the term of two (2) years and until their successors shall be elected and qualified. (CC 1984 §31.010; Ord. No. 11-04 §2, 6-13-11)

**SECTION 105.020: FILING OF CANDIDATES**

Any person desiring to seek election for any elective City office at any general City election may do so by filing his/her name and the office for which he/she seeks election with the City Clerk, not earlier than 8:00 A.M. the thirteenth (13th) Tuesday prior to the day of the next general City election or no later than 5:00 P.M. the ninth (9th) Tuesday prior to the next general City election. The Clerk shall keep a permanent record of the names of the candidates, the office for which they seek election and the date of their filing and the name shall appear on the ballots in that order. (CC 1984 §31.020, Ord. No. 31.020 §1, 4-9-90)

**SECTION 105.030: FILING OF CANDIDATES QUALIFICATIONS CHALLENGED**

Any person who is not qualified for his/her office as provided by this Code or other ordinances shall not be entitled to have his/her name printed on the ballot. The qualifications of a candidate for office shall be determined by the Board of Aldermen upon hearing given, and upon its own motion, or upon written affidavit by some person that a named candidate is not qualified as such for the office sought. (CC 1984 §31.030)

**SECTION 105.040: CONFORMANCE OF CITY ELECTIONS WITH STATE LAW**

All City elections shall be conducted and held in conformance with the provisions of the Comprehensive Election Act of 1977 (hereinafter "the Act"). (CC 1984 §31.040)

## ARTICLE II. WARDS

### SECTION 105.050: THREE WARDS ESTABLISHED

The City of Buffalo is hereby divided into three (3) Wards, the boundaries of which are hereinafter specifically described:

1. *Ward 1.* Shall consist of that part of the City located south of Main Street except for that part located west of Elder Street and north of Dallas Street.
2. *Ward 2.* Shall consist of that part of the City located north of Main Street and west of Locust Street to the junction of Locust Street and Highway 73 and that part of the City located west of Highway 73 from such junction; and also that part of the City located west of Elder Street and north of Dallas Street.
3. *Ward 3.* Shall consist of that part of the City located north of Main Street east of Locust Street to the junction of Locust Street and Highway 73 and that part of the City located east of Highway 73 from such junction. (CC 1984 §§30.020§30.040)



## **CHAPTER 110: MAYOR AND BOARD OF ALDERMEN**

### **ARTICLE I. MAYOR**

#### **SECTION 110.010: HOW ELECTED, ETC.**

The Chief Executive Officer of the City shall be the Mayor, who shall be elected by the qualified voters of the City, and shall hold his/her office for two (2) years, and until his/her successor shall be elected and qualified. No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his/her election. (CC 1984 §21.200)

#### **SECTION 110.020: STANDING COMMITTEES APPOINTED**

The Mayor may, at the first (1st) meeting of the Board of Aldermen after each annual election, name the members of such standing committees as he/she deems necessary, which shall consist of two (2) or more members of the Board of Aldermen. (CC 1984 §21.210)

#### **SECTION 110.030: PROCLAMATIONS, MEETINGS, ELECTIONS**

The Mayor shall have the power to issue proclamations, call mass meetings and regular and special elections in such a manner as this Code or other ordinances or State law may provide. (CC 1984 §21.220)

#### **SECTION 110.040: MAY REMIT FINES, GRANT PARDONS, ETC.**

The Mayor shall have power to remit fines and forfeitures, and to grant reprieves and pardons for offenses arising under this Code or other ordinances of the City; but this Section shall not be so construed as to authorize the Mayor to remit any costs which may have accrued to any officer of the City by reason of any prosecution under the laws or ordinances of the City. (CC 1984 §21.240)

#### **SECTION 110.050: APPOINT CERTAIN OFFICERS-CONTROL POLICE**

The Mayor, with the advice and consent of the Board of Aldermen, shall have the power to appoint all appointive officers of the City. He/she shall have authority to give such orders to the Chief of Police and Policemen of the City as in his/her judgment the public good may require, and it shall be the duty of the Chief of Police and Police Officers to obey such orders. (CC 1984 §21.250)

#### **SECTION 110.060: POWER TO ENFORCE LAWS**

The Mayor shall be active and vigilant in enforcing all laws and this Code or other ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50) to aid in enforcing the laws. (CC 1984 §21.260)

**SECTION 110.070: PRESIDING OVER BOARD OF ALDERMEN-VOTING RIGHTS-SUPERVISION OF CITY AFFAIRS**

The Mayor shall have a seat in and preside over the Board of Aldermen, but shall not vote on any question, except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she shall exercise general supervision over all the officers and affairs of the City, and shall take care that this Code or other ordinances of the City, and the State laws relating to such City, are complied with. (CC 1984 §21.270)

**SECTION 110.080: COMMUNICATIONS TO BOARD**

The Mayor shall from time to time communicate to the Board of Aldermen such measures as may, in his/her opinion, tend to the improvement of finances, the police, health, security, ornament, comfort and general prosperity of the City. (CC 1984 §21.280)

**SECTION 110.090: APPROVAL OF BILLS-VETO POWER**

Every bill presented to the Mayor for his/her approval shall be returned by him/her to the Board of Aldermen, with his/her approval endorsed thereon, or with his/her objections thereto, in writing, on or before the next regular meeting of the Board succeeding the date on which the bill was so presented. The Mayor may also veto any portion or all of the general appropriation bill, or any item of the same. (CC 1984 §21.290)

**SECTION 110.100: COMPENSATION**

The Mayor shall receive such compensation for his/her services as shall from time to time be enacted by the Board of Aldermen, payable out of the General Revenue of the City in such manner as the Board of Aldermen shall direct. (CC 1984 §21.295)

## **ARTICLE II. BOARD OF ALDERMEN**

### **SECTION 110.110: QUALIFICATIONS OF ALDERMEN—TERMS OF OFFICE**

No person shall be eligible to the office of Aldermen who is not at least twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for at least one (1) year next before his/her election and a resident of the Ward from which he/she is elected; nor shall any person be elected an Alderman who is in arrears for any tax, lien, forfeiture or defalcation in office, and all members of the Board shall hold their office for a term of two (2) years. (CC 1984 §21.010)

### **SECTION 110.120: REGULAR MEETINGS**

The Board of Aldermen of the City of Buffalo shall meet in regular session in the Board Chambers at the hour of 7:00 P.M., the second (2nd) Monday of every month. By appropriate Notice, as required by the Missouri Open Meetings Act, the Board of Aldermen may specify a different place for such regular meeting for the convenience of the public and the City.

1. When any such meeting day is a holiday, the regular meeting shall be held at such time as may be provided by the Board on motion at the previous meeting.
2. The Board may, by motion, dispense with any regular meeting, but at least one (1) meeting, regular or special, must be held in each calendar month. (CC 1984 §24.010)

### **SECTION 110.130: SPECIAL MEETINGS**

Special meetings may be called by the Mayor or by any two (2) members of the Board by written request filed with the City Clerk, who shall thereupon prepare a notice of such special meeting, stating time, place and object thereof and complying with all other provisions of Section 610.020, RSMo. (CC 1984 §24.020)

### **SECTION 110.140: QUORUM**

A quorum of the Board of Aldermen shall consist of a majority of the full membership (including vacancies and the Mayor of the City). (CC 1984 §24.030)

### **SECTION 110.150: EFFECT OF ADJOURNED MEETINGS**

All adjourned meetings of the Board shall, to all intents and purposes, be continuations of the meetings of which they are adjournments, and the same proceedings may be had at such adjourned meetings as at the meeting of which they are adjournments. (CC 1984 §24.045)

### **SECTION 110.160: DUTIES OF MAYOR AS PRESIDENT OF BOARD**

- A. At the hour designated for Board meetings the Mayor shall call the Board of Aldermen to order, and he/she shall act as President of the Board.

- B. The Mayor shall appoint all committees, subject to the concurrence of the Board of Aldermen, the appointment or election of which is not otherwise provided for by this Code or other ordinance. (CC 1984 §24.050)

**SECTION 110.170: BOARD TO SELECT AN ACTING PRESIDENT, TERM**

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

**SECTION 110.180: ACTING PRESIDENT DUTIES**

During the absence of the Mayor, the Acting President of the Board of Aldermen shall have the same duties as the Mayor, with all the rights, privileges, powers, and jurisdiction of the Mayor until such jurisdiction be filled or such disability be removed, or in the case of temporary absence until the Mayor shall return to the City of Buffalo, Missouri. (CC 1984 §24.060)

**SECTION 110.190: RULES OF ORDER**

Except as otherwise provided by law or ordinance, the proceedings of the Board of Aldermen shall be controlled by Robert's Rules of Order, as revised. (CC 1984 §24.065)

**SECTION 110.200: DECORUM**

The Presiding Officer of the Board of Aldermen shall preserve decorum and shall decide all questions of order subject to appeal to the Board of Aldermen. Any member may appeal to the Board from a ruling of the Presiding Officer upon a question of order. If the motion for an appeal is seconded, the member making the appeal may briefly state his/her reason for the same and the Presiding Officer may briefly express his/her ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question to vote as to whether the decision of the chair shall be sustained. If a majority of the members present vote "aye", the ruling of the chair is sustained; otherwise, it is overruled. (CC 1984 §24.070)

**SECTION 110.210: VOTING**

Every member of the Board shall vote upon every question and when requested by any two (2) members, the vote upon any question shall be taken by "ayes" and "nays" and be recorded, except that no member may vote upon any question in which he/she has an interest, which might create a conflict of interest. (CC 1984 §24.075)

**SECTION 110.220: ORDER OF BUSINESS**

At the meetings of the Board of Aldermen, the order of business shall be as follows:

- 1) Call the meeting to order.
- 2) Minutes of last meeting and payment of bills.

- 3) Public comments.
- 4) Old business.
- 5) New business.
- 6) Consideration of ordinances. (CC 1984 §24.090)

**SECTION 110.230: EXPRESSION OF DISSENT OR PROTEST BY MEMBER**

Any member of the Board of Aldermen shall have the right to express dissent from or protest against any ordinance or resolution of the Board and to have the reason therefore entered upon the journal. Such dissent or protest shall be filed in writing and presented to the Board not later than the next regular meeting following the date of the passage of the ordinance or resolution to which objection is taken. (CC 1984 §24.100)

**SECTION 110.240: PUBLIC MEETINGS**

All meetings of the Board shall be open to the public, except when permitted by the law the Board may hold a closed meeting. (CC 1984 §24.110)

**SECTION 110.250: PROCEDURE AS TO ORDINANCES, RESOLUTIONS, ETC.**

All ordinances and resolutions shall be introduced to the Board of Aldermen in written form with the name of the Alderman introducing the same endorsed thereon. All proposed ordinances shall be prepared by the City Attorney or bear his/her certification that they are in correct form. A copy thereof shall be sent to each member of the Board of Aldermen in advance of the meeting, to which copy shall be attached a brief resume of the bill together with the reasons for the introduction thereof (as prepared by the proponent thereof), and if any amendment of an existing ordinance is proposed, the nature of the change sought to be made. Failure to follow the procedure shall not invalidate any ordinance or resolution adopted by the Board of Aldermen.

- 1. Whenever this Code shall be amended, the title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:
  - (a) To amend any Section: "AN ORDINANCE TO AMEND SECTION \_\_\_\_\_(or SECTIONS AND \_\_\_\_\_) OF THE CODE OF THE CITY OF BUFFALO."
  - (b) To insert a new Section, Article, Chapter or Title: "AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BUFFALO BY ADDING IN A NEW SECTION (or NEW SECTIONS, A NEW ARTICLE, A NEW CHAPTER, OR A NEW TITLE, as the case may be) WHICH NEW SECTION (SECTIONS, ARTICLE, CHAPTER or TITLE) SHALL BE DESIGNATED AS SECTION \_\_\_\_\_ (or SECTION AND \_\_\_\_\_) OF CHAPTER OF TITLE \_\_\_\_\_ (or proper designation if a Chapter or Title is added) OF SAID CODE."

(c) To repeal a Section, Chapter or Title: "AN ORDINANCE TO REPEAL SECTION (SECTIONS \_\_\_\_\_ AND \_\_\_\_\_, CHAPTER \_\_\_\_\_, TITLE \_\_\_\_\_, etc., as the case may be) OF THE CODE OF THE CITY OF BUFFALO." (CC 1984 §24.130)

**SECTION 110.260: WHEN BILLS MAY BE AMENDED**

Any bill shall be subject to amendment until the vote upon final passage. (CC 1984 §24.140)

**SECTION 110.270: RECORDATION OF "AYES" AND "NAYS" ON FINAL PASSAGE**

On the final passage of every ordinance, the "ayes" and "nays" shall be recorded in the record. (CC 1984 §24.150)

**SECTION 110.280: SPECIAL COMMITTEES**

All special committees shall be appointed by the Mayor of the City unless otherwise ordered by a majority of the Board. By consent of a majority of the Board, a special committee may be appointed at any time to hold public hearings for the Board upon any matter pending before it. A special committee is a committee composed of members of the Board of Aldermen; the concurrence of the Board shall not be required as to the membership of the special committee, unless the Board shall order otherwise. (CC 1984 §24.160)

**SECTION 110.290: JOURNAL TO BE KEPT**

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. (CC 1984 §24.170)

**SECTION 110.300: RULES OF PROCEDURE**

The Board of Aldermen may by resolution prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business, but such rules shall not contravene the requirements of this Code or other ordinance. (CC 1984 §24.180)

**SECTION 110.310: ATTENDANCE AND OATH OF WITNESSES-FEE FOR EXECUTION OF PROCESS**

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved, and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. Such officer (other than a City Officer) shall receive thereafter such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses. (CC 1984 §24.190)

## **SECTION 110.320: AMENDMENT OR SUSPENSION OF RULES**

Any rule of the Board may be repealed, altered, or amended by a majority vote of the members. Every amendment offered shall be on the table until the next meeting of the Board before being voted upon except by the unanimous consent of all elected members of the Board of Aldermen (including the Mayor). Any rule may be suspended by a majority vote of the members of the Board, or quorum being present by unanimous consent. (CC 1984 §24.200)

## **CHAPTER 115: CITY ADMINISTRATION**

### **ARTICLE I. OFFICERS AND EMPLOYEES**

#### **SECTION 115.010: OFFICERS ENUMERATED**

The officers of this City shall consist of:

1. The following elective officers:
  - a. Mayor
  - b. Alderman
2. And the following appointive officers:
  - a. City Clerk
  - b. City Attorney
  - c. Treasurer
  - d. Fire Chief
  - e. Chief of Police
  - f. City Administrator
  - g. Collector of Revenue (CC 1984 §21.100; Ord. No. 95-07 §§3-4, 5-8-95)

#### **SECTION 115.020: TERM OF APPOINTIVE OFFICERS**

All appointive officers shall be appointed to serve at the pleasure of the Mayor and the Board of Aldermen. (CC 1984 §21.110)

#### **SECTION 115.030: OFFICERS TO BE VOTERS AND RESIDENTS-EXCEPTIONS**

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City except that appointed officers need not be voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All officers, except appointed officers shall be residents of the City.



## **SECTION 115.040: OFFICERS' OATH-BOND**

Every Officer of the City and his/her assistants, and every Alderman, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before some court of record in the county, or the City Clerk, that he/she possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State, and the ordinances of the City, and faithfully demean himself/herself while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the corporation, when required by law or ordinance, shall, within fifteen (15) days after his/her appointment or election, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City, as provided by law, that may come into his/her hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City to the use of such person.

## **SECTION 115.050: BOND AMOUNT REQUIRED**

The City shall provide a blanket bond in the amount of fifty thousand dollars (\$50,000.00) for every City Official and employee. The City shall pay the premium for this bond. (CC 1984 §21.135)

## **SECTION 115.060: COMMISSION TO BE DELIVERED**

Upon filing of the oath of office and approval of bond, when bond is required, the City Clerk shall deliver to the person elected or appointed a commission signed by the Mayor, and under the Seal of the City, duly countersigned by the Clerk, authorizing the person therein named to discharge the duties of the office therein named for the term for which he/she was appointed or elected. (CC 1984 §21.140)

## **SECTION 115.070: SALARIES**

The Board of Aldermen shall have the power to fix the compensation of all officers or employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he/she was elected or appointed. In addition to the fees allowed by this Code or other law or ordinance the City Officers shall receive such compensation for their services as the Board of Aldermen shall from time to time provide. (CC 1984 §21.150)

## **SECTION 115.080: ADMINISTRATION OF OATHS**

The Mayor and City Clerk are hereby empowered and authorized to administer oaths or affirmations in the following cases:

1. The Mayor, to witnesses or other persons concerned with any subject under consideration by the Board of Aldermen in which the interest of the City is involved.

2. The City Clerk, to any person certifying to any demand or claim against the City concerning the correctness of the same. (CC 1984 §21.160)

#### **SECTION 115.090: VACANCIES IN CERTAIN OFFICES, HOW FILLED**

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

### **ARTICLE II. CITY ATTORNEY**

#### **SECTION 115.100: APPOINTMENT**

The Mayor, with the advice and consent of the Board of Aldermen at the first (1st) meeting of the Board of Aldermen in October, shall appoint a suitable person as City Attorney, who shall hold office for one (1) year until successor is appointed and qualified. (CC 1984 §21.300)

#### **SECTION 115.110: QUALIFICATIONS**

No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State. (CC 1984 §21.310)

#### **SECTION 115.120: DUTIES GENERALLY**

The City Attorney shall, in addition to his/her other duties which are or may be required by this Code or other ordinances, when ordered by the Mayor or Board of Aldermen to do so, to prosecute or defend all suits and actions originating or pending in any court of this State, to which the City is a party, or in which the City is interested.

1. It shall be the duty of the City Attorney to prosecute all persons charged with a violation of this Code or other ordinance of the City, in any contested case, when the same shall be a contested case.
2. The City Attorney shall make, and he/she is hereby authorized and empowered to make, affidavits on behalf of the City in all cases where the same may be necessary in taking an appeal or change of venue or any other matter necessary to proper legal proceedings.
3. The City Attorney shall give his/her opinion to all City Officials, when authorized by the Board of Aldermen to do so. (CC 1984 §21.320)

### **SECTION 115.130: REPORT TO BOARD OF ALDERMEN**

- A. The City Attorney shall attend all regular meetings of the Board of Aldermen unless excused by the Mayor or majority of the Board of Aldermen. Any member of the Board of Aldermen may at any time call upon the City Attorney for an oral or written opinion to decide any question of law, but not to decide upon any parliamentary rules or to resolve any dispute over the propriety of proposed legislative action.
- B. The City Attorney shall report to the Board of Aldermen the condition of any matters pending or unsettled in the City Municipal Court, or any other proceeding pending in any other court of which he/she may have charge under orders of the Mayor or Board of Aldermen. (CC 1984 §21.330)

### **SECTION 115.140: TEMPORARY ABSENCE - ACTING CITY ATTORNEY**

In case of absence, sickness or other inability of the City Attorney to attend court, or when, before assuming his/her official duties, he/she shall have been counsel adverse to the City, he/she shall inform the Mayor thereof, in writing, and the Mayor shall appoint some other attorney to represent the City in such cases, or during temporary absence, sickness or inability. Should the City Attorney fail, neglect, or refuse to give such notice, as above provided, and the interests of the City in case of such failure, neglect, or refusal, need the immediate services of an attorney, then the Mayor may appoint some other attorney to attend to such cases, who shall receive the compensation allowed to the City Attorney for like services. (CC 1984 §21.340)

### **SECTION 115.150: COMPENSATION**

- A. The City Attorney shall be allowed compensation such as from time to time shall be fixed by the Board of Aldermen. The City Attorney shall not receive compensation contingent upon the outcome of any case in the Municipal Court.
- B. In the event of a case in which the City is interested being tried in any Circuit Court, Supreme Court or Court of Appeal, then the Board of Aldermen shall allow the City Attorney the usual and customary fees and necessary expenses allowed in like or similar cases. (CC 1984 §21.350)

### **SECTION 115.160: LAWSUITS**

No one shall have a right to use the name "The City of Buffalo" in legal proceedings unless an ordinance or resolution is passed by the Board of Aldermen of the City allowing the use of said name. (CC 1984 §21.360)

## **ARTICLE III. CITY COLLECTOR**

### **SECTION 115.170: APPOINTMENT - TERM**

The Board of Aldermen shall appoint a City Collector at the first meeting after the municipal election in April, 1996, to serve until the first (1st) meeting of the Board of Aldermen in October, when the office will become appointed on the first (1st) of October, every year thereafter. (CC 1984 §21.500; Ord. No. 95-07 §§1-2, 5-8-95)

### **SECTION 115.180: DUTIES GENERALLY**

The Collector shall perform all duties specified in this Code and shall perform other duties as may be directed by the City Clerk and/or Mayor. The main responsibility of the City Collector shall be to collect all revenues of the General Fund of the City that are not required by ordinance to be collected by the City Clerk. The City Collector will make a detailed annual report to the Board of Aldermen, stating the monies collected during the year, the amounts uncollected, and the names of the persons from which amounts are uncollected which shall be due on the regularly scheduled meeting of the Board of Aldermen in the month of February. The City Collector will present to the Board of Aldermen at the regular meeting each month a report of all taxes collected on real and personal delinquent lists. The City Clerk will charge the City Collector with the full amount of taxes levied. The City Collector will prepare lists of delinquent taxes to be approved by the Board of Aldermen at its regular meeting in April of each year. (CC 1984 §21.520)

### **SECTION 115.190: COMPENSATION**

The City Collector shall receive as compensation for his/her services such sum as may, from time to time, be fixed by ordinance. (CC 1984 §21.530)

### **SECTION 115.200: BOND**

Every person who shall hold the office of Collector of the City of Buffalo, Missouri, shall before entering upon the discharge of the duties of such office, give bond to the City in the sum of fifty thousand dollars (\$50,000.00), conditioned upon the faithful performance of the duties of such office and the paying over of all monies belonging to said City, which may come into his/her hands, in the manner provided by law. Such bond may be a surety bond, issued by some responsible firm regularly engaging in such business, or one bearing the undertaking of no less than two (2) individual sureties satisfactory to the Board of Aldermen. If the Collector agrees, to conduct the duties of his/her office at City Hall during the business hours of City Hall, as may be set by the Board of Aldermen from time to time, then the annual cost of said bond shall be paid by the City. (CC 1984 §21.540; Ord. No. 21.540 §2, 6-14-93)

### **SECTION 115.210: DEPOSIT OF CHECKS**

Every check, draft, or other negotiable instrument of any type which is drawn in favor of the City of Buffalo, Missouri, 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. (CC 1984 §21.550)

## **ARTICLE IV. CITY CLERK**

### **SECTION 115.220: SELECTION BY BOARD OF ALDERMEN**

The Board of Aldermen shall appoint a City Clerk at the first (1st) meeting of the Board of Aldermen in October, who shall hold office for one (1) year or until his/her successor is appointed and qualified. (CC 1984 §21.219)

### **SECTION 115.230: QUALIFICATIONS**

The City Clerk shall be at least twenty-one (21) years of age to be eligible for such office. (CC 1984 §21.410)

### **SECTION 115.240: DUTIES GENERALLY**

The City Clerk shall, in addition to other duties which are or may be required of him/her by this Code or other ordinances, attend all meetings of the Board of Aldermen.

1. He/she shall have the custody of the books, records, papers and documents belonging to the City.
2. He/she shall prepare all certificates of election or appointment of the City Officers, and deliver the same to the persons elected or appointed.
3. He/she shall countersign all City bonds, warrants, drafts and orders upon the Treasury for money, and shall see that all ordinances appropriating money out of the Treasury are endorsed by the Treasurer before passage, and shall affix thereto the Seal of the City and keep a record thereof, showing the number, date and amount thereof, the name of the person to whom, and on what account issued, and when redeemed.
4. He/she shall record the certificates, oaths, and bonds of all the City Officers.
5. He/she shall keep an index of the records of the proceedings of the Board of Aldermen.
6. He/she shall furnish without delay to any person, when called upon during business hours to do so, certified copies of any records, books, or papers which are in his/her custody, for which services a reasonable fee to be set by City ordinance may be charged, and which shall be paid by the person demanding such certified copy into the Treasury of the City. (CC 1984 §21.420)

### **SECTION 115.250: COMPENSATION**

The salary of the City Clerk shall be such as from time to time the Board of Aldermen shall fix by ordinance. (CC 1984 §21.430)

### **SECTION 115.260: TEMPORARY CITY CLERK**

- A. Upon temporary disability or inability of the City Clerk to perform his/her duties as set forth in this code or other ordinances of the City due to illness, absence from the City or other cause, the Board

of Aldermen shall, in the same manner as the City Clerk is elected as set forth in Section 115.220, proceed to elect a temporary City Clerk who shall have the same powers and duties as the regular City Clerk and shall hold office until the disability of the City Clerk is removed.

- B. Such temporary City Clerk shall receive as compensation such salary as the Board of Aldermen shall provide for at the time of election of such officer. (CC 1984 §21.440)

## **ARTICLE V. CITY ADMINISTRATOR**

**SECTION 115.270: POSITION CREATED** – Deleted (Ord No. 06-03 §1, 2-13-06)

**SECTION 115.280: APPOINTMENT** – Deleted (Ord No. 06-03 §1, 2-13-06)

**SECTION 115.290: QUALIFICATIONS AND COMPENSATION**– Deleted (Ord No. 06-03 §1, 2-13-06)

**SECTION 115.300: REMOVAL** – Deleted (Ord No. 06-03 §1, 2-13-06)

**SECTION 115.310: DUTIES OF POSITION** – Deleted (Ord No. 06-03 §1, 2-13-06)

**SECTION 115.320: BOND REQUIREMENT** – Deleted (Ord No. 06-03 §1, 2-13-06)

**ARTICLE VI. CITY TREASURER**

**SECTION 115.330: APPOINTMENT**

The Mayor, with the advice and consent of the Board of Aldermen at the first (1st) meeting of the Board of Aldermen in October, shall appoint a suitable person as City Treasurer, who shall hold office for one (1) year or until his/her successor is appointed and qualified. (CC 1984 §21.700)

**SECTION 115.340: DUTIES GENERALLY**

The Treasurer shall receive and safely keep all money of the City which may come into his/her hands, and shall disburse the same only upon warrants properly drawn, and which are signed by the Mayor and attested by the City Clerk. He/she shall keep, in a set of books provided for that purpose, a full and accurate account of all money received and disbursed by him/her on behalf of the City specifying the date of receipt or disbursement, from whom received, to whom disbursed and on what account received and disbursed. He/she shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto. He/she shall keep a register of all warrants paid into the Treasury, describing such warrants by their date, number, name of payee and amount, specifying the time of receipt thereof, from whom received and on what account. He/she shall issue duplicate receipts for all sums of money which may be paid into the Treasury, specifying in such receipts the date of payment and upon what account paid. One of these receipts shall be given to the person making the payment and the other he/she shall file with the City Clerk who shall thereupon credit the person named in the receipt with the amount of his/her payment and charge the Treasurer with the same. He/she shall receive and safely keep all warrants, bonds and obligations of the City entrusted to his/her care and shall dispose of the same only upon proper authority from the Board of Aldermen, or as provided by this Code or other ordinances. (CC 1984 §21.720)

**SECTION 115.350: SEMI-ANNUAL REPORT**

The Treasurer shall prepare semi-annually statements, receipts and expenditures of the City and cause the same to be published in a newspaper published in the City. (CC 1984 §21.730)

**SECTION 115.360: ANNUAL REPORT**

The City Treasurer shall report to the Board of Aldermen, at its first (1st) regular meeting held in November of each year, the amount of receipts and disbursements of the Treasury during the preceding year, the balance remaining to the credit of each fund and constituting the general balance in the Treasury on the first (1st) day of October; also the amount of bonds maturing in the succeeding year for the redemption of which provision must be made, and the amount of money required to pay the interest falling due on the indebtedness of the City during such year. (CC 1984 §21.740)

**SECTION 115.370: ACCESS TO OFFICERS' BOOKS - CITY CLERK TO ENJOY SAME ACCESS**

The City Treasurer and City Clerk shall have free access to each other's offices for the inspection of all books, accounts and papers which they respectively contain, and free access to all other offices of this



City for the inspection of such books, accounts and papers as concern any of their duties. (CC 1984 §21.750)

**SECTION 115.380: COMPENSATION**

The Treasurer shall receive as full compensation such a sum as shall be, from time to time, fixed by ordinance of the Board of Aldermen. (CC 1984 §21.760)

## **ARTICLE VII. CHIEF OF POLICE**

### **SECTION 115.390: DUTIES**

The Chief of Police shall perform all duties required of the Marshal by law. (CC 1984 §21.800)

### **SECTION 115.400: SELECTION BY BOARD OF ALDERMEN**

The Board of Aldermen shall appoint a Chief of Police at the first (1st) meeting of the Board of Aldermen in October, who shall hold office for one (1) year or until his/her successor is appointed and qualified. (CC 1984 §21.805)

## **ARTICLE VIII. ADMINISTRATIVE ASSISTANT TO THE MAYOR**

### **SECTION 115.410: POSITION OF ADMINISTRATIVE ASSISTANT CREATED**

There is hereby created the position of Administrative Assistant to the Mayor, hereinafter referred to as Administrative Assistant.

### **SECTION 115.420: APPOINTMENT TO POSITION**

The Administrative Assistant may be appointed by the Mayor subject to approval by the Board of Aldermen by a majority vote of the same.

### **SECTION 115.430: COMPENSATION**

Compensation for the Administrative Assistant to the Mayor shall be set by the Board of Aldermen and shall be reviewed each fiscal year and if approved by the Board of Aldermen, shall remain in force and effect the entire fiscal year. Compensation herein referred to shall include retirement contributions, health insurance, Social Security, or similar benefits mandated by Federal or State law, and such other items of compensation as made from time to time to be approved by the Board of Aldermen.

### **SECTION 115.440: DUTIES OF POSITION**

The Administrative Assistant shall have the duty and responsibility of applying for, or administering any grants as may be available to, or received by, the City; shall assist in purchasing and receiving, shall be the reporter for the Recycling Committee, shall assist in the preparation of the budget; and shall perform such other duties as may be assigned by the Mayor.

**ARTICLE IX. PURCHASING AGENT AND PROCUREMENT PROCEDURES**

- SECTION 115.450: PURCHASING AGENT DESIGNATED - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.460: DUTIES GENERALLY - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.470: REQUISITIONS AND ESTIMATES - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.480: CONFLICT OF INTEREST - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.490: CONFLICT OF INTEREST OFFICER AND EMPLOYEES NOT TO DEAL WITH CERTAIN ENTITIES - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.500: GIFTS AND REBATES - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.510: COMPETITIVE BIDDING - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.520: NOTICE DEFINED - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.530: BID OPENING PROCEDURE - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.540: LOWEST RESPONSIBLE BIDDER - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.550: JUSTIFICATION OF AWARD - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.560: TIE BIDS - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.570: OPEN MARKET PROCEDURE - Deleted (Ord. No. 12-07 §1, 11-13-12)**
- SECTION 115.580: EMERGENCY PURCHASES - Deleted (Ord. No. 12-07 §1, 11-13-12)**

**SECTION 115.600: AIRPORT MANAGER**

Shall be appointed by the Mayor with the consent and approval of the Board of Alderman. He shall be responsible for keeping the city informed of federal and state regulations regarding the operations and maintenance of the airport facilities. He shall be responsible for making daily inspections of the airport and notifying the appropriate department head of problems that need addressed on the airport grounds. He shall notify and seek direction from the city of grants when they are available to make improvements to the airport. The airport manager may be removed at any time by motion approved by a quorum of the Board of Alderman. (Ord. No. 03-03 §2, 2-11-03)

## **CHAPTER 120: PERSONNEL**

### **ARTICLE I. GENERAL PROVISIONS**

#### **SECTION 120.010: PROBATIONARY PERIOD**

Each employee receiving an appointment in the service of the City must serve a probationary period of six (6) months before his/her appointment shall be considered permanent. During the employee's six (6) month probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by his/her supervisor, department head or other appropriate City Officials. If the probationary employee fails to meet required standards of performance, he/she is to be dismissed. During the probationary period, the new employee is not eligible for employee fringe benefits, such as sick leave and vacation, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the probationary period will be paid to probationary employees. (CC 1984 §23.010; Ord. No. 1221 §23.010, 5-9-94)

#### **SECTION 120.020: PROBATIONARY PERIOD - DISCHARGE**

If at any time during the probationary period, the supervisor determines that the services of a City employee have been unsatisfactory, the employee may be separated from his/her position without the right of appeal or hearing. The Personnel Director shall notify the employee in writing at least seven (7) calendar days before the effective date of separation. (CC 1984 §23.020; Ord. No. 1221 §23.020, 5-9-94)

#### **SECTION 120.030: PROBATIONARY PERIOD - TERMINATION OF PROBATIONARY PERIOD**

At the end of each employee's six (6) month probationary period, the supervisor of the employee shall complete a probationary report and notify the Mayor in writing that either:

1. The employee has successfully completed his/her probationary period and is capable of performing the duties of the position satisfactorily, and is henceforth to be considered a regular employee with all rights and privileges due him/her; or
2. The employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from the City. (CC 1984 §23.030; Ord. No. 1221 §23.030, 5-9-94)

#### **SECTION 120.040: AGE**

The minimum age for employment as a probationary employee shall be eighteen (18) years of age, unless the Mayor shall in writing waive the requirement. The minimum age for employment of seasonal employees shall be sixteen (16) years of age. (CC 1984 §23.060; Ord. No. 1221 §23.060, 5-9-94)

## **SECTION 120.050: RESIDENCE**

Permanent residency within the City of Buffalo is not required for appointment unless so stated by State Statute. Employees must live within a reasonable distance of their work stations, and in all cases "reasonable distance" will be determined by the department head and Personnel Director. Public Safety employees should live within a reasonable response time as determined by the Chief of Police and Personnel Director. (CC 1984 23.070; Ord. No. 1221 §23.070, 5-9-94)

## **SECTION 120.060: RELATIVES IN THE CITY SERVICE**

Two (2) members of an immediate family shall not be employed under the same supervisor; neither shall two (2) members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of his/her immediate family. "*Immediate family*" is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, aunt and uncle. Provided, that no present employee shall be discharged because of violation of this Section. (CC 1984 §23.080; Ord. No. 1221 §23.080, 5-9-94)

## **SECTION 120.070: NOTIFICATION OF VACANCY**

Notification of position vacancies shall be published by posting an announcement on the City bulletin board in City Hall and/or through the publication of notice in the newspaper, magazines, or through the Division of Employment Security. (CC 1984 §23.090; Ord. No. 1221 §23.090, 5-9-94)

## **SECTION 120.080: EXAMINATIONS**

Any applicant for a position may be required to pass a physical examination at City expense prior to employment. Also, a department head may at any time require an employee to undergo a medical examination, at the City's expense to determine continued fitness for full performance of the employee's required duties. Any applicant for a position in the City may also be required to take a written, oral or psychological examination. Examinations may also include an evaluation of trade or professional skills and an oral interview. (CC 1984 §23.100; Ord. No. 1221 §23.100, 5-9-94)

## **SECTION 120.090: ELIGIBILITY**

The primary consideration in the recruitment of personnel will be on the basis of technical competence and personal integrity of the applicants. Candidates will be recruited from a geographical area as wide as necessary to assure the obtaining of well-qualified applicants. In those instances where residents and non-residents are equally qualified for a vacant position, the resident will receive primary consideration. In those instances where a City employee and a non-employee are competing for the same position and are equally qualified, the City employee will receive primary consideration. (CC 1984 §23.110; Ord. No. 1221 §23.110, 5-9-94)

## **SECTION 120.100: APPOINTMENTS**

This section is applicable to all full-time positions. Qualified applicants for positions within the City may be interviewed by the supervisor of the department, the Personnel Director and Mayor. The supervisor after taking into consideration the opinions of the Personnel Director and Mayor shall recommend up to three people from the pool of applicants to the Mayor and Board of Alderman. A special meeting shall be called for the Mayor and Board of Alderman to interview the candidates. The Board of Alderman will make the final decision on who to hire.(CC 1984 §23.120; Ord. No. 1221 §23.120, 5-9-94; Ord No. 02-38, §1,11-13-02)

## **SECTION 120.110: PROMOTIONS**

Internal promotions may be used as an alternative to open competition as a means of filling a departmental vacancy when it is felt that certain employees within the City's service have the ability to fulfill the responsibilities of the vacated position and through past performance merit the raise in rank and pay. The testing, interviewing and selection process is of a competitive nature, but includes only interested municipal employees. In the case of promotion, notice of a vacancy will be posted on City bulletin boards for a period of seven (7) days so that interested qualified employees may fill-out the necessary application forms. Once an employee is promoted, his/her salary shall be increased to the pay corresponding to the new position. The employee promoted to a new position shall serve a probationary period of three (3) months. In some circumstances, a promotion may not be of a competitive nature if the department head and Personnel Director feel a particular individual is qualified by training and experience, and merits promotion to the new position. (CC 1984 §23.130; Ord. No. 1221 §23.130, 5-9-94)

## **SECTION 120.120: TRANSFERS**

Transfers represent a lateral move between different departments and consequently do not necessarily result in a reclassification or increase in salary for the employee involved. At the request of the department head or employee, a departmental vacancy, a conflict of interest development within a current position, a lack of job effectiveness on the employee's part, or a move that is viewed as in the best interest of the department or City as a whole constitute some of the major reasons for a transfer of positions. Transfers may be voluntary or involuntary on the part of the employee. The Personnel Director shall consult with the affected department head prior to transferring an employee to a new department. (CC 1984 §23.140; Ord. No. 1221 §23.140, 5-9-94)

## **SECTION 120.130: POLITICAL ACTIVITIES**

City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any municipal office. Each employee shall have the right to vote according to their conviction without reprisal. (CC 1984 §23.150; Ord. No. 1221 §23.150, 5-9-94)

## **SECTION 120.140: INDIVIDUAL POLITICAL ACTIVITIES**

No City employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any municipal office, but an employee may participate in political affairs at other levels of government, provided such participation does not adversely affect his/her performance as a City employee. Employees are expected to exercise their right to vote in municipal elections, but shall not engage in, or participate in any other way in any municipal election. (CC 1984 §23.160; Ord. No. 1221 §23.160, 5-9-94)

## **SECTION 120.150: POLITICAL ACTIVITIES PENALTY**

Failure to comply with requirements of Sections 120.130 and 120.140 shall be grounds for immediate dismissal. (CC 1984 §23.170; Ord. No. 1221 §23.170, 5-9-94)

## **SECTION 120.160: GENERAL EMPLOYEE CONDUCT**

All employees should at all times conduct themselves and perform their assigned duties in such a manner as to reflect favorably on the City and abide by the rules expressed in these personnel policies. All new employees of the City shall adequately manifest their loyalty to the United States, shall show that they are not a member of any subversive organization and shall furthermore indicate their sympathy with the general objectives of the City. All new employees will receive an orientation at the time of employment which will inform them of the behavior expected of them and the rules, regulations, policies, procedures, and practices.

1. *Gratuities.* Employees of the City are not allowed to accept gratuities with a dollar value of over five dollars (\$5.00) from anyone connected with the duties associated with their position within the City (i.e. salesman or resident).
2. *Personal visitors.* Non-City business appointments with salesmen or solicitors during working hours are prohibited. Personal visitors should be treated courteously, but should not be permitted to stay beyond a reasonable length of time.
3. *Personal phone calls.* Personal telephone calls are permitted, but should be kept to a minimum number and minimum length of time. Any long-distance personal phone calls must be paid by the employee.
4. *Personal business.* Supervisor will not request subordinates to do personal business for other employees or elected officials.
5. *City resources.* City resources will not be used for personal business, misused, or otherwise misappropriated.
6. *Attendance.* Employees are expected to be punctual and observe operational hours. Employee must request and be authorized by supervisors, in advance, to be absent from work either paid or unpaid. Each employee must report to his/her supervisor any unavoidable absences, tardiness, or schedule changes as quickly as possible. (CC 1984 §23.180; Ord. No. 1221 §23.180, 5-9-94)

## **SECTION 120.170: CLASSIFICATIONS**

All positions within the City will be classified as full-time, part-time or temporary.

1. *Full-time.* Those employees who work thirty-five (35) hours or more per week.
1. *Part-time.* Those employees who work less than thirty-five (35) hours per week.
2. *Temporary.* Those employees who were hired to fill a temporary position, work on a periodic basis, or as a seasonal employee. (CC 1984 §23.190; Ord. No. 1221 §23.190, 5-9-94)

## **SECTION 120.180: WORK WEEK**

- A. The standard work week period for full-time employees shall be five (5) days or a total of forty (40) hours per week subject to the following exceptions:
  1. Administrative Assistant; Police Chief. The Administrative Assistant and Police Chief should work those hours necessary to assure the satisfactory performance of their departments, which generally should not be less than forty (40) hours per work week. Because of the uniqueness of those position is those employees shall not be charged against their sick or vacation leave for working less than forty (40) hours per week as long as the employee works at least eighty (80) hours per two week pay period.
  2. POST Certified Police Officers. POST Certified Police Officers engaged in law enforcement activities shall have a work period of fourteen (14) consecutive days consisting of up to a total of eighty-six (86) hours per two week pay period.
  3. Firefighters. Firefighter employees engaged in fire protection shall have a work period of fourteen (14) consecutive days consisting of up to a total of eighty-six (86) hours per two week pay period.
- B. The department head or supervisor shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established work day and work week. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities.
- C. When full time employees are required to work in excess of forty (40) hours per week or eighty-six (86) hours per work period for POST Certified Police Officers engaged in law enforcement and Firefighters engaged in fire protection, the employee will accrue compensatory time off at one and one-half the actual time they work in excess of forty (40) hours, or eighty-six (86) hours, respectively. Full time employees may accrue up to, and no more than, 120 hours of compensatory time off except POST Certified Police Officers and Firefighters, who may accrue up to, and no more than, 240 hours of compensatory time off. Employees shall be required to obtain prior approval from the appropriate department heard prior to taking compensatory time off.
- D. Employee who have left work for the day and is called back for overtime work shall receive credit for a minimum of two (2) hours compensatory time for the first time they are called out each day and one and one half times thereafter occurring on the same day.



- E. Overtime hours worked shall be up to discretion of the department head and only so long as the aggregate amount paid yearly does not exceed the amount appropriated in that department's annual budget. Overtime hours shall be worked and paid only with the prior approval and recommendation of the department head.
- F. Grant Funded Overtime: All grant funded operations shall be paid at the overtime rate of one and half times the regular rate for actual hours worked unless otherwise specified under the grant contract. Grand funded actives shall not be credited through the compensatory time system. Overtime pay shall not exceed the amount reimbursed by the grant.
- G. Employees required to work on a holiday enumerated under Section 120.200 or any portion thereof, will be entitled to compensation in accordance therewith, as their sole compensation. (CC 1984 §23.200; Ord. No. 94-14 §23.200, 12-12-94; Ord. No. 03-06 §§1-2, 4-14-03; Ord. No. 0605 §2, 02-13-06; Ord. No 08-01 §2, 01-14-08; Ord. No. 14-14 §2, 9-29-14; Ord. No. 17-017 §2, 09-25-17; Ord. No. 19-02 §2, 1-14-19; Ord. No. 21-18 §2, 11-8-21)

**SECTION 120.190: PAYROLL PROCEDURE**

- A. *Time Sheets.* For the purpose of this Section "*time sheets*" mean any and all forms utilized by the City for the purpose of employees reporting their related hours worked.
- B. *Submission of Time Sheets.* Time sheets must be signed by the employee and approved by the supervisor. Time sheets should be turned in to the City Clerk by no later than noon the day after the ending pay period date.
- C. *Pay Dates.* Regular employees will be paid every other week. Supervisors are required to have their time sheets turned in by 8:00 A.M. on the Monday morning following the Saturday that the pay period ends on. Paychecks will be distributed by the Supervisors.
- D. *Pay Procedure.* Pay procedure when pay period ends on a day other than one worked by the employee. If an employee is off work at the end of a pay period, the employee should complete their time sheet prior to taking off. Failure to so do may result in the employee missing that scheduled payday.
- E. *Check Stubs.* Accrued vacation and sick leave is on all employees paycheck stubs. If at any time there is a discrepancy the employee is expected to contact their supervisor, and then make an appointment to go over the records with the City Clerk. (CC 1984 §23.210; Ord. No. 94-14 §23.210, 12-12-94)

**SECTION 120.200: HOLIDAYS**

A. All regular employees of the City shall receive normal compensation for the ten (10) legal holidays listed below and any other days or part of a day during which the public offices of the City shall be closed by special proclamation of the Mayor with approval of the Board of Aldermen. Probationary employees shall be considered for purposes of this Section to be regular employees. Legal holidays to be observed are:

|                        |                                      |
|------------------------|--------------------------------------|
| New Year's Day         | January 1                            |
| President's Day        | Third Monday in February             |
| Memorial Day           | Last Monday in May                   |
| Independence Day       | July 4                               |
| Labor Day              | First Monday in September            |
| Veteran's Day          | November 11                          |
| Thanksgiving Day       | Fourth Thursday in November          |
| Day after Thanksgiving | Day after the Fourth Thursday in Nov |
| Day before Christmas   | December 24                          |
| Christmas              | December 25                          |

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

1. For departments whose normal work days are Monday through Friday when a holiday falls on Sunday, the following Monday shall be observed as the holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.
2. An employee absent without authorized leave on the working day preceding the observance and/or the day following the observance of a holiday shall not receive regular compensation for this holiday.
3. If eligible regular employees who are compensated on an hourly basis are required to work on a recognized holiday due to an emergency call-out, they will receive holiday pay plus accrue compensatory time at one and one-half times their regular rate for the hours worked on the holiday.
4. For regular employees whose work week is other than Monday through Friday and who are scheduled to work on a holiday within the work week they shall be paid two times the actual hours worked on that holiday. If the holiday falls on their regular day off they shall receive compensatory time off equivalent to eight hours.
5. The above named holiday dates may be modified by the Mayor with the approval of the Board of Alderman. (CC 1984 §23.220; Ord. No. 94-14, §23.220, 12-12-94; Ord No. 98-29, §1, 12-8-97)

**SECTION 120.210: VACATION POLICY**

1. Full time permanent employees shall accrue vacation on the last day of the month for each month they have worked or been paid for at least 160 hours. Employees who have worked less than one year shall accumulate 3.5 hours per month. Employees who have worked more than one year but less than six years shall accumulate 7 hours per month. Employees who have worked more than

six years but less than fourteen years shall accumulate 10 hours per month. Employees who have worked more than fourteen years shall accumulate 13.5 hours per month. No vacation shall be used during an employee's initial probation period and no probationary employee shall be paid out for vacation leave if they do not successfully complete their probation. Vacation must be taken in full day increments. All employees who have worked for the City for more than two years must take one full consecutive week of vacation each calendar year. Maximum accumulation is one week more than employee's annual accumulation. Unused vacation shall be paid out to all employees who have completed their probationary period at termination/resignation

2. Part time permanent employees who work at least 80 hours per month and are budgeted for at least twenty hours per week shall be eligible for vacation benefits. Employees who are budgeted to work between twenty and twenty-nine hours per week shall accumulate vacation leave at the rate of four (4) hours per month. Employees who are budgeted for more than thirty but less than thirty-five hours per week shall accumulate vacation at the rate of (8) hours per month. Vacation days for part time employees must be taken in full scheduled days off which may vary based on the individual employee's schedule. Part time employees must have worked or been paid for 80 hours during that month to accumulate vacation time. All part time employees who have worked for the City for more than two years must take one full consecutive week of vacation each calendar year. Maximum vacation accumulation is one week more than employee's annual accumulation. Unused vacation shall be paid out to all part time employees at termination or resignation. Part time employees must have been employed by the city for at least six months in order to use leave accrued under this paragraph. (CC 1984 §23.230; Ord. No. 1221 §23.230, 5-9-94; Ord. No. 07-07 §2, 5-31-07; Ord. No. 15-12 §2, 10-26-15; Ord. No. 19-03, §2, 1-14-19; Ord. No. 20-22 §2, 9-28-2020; Ord. No. 24-15 §2, 6-24-24)

#### **SECTION 120.220: SHORT TERM SICK LEAVE & PERSONAL TIME OFF**

1. Full time employees, this leave must be used for the first three days of incapacity or illness. Personal time shall be scheduled in advance and subject to the approval of the supervisor. This leave cannot be used more than one day per pay period except as for short term sick leave. This leave shall be accrued at the rate of four hours per month to be credited on the last day of the month for all full-time permanent employees who have worked or been paid for 160 hours during that month. Personal time shall be taken in full hour increments. Unused short term sick leave/personal time shall not be paid in the last two weeks of employment, during an employee's initial probation or paid out at termination. Maximum accumulation shall be 240 hours.
2. Part time employees who work at least 80 hours per month and are budgeted for at least twenty fours per week shall accumulate sick leave benefits at the rate of four (4) hours per month. Unused sick leave shall not be paid in the last two weeks of employment, during an employee's first six months of being eligible to accumulate sick leave and shall not be paid out at termination. Maximum sick leave accumulation shall be 240 hours. Part time employee shall not accumulate sick leave unless they have worked or been paid for 80 hours during the month. Part time employees must have been employed by the city for at least six months in order to use leave accrued under this paragraph. Sick leave shall only be used for illness by the employee or for a member of the employee's immediate family and shall require a doctor's

note if the illness lasts for more than three work days. (CC 1984 §23.240; Ord. No. 1221 §23.240, 5-9-94; Ord. No. 0707 §3, 5-31-07; Ord. No.15-12 §2, 10-26-15; Ord. No. 19-03, §2, 1-14-19)

#### **SECTION 120.225: LONG TERM SICK LEAVE**

This leave can only be used with a physician's statement for incapacity or illness lasting more than three days. This leave is intended to be used for the employee or immediate family members who live in the same home as the employee.

This leave shall be accrued at the rate of four hours per month to be credited on the last day of the month for all full time permanent employees who have worked or been paid for 160 hours during that month. Long term sick leave shall be taken in full day increments and does not apply to the first three days of the illness/incapacity. Unused personal time shall not be paid in the last two weeks of employment, during an employee's initial probation or paid out at termination. Maximum accumulation shall be 480 hours. (CC 1984 §23.240; Ord. No. 1221 §23.240, 5-9-94; Ord. No. 07-07 §4, 5-31-07)

#### **SECTION 120.230: MILITARY LEAVE**

Employees may receive a leave of absence not to exceed ten (10) working days annually, for participation in annual training in the National Guard or Reserve Armed Forces. Requests for such leave must be accompanied by a copy of official orders requiring such training. Compensation for this period of military leave shall be limited to the amount by which the normal City pay exceeds the military pay received. A copy of the military pay voucher shall be submitted prior to authorization for payment to the employee for the period of leave. Such military training leaves shall not be deducted from annual leave. Special extensions may be approved by the Personnel Director. (CC 1984 §23.250; Ord. No. 1221 §23.250, 5-9-94)

#### **SECTION 120.240: EDUCATION LEAVE**

The Personnel Director may authorize special leaves of absence, with or without pay, for any period not to exceed six (6) calendar months in any one (1) calendar year for attendance at a school or university for the purpose of training in subjects relating to the work of the employee and which will benefit the employee and the City service. The City may share in up to seventy-five percent (75%) of the tuition costs if the course is completed successfully. However, if the City shares in the cost, the employee must remain in the City service for one (1) month for each hour of course credit, after completion of the course. If the employee fails in this obligation, the City's portion of the tuition will be deducted from the employee's last pay check. In the event that the course is not based on credit hours, the employee's required length of stay after completion of the course should be determined by the employee and the Personnel Director before the course begins. (CC 1984 §23.260; Ord. No. 1221 §23.260, 5-9-94)

### **SECTION 120.250: EMERGENCY LEAVE**

Upon request of the employee, an absence may be granted by the department head and Personnel Director because of an emergency illness and/or death in the immediate family. The length of the absence shall be determined between the department head, Personnel Director and the employee and shall generally be between one (1) and three (3) days. Guidelines:

1. One (1) to three (3) days in case of death or serious illness in the immediate family.
2. One (1) day for attending funerals of relative outside the immediate family.  
(CC 1984 §23.270; Ord. No. 1221 §23.270, 5-9-94)

### **SECTION 120.260: JURY LEAVE**

An employee may be granted leave with pay when required to be absent from work for jury duty or as a trial witness. Compensation for such leave shall be limited to the difference between pay received for this service and normal duty pay. (CC 1984 §23.280; Ord. No. 1221 §23.280, 5-9-94)

### **SECTION 120.270: WORKER'S COMPENSATION**

Worker's Compensation is an insurance benefit offered by the City to all of its employees, at no cost to the employee. Worker's Compensation benefits are applied to any employee who has an accidental injury on the job, or who contracts an occupational disease. Benefits will be those provided under the Worker's Compensation Act as in force at the time of the injury in question. If the injury is of such seriousness that the employee cannot return to work, the provisions of Section 120.280 "Disability Leave" shall apply. (CC 1984 §23.290; Ord. No. 1221 §23.290, 5-9-94)

### **SECTION 120.280: DISABILITY LEAVE**

A permanent (full or part-time) employee who is temporarily disabled in the line of duty shall receive pay equal to the difference between the amount received from Worker's Compensation benefits and his/her normal salary amount for the period of his/her disability without charge against his/her vacation or sick leave, subject to the following conditions:

1. Provided that the disability resulted from an injury or illness sustained directly in the performance of the employee's work, as provided in the State Worker's Compensation Act.
2. If incapacitated for his/her regular assignment, the employee may be given other duties with the City Government for the period of recuperation. Unwillingness to accept such an assignment as directed by his/her Supervisor will make the employee ineligible for disability leave during the time involved.
3. A physician selected or approved by the City shall determine the physical ability of the employee to continue working or to return to work.
4. Disability leave shall not exceed sixty (60) working days for any one (1) injury. (CC 1984 §23.300; Ord. No. 1221 §23.300, 5-9-94)

## **SECTION 120.290: LEAVE OF ABSENCE**

A leave of absence without pay may be granted for the following reasons: Personal illness, nonoccupational injury and pregnancy which extend beyond the sick leave policy, or other leave as approved by the Personnel Director. There will be no accrual or payment for holiday, vacation or sick leave while the employee is absent on extended leave without pay. If the employee has not completed their probationary period their leave date for purposes of end of probation, sick leave and vacation will be adjusted to reflect the time they were absent. The employee when returning from the leave of absence shall choose to either have their vacation prorated or leave date extended to reflect the time they were absent. (CC 1984 §23.310; Ord. No. 1221 §23.310, 5-9-94; Ord. No. 02-12 §2, 5-13-02)

## **SECTION 120.295: OUTSIDE EMPLOYMENT**

Employees are expected to devote their primary work efforts to the business of the City and not engage in other outside employment which might interfere with the employee's ability to meet the needs of that employee's job, or which might be deemed to be a conflict of interest or a breach of duty of loyalty to this City. Thus, any full-time employee who has any other employment should notify the City, prior to taking that employment, of the nature of the job, the name of the employer and the type of duties and hours expected of the employee in order that the City may determine whether a conflict of interest or breach of duty or loyalty may potentially exist. Employees will be required and expected to refrain from engaging in other employment which (1) could be inconsistent with the interests of the City, (2) could, by reason of association, have a derogatory effect on the City (3) could require devoting so much time and effort to the outside employment or job that work efficiency for this City would be adversely affected, (4) could constitute a conflict of interest with the employee's duties of loyalty to this City, or (5) could constitute a possible diversion of City secrets, customers or business opportunities to some third-party employer or otherwise damage the interests of the City. Violation of the rule against improper moonlighting or conflict of interest will generally be grounds for immediate suspension or discharge depending on the circumstances. A decision by the City that a proposed employment violates the preceding provisions is binding on the employee. (Ord. No. 99-20, §1, 9-13-99)

## **SECTION 120.300: RETIREMENT**

City of Buffalo employees are covered through the Missouri Local Government Employee's Retirement System (LAGERS) which is a State-wide retirement system for employees of local governments. At the completion of six (6) full months of continuous service, regular employees are enrolled LAGERS and the City begins monthly contributions for each employee into the retirement system. The City Clerk shall provide information and forms for enrollment for new employees. (CC 1984 §23.320; Ord. No. 1221 §23.320, 5-9-94)

## **SECTION 120.310: HEALTH INSURANCE**

- A. The City pays the full employee's premium for City provided Health insurance for permanent full-time employees starting the first day of the month following a full month of employment.
- B. The City will pay 50% of the employee's premium for City provided Health insurance for permanent part time employees after they have worked forty-two hundred (4200) hours for the City. This coverage is subject to the enrollment requirements made by the insurance company. Deduction for health care coverage shall be made the month prior to the coverage month.

- C. Coverage for families, spouses and qualifying dependent children, as defined by the City's health insurance provider, is available for permanent full-time employees. If this coverage is requested in lieu of employee only coverage, the employee will be responsible for 50% of the entire premium including for their own coverage. This coverage is subject to the enrollment requirements made by the insurance company. Deduction for health care coverage shall be made the month prior to the coverage month. (CC 1984 §23.330; Ord. No. 1221 §23.330, 5-9-94; Ord. No. 98-12, §1, 3-9-98; Ord. No. 14-16; §2, 11-10-14; Ord. No 16-01, §2, 2-8-16)

## **SECTION 120.320: UNIFORMS**

Employees who must wear uniforms as a requirement of their position shall be provided with necessary uniforms. For those employees who are not required to wear uniforms, appropriate dress attire is required and good personal hygiene should be adhered to by all employees. The City will also provide any safety equipment deemed necessary.

(CC 1984 §23.340; Ord. No. 1221 §23.340, 5-9-94)

## **SECTION 120.330: DISCIPLINE POLICY**

A. It shall be the duty of City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No permanent employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by the personnel rules and regulations.

1. *Employee's and supervisor's responsibilities:*

- a. It is the duty of every employee to attempt to correct any faults in his/her performance when called to his/her attention and to make every effort to avoid conflict with the City's rules and regulations.
- b. It is the duty of every supervisor to discuss improper to inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being

- (1) Warning,
- (2) Suspension, and
- (3) Removal.

2. *Grounds for action:* The following are declared to be grounds for suspension or removal of any permanent employee:

- a. Conviction of a felony or other crime involving moral turpitude.
- b. Acts of incompetency.
- c. Absence without leave.
- d. Acts of insubordination.
- e. Intentional failure or refusal to carry out instructions.
- f. Misappropriation, destruction, theft or conversion of City property.
- g. Refusal or neglect to pay just debts or taxes. Maintenance of effort to pay debts must be shown to clear employee of neglect charges.
- h. Employee subsequently becomes physically or mentally unfit for the performance of his/her duties.
- i. Acts of misconduct while on duty.
- j. Willful disregard of orders
- k. Habitual tardiness and/or absenteeism.
- l. Falsification of any information required by the City.



- m. Failure to properly report accidents or personal injuries.
  - n. Neglect or carelessness resulting in damage to City property or equipment.
  - o. Repeated convictions during employment on misdemeanor and/or traffic charges.
  - p. Introduction, possession, or use on City Property or in City equipment of intoxicating liquors or drugs, or proceeding to or from work under the influence of liquor or drugs.
  - q. Harassment of other employees, including sexual harassment, whether verbal or physical, when submission to such conduct is explicit or implicit condition of employment, when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
3. *Employee notice.* A written notice shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at time such action is taken and in any event not later than three (3) working days from date of action. A copy of notice signed by the employee in the employee's file shall serve as prima facie evidence of delivery.
  4. *Probationary employees.* Any probationary employee may be suspended, reduced in pay or class, or removed at any time by the department head. Probationary, temporary, seasonal, or part-time employees shall not have the right of appeal from such action.
  5. *Permanent employees.* All permanent employees holding positions in the classified service may be suspended without pay for a period of not to exceed thirty (30) working days, reduced in pay, or removed for just cause by the department head. Permanent employees shall be dismissed only after having been given written notice.
  6. *Evidence.* Normally, the deterioration of an employee's conduct is a progressive problem and every effort should be made to reverse this trend as it is apparent. Based on this philosophy, sufficient evidence should be available in the employee's personnel file to justify the action taken.
  7. *Right of appeal.* All permanent employees are granted the right of appeal. Within ten (10) days after effective date of disciplinary action, the employee may file a written appeal to the Mayor and Board of Aldermen.
  8. *Scheduling of appeal.* No later than ten (10) working days after receipt of the written appeal, the Mayor and Board of Aldermen shall fix a time and place for convening of a hearing.
  9. *Right to representation.* The appellant shall have the right to appear and be heard in person or by counsel.
  10. *Appellant fails to appear.* Appellant's failure to attend or notify the Mayor and Board of Aldermen of his/her inability to attend, will constitute just cause for dismissal of the appeal. (CC 1984 §23.400; Ord. No. 1221 §23.400, 5-9-94)

## SECTION 120.340: GRIEVANCE

- A. *Policy.* It shall be the policy of the City to give individual employees an opportunity to discuss their grievances with their supervisors in order to find mutually satisfactory solutions as rapidly as possible. In the presentation of grievances at any supervisory level, employees are assured of freedom from restraint, interference, discrimination, or reprisal.
- B. *Reason for Grievance.* Employees may present a grievance concerning the interpretation of the provisions of the City personnel ordinances, City policies, departmental rules and regulations; their working conditions; and their relationship with co-workers or supervisors. Employee evaluations are specifically excluded from the grievance procedure set forth in this Section.
- C. *Appropriateness of Grievance.* When a question exists as to whether a particular matter is subject to the grievance procedure, final determination will be made by the Personnel Director. A grievance claim will not be heard or processed if the grievance concerns application of ordinance provisions or policies approved by the Board of Aldermen, State Statutes or when the Personnel Director has good reason to believe that a grievance has been brought in bad faith or for inappropriate reasons, such as harassment.
- D. *Representation.* Employees may be represented by two (2) persons of their own choosing in the presentation of their grievance.
- E. *Grievance Procedure.*
  - 1. *Oral report.*
  - 2. *Written report.* If the oral grievance presentation fails to settle the grievance, the employee may within five (5) calendar days submit a written grievance report with supporting documents specifically defining the grievance to his/her immediate supervisor.
  - 3. *Decision.* The immediate supervisor shall confer with the aggrieved employee before rendering a decision. Such decision shall be in writing and shall be delivered to the aggrieved employee within ten (10) calendar days of the date on which the appeal was received by the immediate supervisor,
  - 4. *Appeal to personnel director.* If appeal to the immediate supervisor fails to resolve the grievance, the employee may within fourteen (14) calendar days of receipt of the decision by the immediate supervisor appeal to the Personnel Director who will in a timely manner hear matters pertinent to the grievance.
  - 5. *Appeal to Board of Aldermen.* If appeal to the Personnel Director fails to resolve the grievance, the employee may within fourteen (14) calendar days of receipt of the Personnel Director's decision request for a final appeal with the Board of Aldermen. The decision of the Board of Aldermen shall be final and no further right of appeal shall be provided to the employee. The City Clerk shall forward a copy of the decision to the employee concerned, the department head and the Personnel Director.

- F. *Extension of Time.* In the event that the employee's appropriate supervisor must be absent from work in a manner that affects the time periods listed herein, these periods may be reasonably extended to allow for adequate response time at the request of the absent part as approved by the Personnel Director. (CC 1984 §23.410; Ord. No. 1221 §23.410, 5-9-94)

## **ARTICLE II. AFFIRMATIVE ACTION**

### **SECTION 120.350: AFFIRMATIVE ACTION**

It is the policy of the City of Buffalo to provide equal opportunity employment to all persons employed, or seeking employment with the City and therefore to cooperate fully with the guidelines established by the 1964 Civil Rights Act, the 1972 Equal Employment Opportunity Act, and the 1973 Rehabilitation Act is a City wide Affirmative Action Program. Discrimination is prohibited because of race, color, religion, sex, national origin, political affiliation, handicap, marital status and age in all aspects of personnel policies, programs, practices and operations. (CC 1984 §23.040; Ord. No. 1221 §23.040, 5-9-94)

## **ARTICLE III. DRUG-FREE WORK PLACE POLICY**

### **SECTION 120.360: DRUG-FREE WORK PLACE POLICY**

- A. It is the policy of the City of Buffalo that the unlawful manufacture, distribution, dispensation, possession, or uses of a controlled substances (as listed in Schedules I V of Section 202 of the Controlled Substances Act) is prohibited in the work place. Controlled substances include alcohol and alcohol containing beverages and other non-prescription substances.
- B. Any employee that violates the above stated policy is subject to disciplinary action which may include, but is not limited to termination of employment. All employees are required to follow the requirements of the policy. Any employee that is convicted of violating any State or Federal criminal drug law is required to notify the Mayor of the City of Buffalo within five (5) days of the conviction.
- C. The City of Buffalo will work to develop a drug-free awareness program for all employees. the purpose of this program is to inform the employees of the following:
1. City of Buffalo's policy on drug abuse.
  2. The dangers of workplace drug abuse.
  3. The penalties of the City of Buffalo will impose for drug violations.
  4. What drug counseling, rehabilitation or employee assistance programs are available.

- D. The City of Buffalo will continue efforts to preserve a drug-free workplace through education, training and counseling. The City shall enforce policies of a drug-free workplace and may enforce the Federal guidelines including NIDA (National Institute of Drug Abuse). (CC 1984 §23.050; Ord. No. 1221 §23.050, 5-9-94)

## **ARTICLE IV. ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY**

### **SECTION 120.370: POLICY STATEMENT**

- A. It is the policy of the City of Buffalo to provide safe, dependable, and economical services to its citizens and to provide safe working conditions for its employees, and to comply with the requirements of Federal law and regulations related to the Drug Free Work Place Act of 1988. It is also the policy of the City of Buffalo to provide healthy and satisfying working environments for its employees.
- B. To meet these goals, it is the policy of the City of Buffalo to insure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a work place environment free from the adverse effects of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.
- C. Any job applicant applying for a position covered in this policy who refuses a pre-employment drug test will not be hired. Any applicant who tests positive for drugs will not be hired. Any employee covered by this policy who refuses a drug or alcohol test, tests positive for drugs, or has a breath alcohol test showing a level of two-tenths of one percent (0.02%) or greater, will immediately be suspended from their position. (Ord. No. 96-13 §I, 5-13-96)

### **SECTION 120.380: PURPOSE AND APPLICABILITY**

- A. The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable Federal and State regulations governing work place alcohol and controlled substance abuse programs.
- B. This policy and the regulations that require it, apply to all employees of the City of Buffalo. (Ord. No. 96-13 §§II-III, 5-13-96)

### **SECTION 120.390: DEFINITIONS**

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

*ALCOHOL*: Refers to the intoxicating agent in beverage alcohol, ethyl alcohol.

*ALCOHOL CONCENTRATION:* The alcohol in a volume of breath in terms of grams of alcohol in two hundred ten (210) liters of breath as indicated by an evidential breath test as described in this policy. A concentration level exceeding two-tenths of one percent (0.02%) will be considered a violation of this policy.

*CONTROLLED SUBSTANCES:* Marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

*DRUG:* Includes controlled substances as defined.

*EMPLOYEE:* For purposes of the drug-free workplace policy reserve police officers and firefighters shall be considered employees and shall be subject to drug testing. This definition is only for purposes of implementing this policy and not to confer any benefits of employment upon reserve police officers and firefighters. (Ord. No. 10-08 §1, 7-12-10)

*EMPLOYER:* The City of Buffalo, Missouri.

*MEDICAL REVIEW OFFICER (MRO):* A licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders who is employed or used by the City of Buffalo to conduct drug testing in accordance with Federal law. Responsible for receiving laboratory results generated by the City of Buffalo drug testing program who has been medically trained to interpret and evaluate an individual's positive test result, together with his/her medical history and any other relevant biomedical information.

*REASONABLE SUSPICION:* The belief that an employee has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech, or body odors of the employee.

*REFUSAL TO SUBMIT:* (To an alcohol or controlled substance test) means that an employee:

1. Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing.
2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement for urine testing.
3. Engages in conduct that clearly obstructs the testing process.

*SUBSTANCE ABUSE PROFESSIONAL OR SAP:* A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. (Ord. No. 96-13 §IV, 5-13-96)

## **SECTION 120.400: POLICY ADMINISTRATOR**

- A. Unless otherwise designated by the Board of Aldermen in writing, the Personal Director shall be designated as the controlled substance and alcohol policy administrator for the City of Buffalo.

Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator.

- B. The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the Federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy. (Ord. No. 96-13 §5, 5-13-96)

**SECTION 120.410: ALCOHOL AND CONTROLLED SUBSTANCE PROHIBITIONS**

- A. No employee shall report for duty or remain on duty while having an alcohol concentration of two-tenths of one percent (0.02%) or greater.
- B. No employee shall possess any quantity of alcohol while on duty except when a Police Officer is holding it as part of evidence in a criminal matter. This includes any medicines, both prescription and over-the-counter, food, or any other alcohol-containing products.
- C. No employee shall use alcohol while on the job.
- D. No employee shall report for duty within four (4) hours after using alcohol.
- E. No employee shall refuse to submit to a drug or alcohol test as required by this policy. Any refusal will be treated in the same manner as a positive test and be subject to termination.
- F. An employee is prohibited from the unauthorized use or possession of a controlled substance at any time, whether on or off duty.
- G. No employee shall report for duty or remain on duty if the employee tests positive for controlled substance.
- H. Any employee who is consuming a prescribed or authorized controlled substance or other substance of any kind whose side effects may inhibit or impair the employee's performance shall provide written notice to the policy administrator of such consumption upon reporting to work related activity or earlier if possible. Failure to report shall be cause for disciplinary action up to and including termination from service.
- I. Any employee who is convinced of a violation of a criminal drug statute that is workplace related must notify the policy administrator in writing within five (5) calendar days of the conviction. (Ord. No. 96-13 §VI, 5-13-96)

**SECTION 120.420: ALCOHOL AND CONTROLLED SUBSTANCE TESTING**

Employees subject to this policy will be required to submit to controlled substance testing under the following six (6) types of tests and alcohol testing under all except pre-employment testing:

1. *Pre-employment testing.*

- a. All individuals the City intends to hire for a position covered by this policy will be subject to a pre-employment urine drug test.
  - b. The covered applicants/ employee will be notified than a urine sample will be tested for the presence of controlled substance.
  - c. Only applicants who are offered a position covered by this policy will be tested before being employed. Pre-employment job applicants who test positive for drugs will not be hired and do have the right to have their samples retested under the conditions set forth in Section 120.440 of this policy.
2. *Security sensitive testing.*
- a. All employees carrying firearms will be tested annually.
  - b. Once an employee is notified of the requirement to take a security sensitive alcohol and/or controlled substance test, the employee must proceed to the test site immediately.
3. *Reasonable cause testing*
- a. Employees will be tested when there is reasonable cause to believe that an employee covered by this policy is using a controlled substance or alcohol as prohibited by this Article.
  - b. Conduct by employees constituting reasonable suspicion must be based on the specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. For controlled substances the observation may include the indications of the chronic and withdrawal effects of controlled substances. Reasonable suspicion observations and reports can only be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of controlled substance. The observing supervisor whether or not the person is the employee's immediate supervisor, is required to complete the appropriate required documentation concurrently with the observation and consideration to impose reasonable suspicion testing.
  - c. A written record shall be made of the observations leading to a controlled substance or alcohol reasonable suspicion test, and signed by the person who made the observation, within twenty-four (24) hours of the observation.
4. *Post accident testing.* Any employee who is involved in an on the job accident or injury may be tested for drugs and/or alcohol as part of the City's investigation into the cause of the accident or injury.
- a. As soon as practicable following an accident involving a covered employee, tests for alcohol and controlled substances shall be administered.
  - b. An alcohol test must take place within two (2) hours following the accident.

- c. The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority and conducting the test in conformity with those standards for the test, will be considered to meet the requirements of this Section.

*Note:* Nothing in this policy shall be construed as to require the delay of necessary medical attention for injured persons following an accident, or to prohibit an employee from obtaining necessary emergency medical care.

5. *Return-to-duty testing.* Before an employee returns to duty after engaging in prohibited conduct regarding alcohol misuse and/or controlled substance use, the employee will be tested for alcohol and/or controlled substances. In order to return to duty, an employee must test negative for controlled substances and have a breath alcohol concentration of less than two-tenths of one percent (0.02%).
6. *Follow-up testing.* Any employee who has violated the alcohol and/or controlled substance prohibitions in this policy shall, after returning to duty, be subject to unannounced follow-up testing. The number and frequency of the tests will be determined by the substance abuse professional (SAP) and must consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty.
7. *Random testing.*
  - a. All employees are subject to unannounced testing based on random selection.
  - b. The testing rate will be a fifty percent (50%) annualized rate for controlled substances. These tests will be spread reasonably throughout the year.
  - c. To assure that the selection process is random, all employees will be placed in a common pool.
  - d. The random selection procedure will be a drawing which is executed for as many times as it takes to select the number of employees that will be tested to meet compliance with Subparagraph (b) of this Subsection.
  - e. Once an employee is notified of the requirement to take a random controlled substance test, the employee must proceed to the test site immediately.
8. *CDL testing.* Those employees whose job classification requires them to hold a commercial driver's license shall be covered by the policy pertaining to the same, in addition to this policy. (Ord. No. 96-13 §VII, 5-13-96)

#### **SECTION 120.430: CONSEQUENCES OF ALCOHOL MISUSE AND DRUG USE**

- A. Any employee who has engaged in conduct prohibited by this policy shall not be allowed to return to work unless the employee has:
  1. Been advised of the resources available for evaluating and treating alcohol and controlled substance abuse;



2. Been evaluated by a substance abuse professional (SAP) to determine what assistance, if any, is required by the employee;
  3. SAP determines that they have completed the rehabilitation as recommended by the SAP;
  4. Been subjected to return-to-duty and follow-up testing, with a result of less than two-tenths of one percent (0.02%) of alcohol testing; and
  5. Enter into a rehabilitation contract with the City.
- B. Any employee who is found to have engaged in conduct prohibited by this policy shall:
1. Be immediately removed from duty;
  2. Be evaluated by a substance abuse professional (SAP) provided by the City to determine what assistance, if any, the employee needs in resolving problems of alcohol and/or drug misuse and complete any rehabilitation prescribed;
  3. Be subject to return-to-duty testing and follow-up testing in accordance with Sections 120.420(5) and (6) of this Article.
  4. Be evaluated by the SAP to determine that the employee has followed the rehabilitation program; and
  5. Be subject to discipline.
- C. Any employee subjected to an alcohol test as required by this policy who is found to have an alcohol concentration of two-tenths of one percent (0.02%) shall not be allowed to return to work until the start of the employee's next regularly-scheduled duty period. In no case would this be less than twenty-four (24) hours following the administration of the test. (Ord. No. 96-13 §VIII, 5-13-96)

**SECTION 120.440: TESTING PROCEDURES –REPORTING AND REVIEW OF RESULTS**

- A. The collection agency and the testing laboratory shall adhere to applicable State and Federal laws.
- B. Employees will be informed of positive drug results from the MRO. Any employee who questions the results of a required drug test may request that an additional test be conducted.
1. The test will be conducted from the original sample that was provided by the employee.
  2. The test analysis will be conducted at a different qualified laboratory from where the original test was conducted.
  3. An employee's request for a re-test must be made to the MRO within seventy-two (72) hours of the notice of the employees initial test results.
  4. In the event of conflicting test results, the judgment of the MRO will be final.

5. Cost of the re-test will be the responsibility of the employee unless the re-test is found to be in conflict with the original test results. (Ord. No. 96-13 §§IX-X, 5-13-96)

**SECTION 120.450: NOTIFICATION OF TEST RESULTS AND RECORDKEEPING**

- A. The City of Buffalo will notify a applicant of the results of a pre-employment controlled substance test, provided that the applicant requests said test results within sixty (60) days of being notified of the disposition of the employment application.
- B. The City of Buffalo will notify employees of the results of security sensitive, reasonable suspicion, and post-accident alcohol and/or controlled substance tests, provided that the results were positive, and will also advise the employees of what controlled substance was detected, or the alcohol level that was discovered.
- C. All records relating to the administration and results of the alcohol and drug testing program will be maintained for a minimum period of five (5) years, except that individual negative, canceled or alcohol tests of less than two-tenths of one percent (0.02%) results need only be maintained for a minimum of twelve (12) months.
- D. All records related to the collection process and required training shall be retained for a minimum period of two (2) years.
- E. A Medical Review Officer will serve as the sole custodian of individual test results, and will retain the reports of individual test results for a minimum of five (5) years.
- F. All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the MRO, and the SAP, when applicable. The records shall be maintained separately from other personnel records kept by the City and shall be kept in a secured location. Materials shall not be released to others without the written consent of the affected employee, except under provisions provided in the Federal regulations, as needed with regards to the rehabilitation contract, in litigation, or quasi-judicial and administrative proceedings related to positive test results or to any matter initiated by the employee. (Ord. No. 96-13 §XI, 5-13-96)

**SECTION 120.460: REHABILITATION EFFORT**

- A. Any employee who is determined to be in need of assistance for a controlled substance or alcohol related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by the City, provided the employee agrees to adhere to the terms of the rehabilitation contract with the City.
- B. Rehabilitation assistance may only be granted to an employee once while employed by the City. Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the City.
- C. The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. The employee shall agree to undertake and successfully complete the rehabilitation assistance plan established by the SAP or by a rehabilitation professional accepted by the City; and
2. The employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy; and
3. The employee provides a release of all medical records for use and review by the City relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and
4. The employee agrees to unannounced random testing for one (1) year subsequent to the employee's return to work consistent with this policy; and
5. The employee agrees to submit to return to work testing demonstrating that the employee is negative under controlled substance and/or alcohol test standards; and
6. The employee agrees that any future controlled substance or alcohol violations shall be considered as resignation of the employee from service without recourse. (Ord. No. 96-13 §XII, 5-13-96)

**SECTION 120.470: DISCIPLINARY ISSUES**

- A. Unless otherwise specified in this policy, the City policies related to disciplinary action shall be followed when imposing discipline for violation of this policy.
- B. The acceptance by an employee of rehabilitation assistance plan and contract does not serve as a bar to imposing disciplinary action related to violations of this policy.
- C. Any superior or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy shall be subject to immediate termination from employment.
- D. This policy does not displace any other penalties that may be imposed or be incurred as a result of violation of City policy or State and Federal laws, or as provided in the Worker's Compensation Laws. (Ord. No. 96-13 §XIV, 5-13-96)

**SECTION 120.480: EDUCATION AND TRAINING**

- A. The City shall provide all employees with a copy of this policy and materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City shall also provide information to covered employees regarding treatment and rehabilitation available. Employees shall be required to confirm receipt of this policy and any revisions and of the educational materials in writing noting the date of receipt and acknowledgment by signature witnessed by the supervisor providing the materials.
- B. The City shall develop and provide training for all supervisors and managers who are responsible for the administration and enforcement of this policy. The training at a minimum shall include coverage of health, safety and on the work environment and performance indicators on the effects

of alcohol use and abuse, the side effects of abuse, and the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to employees. The training at a minimum shall include at least sixty (60) minutes of program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators of controlled substances use and abuse, the side effects of controlled substance abuse, and the consequences of prohibited activity involving controlled substances. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping. (Ord. No. 96-13 §XV, 5-13-96)

**SECTION 120.490: COORDINATION WITH OTHER LAWS AND POLICIES**

- A. This policy shall be administered in compliance with other Federal, State, and local laws related to employee health and welfare policies, leave policies, benefit programs, and other related policies of the City. In the case of apparent conflicts between this policy, other policies, and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.
- B. In the event that any part of this policy is judicially determined in conflict with any law or to be in violation of any law or is rendered ineffective because of some State or Federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible so as to maintain the full effect of this policy and/or to bring it into compliance with relevant laws. (Ord. No. 96-13 §XVI, 5-13-96)

**SECTION 120.500: AMENDMENTS**

This policy is subject to amendments by the Board of Aldermen of the City of Buffalo, from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the Board of Aldermen. (Ord. No. 96-13 §XVII, 5-13-96)

**ARTICLE V. CDL OPERATORS ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY**

**SECTION 120.600: POLICY STATEMENT**

- A. It is the policy of the City of Buffalo to provide safe, dependable, and economical services to its citizens and to provide safe working conditions for its employees, and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the City of Buffalo to provide healthy and satisfying working environments for its employees.
- B. To meet these goals, it is the policy of the City of Buffalo to insure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a work place environment free from the adverse effects of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use

of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

- C. Any job applicant applying for a position covered in this policy who refuses a pre-employment drug test will not be hired. Any applicant who tests positive for drugs will not be hired. Any employee covered by this policy who refuses a drug or alcohol test, tests positive for drugs, or has a breath alcohol test showing a level of two-tenths of one percent (0.02%) or greater, will immediately be suspended from their position. (Ord. No. 96-02 §I, 1-22-96)

**SECTION 120.610: PURPOSE AND APPLICABILITY**

- A. The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal and state regulations governing work place alcohol and controlled substance abuse programs.
- B. This policy and the regulations that require it, apply to all applicants and employees whose job classification requires them to hold a commercial driver's license. (Ord. No. 96-02 §§II-III, 122-96)

**SECTION 120.620: DEFINITIONS**

*ALCOHOL*: Refers to the intoxicating agent in beverage alcohol, ethyl alcohol, or other alcohol including methyl and isopropyl alcohol.

*ALCOHOL CONCENTRATION*: Is the alcohol in a volume of breath in terms of grams of alcohol in 210 liters of breath as indicated by an evidential breath test as described in this policy.

*ALCOHOL USE*: Refers to the consumption of any beverage, mixture or preparation, including medication which contains alcohol.

*BREATH ALCOHOL TECHNICIAN (BAT)*: An individual who instructs and assists persons in the alcohol testing process and operates an EBT (Evidential Breath Testing device).

*CONFIRMATION TEST*:

1. For alcohol - means a second test, following a screening test with a result of two-tenths of one percent (0.02%) or greater, that provides quantitative results of alcohol concentration.
2. For controlled substances - means a second analytical procedure to verify the presence of a specific drug, NOTE: the GC/MS (Gas Chromatography/Mass Spectrometry) is the only authorized method for the drugs covered in this policy and defined under the heading, "controlled substances" below.

*CONTROLLED SUBSTANCES*: Marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

*DRIVER*: An employee whose job performance requires them to possess a valid commercial drivers license.

*DRUG*: Includes controlled substances as defined.

*EMPLOYER*: The City of Buffalo, Missouri.

*MEDICAL REVIEW OFFICER (MRO)*: A licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders who is employed or used by the City of Buffalo to conduct drug testing in accordance with Federal law. Responsible for receiving laboratory results generated by the City of Buffalo drug testing program who has been medically trained to interpret and evaluate any individual's positive test result, together with his or her medical history and any other relevant biomedical information.

*REASONABLE SUSPICION*: Is the belief that an employee has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech, or body odors of the employee.

*REFUSAL TO SUBMIT*: (to an alcohol or controlled substance test) means that a employee:

1. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing.
3. Engages in conduct that clearly obstructs the testing process.

*SAFETY-SENSITIVE FUNCTION*: Means any of the "on duty" functions described below:

1. All time at any facility owned, or otherwise waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment as required by the regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial motor vehicle.
4. All time, other than driving, spent on or in a commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a commercial motor vehicle, or assisting in this process, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle.
6. All time repairing, obtaining assistance or remaining in attendance of a disabled vehicle.

*SUBSTANCE ABUSE PROFESSIONAL OR SAP*: is a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse

Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. (Ord. No. 96-02 §IV, 1-22-96)

**SECTION 120.630: POLICY ADMINISTRATOR**

- A. Unless otherwise designated by the Board of Alderman in writing, the Personnel Director shall be designated as the controlled substance and alcohol policy administrator for the City of Buffalo. Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator.
- B. The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy. (Ord. No. 96-02 §V, 1-22-96)

**SECTION 120.640: ALCOHOL AND CONTROLLED SUBSTANCE PROHIBITIONS**

- A. No employee shall report for duty or remain on duty for the performance of a safety-sensitive function while having an alcohol concentration of four-tenths of one percent (0.04%) or greater.
- B. No employee shall perform safety sensitive functions with an alcohol concentration of two-tenths of one percent (0.02%) or greater.
- C. No employee shall possess any quantity of alcohol while on duty unless the alcohol is manifested and transported as part of the freight. This includes any medicines, both prescription and over-the-counter, food, or any other alcohol-containing products.
- D. No employee shall use alcohol while on the job.
- E. No employee shall report for duty within four hours after using alcohol.
- F. When involved in an accident that requires a post-accident alcohol test, the employee shall not use alcohol within eight (8) hours of the accident or prior to submitting for the post-accident test, whichever comes first.
- G. No employee shall refuse to submit to a drug or alcohol test as required by this policy. Any refusal will be treated in the same manner as a positive test.
- H. An employee is prohibited from the unauthorized use or possession of a controlled substance at any time, whether on or off duty.
- I. No employee shall report for duty or remain on duty if the employee tests positive for controlled substance.
- J. Any employee whose job performance requires the possession of a valid commercial drivers license (CDL) and who loses the CDL for a violation of or as a consequences of the law shall be subject to disciplinary action up to and including termination from service. The employee shall notify the

policy administrator and the employees immediate supervisor of the loss of the CDL. Failure to notify the policy administrator of the loss of the CDL shall result in immediate termination from service.

- K. Any employee who is consuming a prescribed or authorized controlled substance or other substance of any kind whose side effects may inhibit or impair the employee's performance shall provide written notice to the policy administrator of such consumption upon reporting to work related activity or earlier if possible. Failure to report shall be cause for disciplinary action up to and including termination from service. (Ord. No. 96-02 §VI, 1-22-96)

## **SECTION 120.650: ALCOHOL AND CONTROLLED SUBSTANCE TESTING**

Employees subject to this policy will be required to submit to controlled substance testing under the following six (6) types of tests and alcohol testing under all except pre-employment testing:

### *1. Pre-Employment Testing.*

- a. All individuals the city intends to hire for a position covered by this policy will be subject to a pre-employment urine drug test prior to the first time the driver performs a safety-sensitive function.
- b. The covered applicants/employee will be notified that a urine sample will be tested for the presence of controlled substance.
- c. Only applicants who are offered a position covered by this policy will be tested before being employed. Pre-employment job applicants who test positive for drugs will not be hired and do have the right to have their samples retested under the conditions set forth in Section 120.670 of this policy. Employees transferring into a position requiring drug testing who test positive for drugs do have the right to have their sample retested.
- d. An employee who transfers from one position not requiring a commercial drivers license to a position requiring a commercial drivers license are required to have a pre-employment drug test prior to transferring.
- e. Employees working in a position covered by this policy on the effective date, and continuing to work in a covered position, do not require a pre-employment test.

### *2. Random Testing.*

- a. All employees working in a position covered by this policy are subject to unannounced testing based on random selection. This includes temporary employees performing work in a position that requires a commercial drivers license.
- b. The testing rate will be a 50 percent (50%) annualized rate for controlled substances and 25 percent (25%) annualized rate for alcohol. These tests will be spread reasonably throughout the year.



- c. To assure that the selection process is random, all employees covered by this policy will be placed in a common pool. All full time and temporary employees will be in this pool.
- d. The random selection procedure will be a drawing which is executed for as many times it takes to select the number of employees that will be tested to meet compliance with subparagraph (b) of this section.
- e. Once an employee is notified of the requirement to take a random alcohol and/or controlled substance test, the employee must proceed to the test site immediately.
- f. An employee will only be tested randomly for alcohol when the employee is performing safety-sensitive functions, immediately prior to or after performing a safety-sensitive function.

3. *Reasonable Cause Testing.*

- a. Employees will be tested when there is reasonable cause to believe that an employee covered by this policy is using a controlled substance or alcohol as prohibited by this ordinance.
- b. Conduct by employees constituting reasonable suspicion must be based on the specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. For controlled substances the observation may include the indications of the chronic and withdrawal effects of controlled substances. Reasonable suspicion observations and reports can only be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of controlled substance. The observing supervisor whether or not the person is the employee's immediate supervisor, is required to complete the appropriate required documentation concurrently with the observation and consideration to impose reasonable suspicion testing.
- c. Reasonable suspicion testing for alcohol is authorized only if the observation, as described above, is made during, just before, or just after the employee performs a safety-sensitive function.
- d. A reasonable suspicion test for alcohol must be conducted within two hours after the employee was notified. If the test is not conducted within two hours, a written record stating the reasons the alcohol test was not promptly administered must be completed. If the test is not administered within eight hours following the notification, attempts to administer an alcohol test will be ceased and reasons documented for not administering the test.
- e. A written record shall be made of the observations leading to a controlled substance or alcohol reasonable suspicion test, and signed by the person who made the observation, within 24 hours of the observation.

4. *Post Accident Testing.*

- a. As soon as practicable following an accident involving a covered employee, tests for alcohol and controlled substances shall be administered for each surviving driver:

- (1) Who was involved in a vehicular accident involving the loss of human life; or
  - (2) Who receives a citation under state or local law for a moving traffic violation arising from the accident.
- b. An alcohol test must take place within two (2) hours following the accident. If the test is not conducted within two hours, a written record stating the reasons the alcohol test was not promptly administered must be completed. If the test is not administered within eight hours following the accidents, attempts to administer an alcohol test will be ceased and reasons documented for not administering the test.
  - c. An employee subject to alcohol testing shall not use alcohol for eight (8) hours following an accident, or until he/she undergoes a post-accident alcohol test. The employee must remain readily available for testing during the eight (8) hours following an accidents, or he/she will be considered as refusing to submit to testing.
  - d. If a required controlled substance test is not administered within 32 hours after the accident, attempts to administer the test will be ceased and reasons documented for not administering the test.
  - e. The results of a breath or blood test for use of alcohol, or urine test for the use of controlled substances, conducted by Federal, state or local officials having independent authority and conducting test in conformity with those standards for the test, will be considered to meet the requirements of this section.

*Note:* Nothing in this policy shall be construed as to require the delay of necessary medical attention for injured persons following an accident, or to prohibit an employee from obtaining necessary emergency medical care.

5. *Return-To-Duty Testing.* Before an employee returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding alcohol misuse and/or controlled substance use, the employee will be tested for alcohol and/or controlled substances. In order to return to duty, an employee must test negative for controlled substances and have a breath alcohol concentration of less than two-tenths of one percent (0.02%).
6. *Follow-Up Testing.* Any employee who has violated the alcohol and/or controlled substance prohibitions in this policy shall, after returning to duty, be subject to unannounced follow-up testing. The number and frequency of the tests will be determined by the substance abuse professional (SAP) and must consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. (Ord. No. 96-02 §VII, 1-22-96)

#### **SECTION 120.660: CONSEQUENCES OF ALCOHOL MISUSE AND DRUG USE**

- A. Any employee who has engaged in conduct prohibited by this policy shall not perform or continue to perform a safety-sensitive function unless the employee has:

1. Been advised of the resources available for evaluating and treating alcohol and controlled substance abuse;
  2. Been evaluated by a substance abuse professional (SAP) to determine what assistance, if any, is required by the employee;
  3. SAP determines that they have completed the rehabilitation as recommended by the SAP;
  4. Been subjected to return-to-duty and follow-up testing, with a result of less than two-tenth of one percent (0.02%) on alcohol testing; and
  5. Enter into a rehabilitation contract with the City.
- B. Any employee who is found to have engaged in conduct prohibited by this policy shall
1. Be immediately removed from duty;
  2. Be evaluated by a substance abuse professional (SAP) provided by the City to determine what assistance, if any, the employee needs in resolving problems of alcohol and/or drug misuse and complete any rehabilitation prescribed;
  3. Be subject to return to-duty testing and follow -up testing in accordance with Subparagraph (5) and (6) of Section 120.650 of this policy;
  4. Be evaluated by the SAP to determine that the employee has followed the rehabilitation program; and
  5. Be subject to discipline.
- C. Any employee subjected to an alcohol test as required by this policy who is found to have an alcohol concentration of two-tenths of one percent (0.02%) or greater, but less than four-tenth of one percent (0.04%), shall not be allowed to perform or continue to perform a safety-sensitive function until the start of the employee's next regularly-scheduled duty period. In no case would this be less than 24 hours following the administration of the test. (Ord. No. 96-02 §VIII, 1-2296)

**SECTION 120.670: TESTING PROCDEURES**

The collection agency and the testing laboratory shall adhere to all requirements outlined in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

1. The collection agent for this policy would be the City's current medical provider.
2. The testing laboratory for this policy would be coordinated through the medical facility currently being used by the City. The laboratory must be certified and monitored by the Department of Health and Human Resources.
3. Controlled substances - Sample collection and testing:

- a. Drug testing will be performed utilizing urine samples.
  - b. Tests for marijuana, cocaine, opiates, amphetamines, and phencyclidine will be performed.
  - c. Upon notification that a drug test is required, an employee will report as soon as possible after notification to the drug collection site and provide a specimen of his/her urine.
  - d. The "split sample" procedures will be used as outlined in Part 40 of the Department of Transportation (DOT) regulations. A employee whose urine sample has tested positive for a controlled substance has the option (within 72 hours after being notified by the MRO) of having the remaining portion of the split sample tested at another laboratory. The company may require the employee to pay in advance the cost of shipment (if any) and reanalysis of the sample, but the employee must be reimbursed for such expense if the retest is negative.
4. Alcohol - Sample collection and testing:
- a. Alcohol testing will be performed utilizing breath samples.
  - b. All samples will be collected by a "Breath Alcohol Technician (BAT)" which has been trained in proficient operation of the evidential breath testing device (EBT) and in the alcohol testing procedures contained in 49 CFR Part 40.
  - c. Testing will be conducted in a location that affords visual and aural privacy to the individual to prevent unauthorized persons from seeing or hearing of test results. (Ord. No. 96-02, § IX, 1-22-96)

**SECTION 120.680: REPORTING AND REVIEW OF RESULTS**

*A. Controlled Substances.*

- 1. The Medical Review Officer (MRO) for this policy would be the medical officer currently providing medical services for the City.
- 2. The following is a listing of the MRO's specific responsibilities. For additional details of responsibilities see the United States Department of Health and Human Services (DHHS) Medical Review Officer Manual.
  - a. Receive all results from laboratory.
  - b. Request, if needed, a quantitative description of test results.
  - c. Receive a certified copy of the original chain of custody.
  - d. Review and interpret positive test results.
  - e. Inform the tested individual and provide test results for positive test.

- f. Conduct a medical interview with the tested employee when results are positive. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the employee directly, the MRO shall contact the policy administrator who shall direct the employee to contact the MRO as soon as possible. If it becomes necessary to reach the employee through the policy administrator, the policy administrator shall employ procedures that will ensure to the maximum extent practical, that the requirement that the employee's contact with the MRO is held in confidence. If the policy administrator has successfully made and documented a contact with the employee and has instructed the employee to contact the MRO and more than five days have passed since the date the employee was successfully contacted by the designated employee representative, or, if after making all reasonable efforts, the policy administrator is unable to contact the employee, the employer may place the employee on temporary medical unqualified status or medical leave and the MRO may verify a test is positive without having communicated with the employee about the test. If later the employee presents to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from timely contacting the MRO, on the basis of such information, the MRO may reopen the verification allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes there is a legitimate explanation, the MRO declares the test to be negative. The MRO May also verify a test is positive without having communicated directly with the employee if the employee declines the opportunity to discuss the test.
- g. Review the individual's medical history, or any other relevant biomedical factors to determine if a positive result is from legally-prescribed medicine.
- h. Verify that laboratory assessment is correct.
- i. Give the individual an opportunity to discuss test results
- j. Report to operator that result is negative where a legitimate medical reason is found for a confirmed positive test result.
- k. Order a reanalysis of the remaining portion of the sample from a second certified laboratory, if so requested by the tested employee, within 72 hours of the employee being notified of a positive test.
- l. Consult with others if a question of accuracy arises.
- m. Consult with laboratory officials.
- n. Not receive urinalysis results that do not comply with the Mandatory Guidelines.
- o. Not declare positive an opiate-positive urine without "clinical evidence".
- p. Determine whether a result is scientifically insufficient.
- q. Determine whether a result is consistent with legal drug use.

- r. Forward results of verified positive tests to Policy Administrator.
- s. Maintain the required records to administer this program.
- t. If an employee who has tested positive completes rehabilitation, the MRO can recommend return to work and the MRO will schedule return-to-duty testing. Testing will be on an unannounced basis -- daily, weekly, monthly, or longer -- at the discretion of the MRO.
- u. The MRO shall not disclose to any third party medical information provided by the employee as part of the testing verification process unless an applicable DOT regulation permits such disclosure; if, in the MRO' s reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable DOT agency rule; or, in the MRO's reasonable medical judgment, in a situation in which there is no DOT agency rule establishing physical qualification standards applicable to the employee, the information indicates that continued performance by the employee of his/her safety sensitive function could pose a significant risk. Before obtaining medical information from the employee as part of this verification process, the MRO shall inform the employee that the information may be disclosed under the above-mentioned circumstances.

B. *Alcohol.*

- 1. The City of Buffalo will designate one or more representatives for the purpose of receiving and handling alcohol testing results in a confidential manner. The Breath Alcohol Technician (BAT) will transmit all results only to the tested employee and the Policy Administrator.
- 2. The BAT will ensure immediate transmission to the Policy Administrator of results that require the employee be prevented from performing a safety-sensitive function.
- 3. If the initial transmission of results was not in writing, the BAT shall provide a follow-up copy of the results in writing.

- C. Any employee who is subject to a drug and/or alcohol test will, upon written request, have access to any records relating to his or her testing results. (Ord. No. 96-02 §X, 1-22-96)

**SECTION 120.690: NOTIFICATION OF TEST RESULTS AND RECORDKEEPING**

- A. The City of Buffalo will notify a applicant of the results of a pre-employment controlled substance test, provided that the applicant requests said test results within sixty (60) days of being notified of the disposition of the employment application.
- B. The City of Buffalo will notify employees of the results of random, reasonable suspicion, and post-accident alcohol and/or controlled substance tests, provided that the results were positive, and will also advise the employees of what controlled substance was detected, or the alcohol level that was discovered.
- C. All records relating to the administration and results of the alcohol and drug testing program will be maintained for a minimum period of five (5) years, except that individual negative, canceled or

alcohol tests of less than two-tenths of one percent (0.02%) results need only be maintained for a minimum of twelve (12) months.

- D. All records related to the collection process and required training shall be retained for a minimum period of two (2) years.
- E. A Medical Review Officer will serve as the sole custodian of individual test results, and will retain the reports of individual test results for a minimum of five (5) years.
- F. All records developed and or acquired pursuant to this policy shall be maintained under strict confidentiality by the city, the testing laboratory, the MRO, and the SAP, when applicable. The records shall be maintained separately from other personnel records kept by the city and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written consent of the affected employee, except under provisions provided in the federal regulations, as needed with regards to the rehabilitation contract, in litigation, or quasi-judicial and administrative proceedings related to positive test results or to any matter initiated by the employee. (Ord. No. 96-02 §XI, 1-22-96)

**SECTION 120.700      RELEASE OF TESTING INFORMATION BY PREVIOUS EMPLOYERS**

- A. The City of Buffalo may obtain from any previous employer information related to the employee's participation in an alcohol and drug testing program. The City will obtain written permission from the employee to acquire this information.
- B. The City of Buffalo will obtain and review the information listed below from any previous employer that the commercial driver performed safety-sensitive functions in the previous two (2) years, The City must request and review this information not later than 14 days after the employee first performs a safety-sensitive function. The information will include:
  - 1. Employee's breath alcohol test that indicated concentrations of four-tenths of one percent (0.04%) or greater.
  - 2. Positive controlled substance tests.
  - 3. Any refusals to submit to a required alcohol or controlled substance test.
- C. The City of Buffalo will provide the previous employers of the past two (2) years with the employee's written consent to release the information. The City may obtain the information via personal interview, telephone interview, letter, or other method as long as measures are taken to ensure confidentiality. City will maintain a written, confidential record with respect to each of the past employers contacted.
- D. The City of Buffalo will not use a employee to perform safety-sensitive functions if the City obtains information indicating the driver tested positive for controlled substances, tested at or above four-tenths of one percent (0.04%) breath alcohol concentration, or refused to test unless the employer has evidence the driver has been evaluated by a SAP completed any required counseling, passed a return-to- duty test, and been subject to follow-up testing. (Ord. No. 96-02 §XII, 1-22-96)

**SECTION 120.710: REHABILITATION EFFORT**

- A. Any employee who is determined to be in need of assistance for a controlled substance or alcohol related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by the city, provided the employee agrees to adhere to the terms of the rehabilitation contract with the City.
- B. Rehabilitation assistance may only be granted to an employee once while employed by the city. Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the city.
- C. The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:
  - 1. The employee shall agree to undertake and successfully complete the rehabilitation assistance plan established by the SAP or by a rehabilitation professional accepted by the city; and
  - 2. The employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy; and
  - 3. The employee provides a release of all medical records for use and review by the city relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and
  - 4. The employee agrees to unannounced random testing for one year subsequent to the employee's return to work consistent with this policy; and
  - 5. The employee agrees to submit to return to work testing demonstrating that the employee is negative under controlled substance and/or alcohol tests standards; and
  - 6. The employee agrees that any future controlled substance or alcohol violations shall be considered as resignation of the employee from service without recourse. (Ord. No. 96-02 §XIII, 1-22-96)

**SECTION 120.720: DISCIPLINARY ISSUES**

- A. Unless otherwise specified in this policy, the city policies related to disciplinary action shall be followed when imposing discipline for violation of this policy.
- B. The acceptance by an employee of rehabilitation assistance plan and contact does not serve as a bar to imposing disciplinary action related to violations of this policy.
- C. Any superior or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy shall be subject to immediate termination from employment.



- D. This policy does not displace any other penalties that may be imposed or be incurred as a result of violation of city policy or state and federal laws, or as provided in the worker's compensation laws. (Ord. No. 96-02 §XIV, 1-22-96)

**SECTION 120.730: EDUCATION AND TRAINING**

- A. The City shall provide all covered employees with a copy of this policy and materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City shall also provide information to covered employees regarding treatment and rehabilitation available. Covered employees shall be required to confirm receipt of this policy and any revisions and of the educational materials in writing noting the date of receipt and acknowledgment by signature witnessed by the supervisor providing the materials.
- B. The City shall develop and provide training for all supervisors and managers who are responsible for the administration and enforcement of this policy. The training, at a minimum health, safety and on the work environment and performance indicators on the effects of alcohol use and abuse, the side effects of abuse, and the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to employees. The training, at a minimum shall include at least sixty (60) minutes of program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators of controlled substances use and abuse, the side effects of controlled substance abuse, and the consequences of prohibited activity involving controlled substances. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping. (Ord. No. 9602 §XV, 1-22-96)

**SECTION 120.740: COORDINATION WITH OTHER LAWS AND POLICIES**

- A. This policy shall be administered in compliance with other federal, state, and local laws related to employee health and welfare policies, leave policies, benefit programs, and other related policies of the city. In the case of apparent conflicts between this policy, other policies, and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.
- B. In the event that any part of this policy is judicially determined in conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible so as to maintain the full effect of this policy and/or to bring it into compliance with relevant laws. (Ord. No. 96-02 §XVI, 1-22-96)

**SECTION 120.750: AMENDMENTS**

This policy is subject to amendments by the Board of Alderman of the City of Buffalo, from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the Board of Alderman. (Ord. No. 96-02 §XVII, 1-22-96)

## CHAPTER 125: CONFLICTS OF INTEREST

### SECTION 125.010: CONFLICTS OF INTEREST

The Mayor or any member of the Board of Aldermen who has a substantial personal or private interest, as defined by State law, in any bill shall disclose on the records of the Board of Aldermen the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest. (Ord. No. 94-05 §1, 8-8-94; Ord. No. 95-18 §1, 8-14-95; Ord. No. 97-24 §1, 9-8-97; Ord. No. 98-22 §1, 8-10-98; Ord. No. 01-17 §1, 8-31-01; Ord. No. 02-29 §1, 8-12-02; Ord. No. 0322 §1, 8-11-03; Ord. No 05-08 §2, 8-8-05; Ord. No 06-22 §1, 8-14-06; Ord. No 07-13 §1, 8-13-07; Ord. No. 08-10, §1, 8-11-08, Ord. No. 09-11 §1, 08-31-09; Ord. No. 10-09 §1, 08-9-10; Ord. No. 1202 §1, 07-09-12; Ord. No. 14-07 §1, 7-28-14; Ord. 16-04, §1, 6-13-16; Ord. 18-19, §1, 7-9-18; Ord. No. 20-17 §1, 7-13-20; Ord. No. 22-04 §1, 9-12-22; Ord. No. 24-10 §1, 7-8-24)

### SECTION 125.020: DISCLOSURE REPORTS

- A. Each elected official, the chief administrative officer, the chief purchasing officer, and the general counsel (if employed full-time) shall disclose, the following information by May 1, if any transaction were engaged in during the previous calendar year:
1. For such person, and all persons within the first (1st) degree of consanguinity or affinity of such person, the date, and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the City of Buffalo, other than compensation received as an employee or payment of any tax, fee or penalty due to the City of Buffalo, and other than transfers for no consideration to the City of Buffalo; and
  2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the City of Buffalo, other than payment of any tax, fee or penalty due to the City of Buffalo or transactions involving payment for providing utility service to the City of Buffalo, and other than transfers for no consideration to the City of Buffalo.
- B. The chief administrative officer and the chief purchasing officer shall also disclose by May 1 for the previous calendar years the following information:
1. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;
  2. The name and address of each sole proprietorship that he owned; the name, address, and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and address are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned

ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units, or other equity interests;

3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver. (Ord. No. 94-05 §2, 8-8-94; Ord. No. 95-18 §2, 8-14-95; Ord. No. 97-24 § 2, 9-8-97; Ord. No. 98-22, §2, 8-10-98; Ord. No 00-24 §2, 8-14-00; Ord. No. 01-17 §1, 8-31-01; Ord. No. 02-29 §2, 8-12-02; Ord. No. 03-22 §2, 8-11-03; Ord. No 05-08 §2, 8-8-05; Ord. No 06-22 §2, 8-14-06; Ord. No 07-13 §2, 8-13-07; Ord. No. 08-10, §2, 8-11-08; Ord. No. 09-11 §2, 08-31-09; Ord. No. 10-09 §2, 08-9-10; Ord. No. 12-02 §2, 07-09-12; Ord. No. 14-07 §2, 7-28-14; Ord. 16-04, §2, 6-13-16; Ord. 18-19, §2, 7-9-18; Ord. No. 20-17 §2, 7-13-20; Ord. No. 22-04 §2, 9-12-22; Ord. No. 24-10 §1, 7-8-24)

### **SECTION 125.030: FILING OF REPORTS**

The reports shall be filed with the city clerk and with the secretary of state prior to January 1, 1993, and thereafter with the city clerk and the ethics commission. The reports shall be available for public inspection and copying during normal business hours. (Ord. No. 94-05 §3, 8-8-94; Ord. No. 95-18 §3, 8-14-95; Ord. No. 97-24 §3, 9-8-97; Ord. No. 98-22, §3, 8-10-98; Ord. No. 00-24 §3, 8-14-00; Ord. No. 01-17 §1, 8-31-01; Ord. No. 02-29 §3, 8-12-02; Ord. No. 03-22 §3, 8-11-03; Ord. No 05-08 §2, 8-8-05; Ord. No 06-22 §3, 8-14-06; Ord. No 07-13 §3, 8-13-07; Ord. No. 08-10, §3, 8-11-08; Ord. No. 09-11 §3, 08-31-09; Ord. No. 10-09 §3, 08-9-10; Ord. No. 12-02 §3, 07-09-12; Ord. No. 14-07 §3, 7-28-14, Ord. 16-04, §3, 6-13-16; Ord. 18-19, §3, 7-9-18; Ord. No. 20-17 §3, 7-13-20; Ord. No. 22-04 §3, 9-12-22; Ord. No. 24-10 §1, 7-8-24)

### **SECTION 125.040: WHEN FILED**

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

1. Each person appointed to an office shall file the statement within thirty (30) days of such appointment or employment.
2. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement. (Ord. No. 94-05 §4, 8-8-94; Ord. No. 95-18 §4, 8-14-95; Ord. No. 97-24 §4, 9-8-97; Ord. No. 98-22, §4, 8-10-98; Ord. No. 00-24 §4, 8-14-00; Ord. No. 01-17 §1, 8-31-01; Ord. No. 02-29 §4, 8-12-02; Ord. No. 03-22 §4, 8-11-03; Ord. No 05-08 §2, 8-8-05; Ord. No 06-22 §4, 8-14-06; Ord. No 07-13 §4, 8-13-07; Ord. No. 08-10, §4, 8-11-08; Ord. No. 09-11 §4, 08-31-09; Ord. No. 10-09 §4, 08-9-10; Ord. No. 12-02 §4, 07-09-12; Ord. No. 14-07 §4, 7-28-14; Ord. 16-04, §, 6-13-16; Ord. 18-19, §4, 7-9-18; Ord. No. 20-17 §4, 7-13-20; Ord. No. 22-04 §4, 9-12-22; Ord. No. 24-10 §1, 7-8-24)

## **CHAPTER 130: BOARDS**

### **ARTICLE I. ADVISORY PARKS AND RECREATION BOARD**

#### **SECTION 130.010: CREATION**

There is hereby created an Advisory Board to be known as the Advisory Parks and Recreation Board to advise the Board of Aldermen with respect to the establishment, equipping, development, operation, maintenance, and conduct of a system of public recreation. (Ord. No. 1014 §1, 3-13-89)

#### **SECTION 130.020: APPOINTMENT**

The Mayor shall, with the approval of the Board of Aldermen, appoint a Board of an adequate number from citizens from the Buffalo area with reference to their fitness for such office. One (1) member of the Municipal Government shall be a member of such Board. (Ord. No. 1014 §2, 3-13-89)

#### **SECTION 130.030: TERMS**

The Board members shall hold office for one (1) year. The Mayor may, by and with the consent of the Board of Aldermen, remove any Director for misconduct or neglect of duty. (Ord. No. 1014 §3, 3-13-89)

#### **SECTION 130.040: VACANCIES**

Vacancies in the Advisory Board occasioned by removal, resignation or otherwise, shall be reported to the Board of Aldermen and be filled in like manner as in original appointments. (Ord. No. 1014 §4, 3-13-89)

#### **SECTION 130.050: COMPENSATION**

No Board members shall receive compensation as such. (Ord. No. 1014 §5, 3-13-89)

#### **SECTION 130.060: POWER AND DUTY**

The Advisory Parks and Recreation Board shall have no power to make any rule or regulation except as may affect its own organization. The said Advisory Board shall have no power to control, receive, or spend money; to bind or obligate the City of Buffalo in any way by any representation or contract; or agree to purchase personal or real property. The said Advisory Board shall have no power to promise or imply that the City of Buffalo or its Board of Aldermen will do or not do any act. The Advisory Board shall gather and prepare information relating to park grants for action thereupon by the appropriate City Officials and will report from time to time to the Board of Aldermen with their recommendations regarding the construction, the establishment, equipping, development, operation, and conduct of a public park system. (Ord. No. 1014 §6, 3-13-89)

**SECTION 130.070: SYSTEM OF PUBLIC RECREATION**

- A. *Creation.* It is hereby, pursuant to Section 67.755, RSMo., 1986, established a system of public recreation to provide, establish, equip, develop, operate, and maintain parks and other recreational grounds, playgrounds, recreational centers, swimming pools, and any and all other recreational areas, facilities, and activities, and the employment of necessary personnel to operate and maintain the same is hereby authorized.
- B. *Source of Capital Funds.* Capital funds required to establish, equip, build, and develop said system of public recreation shall be raised from public contributions and from such funds as can be obtained by grants.
- C. *Operating Funds.* The funds required to operate, maintain, and develop said system of public recreation will be provided from user fees generated from the operation of said system of public recreation to the extent possible, and from ordinary revenues of the City of Buffalo to the extent necessary.
- D. *Special Accounts.* All funds received from contributions or from grants for capital improvements will be deposited and maintained in a separate City bank account labeled "Park Capital Funds" and shall be used only for the purpose of establishing, equipping, building, and developing said system of public recreation. All revenue generated from user fees shall be deposited in a separate City bank account labeled "Park Operating Fund" and shall be used solely for the maintenance and operation of the system of public recreation. (Ord. No. 1013 §1 4, 3-13-89)

**ARTICLE II. AIRPORT BOARD**

- SECTION 130.080: ESTABLISHMENT OF BOARD – Deleted (Ord. No. 03-03 §1, 2-11-03)**
- SECTION 130.090: COMPOSITION, APPOINTMENT, TERMS OF OFFICE, REMOVAL OF MEMBERS AND FILLING VACANCIES – Deleted (Ord. No. 03-03 §1, 2-11-03)**
- SECTION 130.100: MAYOR TO ACT AS EX OFFICIO MEMBER – Deleted (Ord. No. 03-03 §1, 2-11-03)**
- SECTION 130.110: ORGANIZATION–MEETINGS–PROCEDURE– Deleted (Ord. No. 03-03 §1, 2-11-03)**
- SECTION 130.120: ADOPTION OF BY-LAWS–BOARD TO NOTIFY CITY CLERK OF MEETINGS – Deleted (Ord. No. 03-03 §1, 2-11-03)**
- SECTION 130.130: POWERS AND DUTIES – Deleted (Ord. No. 03-03 §1, 2-11-03)**
- SECTION 130.140: AIRPORT FUND– Deleted (Ord. No. 03-03 §1, 2-11-03)**
- SECTION 130.150: ADOPTION OF RULES AND REGULATIONS GOVERNING USE, OPERATION OF AIRPORT– Deleted (Ord. No. 03-03 §1, 2-11-03)**
- SECTION 130.160: REPORT TO BOARD OF ALDERMEN – Deleted (Ord. No. 03-03 §1,2-11-03)**

## **CHAPTER 135: MUNICIPAL COURT**

### **SECTION 135.010: VIOLATIONS-HEARD AND DETERMINED**

Pursuant to Section 479.040, RSMo., 1986, violations of municipal ordinances shall be heard and determined by the Associate Circuit Judge of Dallas County, Missouri. (Ord. No. 1011 §1, 2-13-89)

### **SECTION 135.020: EMPLOYMENT OF CLERK TO ASSIST MUNICIPAL COURT**

The City shall employ as Clerk such person as the Associate Circuit Court of Dallas County, Missouri, may designate for the purpose of assisting said Court in the handling of City ordinance violation charges. (Ord. No. 72.020 §1, 9-28-92)

## **CHAPTER 140: TAXATION**

### **ARTICLE I. GENERAL PROVISIONS**

#### **SECTION 140.010: TAX TO BE IMPOSED**

There shall be annually levied, assessed and collected on the assessed value of all real estate and personal property, and on the amount of merchants stock of goods in the City, subject to taxation by the laws of this State, such sums of money and taxes as may be necessary to defray the expenses of the government of said City, and to pay the interest and coupons as they become due on all bonds now issued and outstanding. But the value of the property for City purposes shall not exceed the valuation of the same property for State and County purposes. (CC 1984 §80.010)

#### **SECTION 140.020: RATE TO BE IMPOSED**

The Board of Aldermen shall within a reasonable time after the Assessor's books of each year are returned, ascertain the amount of money to be raised thereon for general and other purposes and fix the annual rate therefore by ordinance. (CC 1984 §80.020)

#### **SECTION 140.030: EXTEND BOOKS**

As soon as the levy has been made by the Board of Aldermen, the tax book shall be delivered to the City Clerk who shall proceed to extend the tax so levied, and the taxes shall be extended therein as near as may be in the same manner that the taxes of the State and County extended. (CC 1984 §80.030)

**SECTION 140.040: MAY RE-LEVY**

In case the Board of Aldermen have attempted to levy any tax or assessment for improvements or for the payment of interest or coupons or bonds issued and outstanding or other evidence of debt, which tax or assessment may be informal, illegal, or void in consequence of a failure to comply with the requirements of law, the Board of Aldermen shall have power to re-levy and reassess any such tax or assessment in manner provided by law, or ordinance of the City. (CC 1984 §80.040)

**SECTION 140.050: CHARGE COLLECTOR**

The City Clerk shall immediately after extending said taxes deliver the same to the City Collector and charge him/her with the gross amount of the same and shall take the Collector's receipt therefor, stating the amount of taxes, therein charged, which receipt shall be retained by the Clerk. The Clerk shall open an account with the Collector and give him/her credit for all taxes paid by the Collector as shown by the Treasurer's receipt. (CC 1984 §80.050)

**SECTION 140.060: NOTICE**

The City Collector shall not later than the first (1st) day of October of any year after the tax books for any year are placed in his/her hands, give notice thereof and demand payment of such taxes by at least five (5) printed notices posted up in as many public places within each Ward of the City and for at least two (2) weeks in some newspaper published in the City, and it shall be the duty of the Collector to attend his/her office during reasonable business hours and receive such taxes as may be paid. (CC 1984 §80.060)

**SECTION 140.070: DELINQUENT**

Upon the first (1st) day of January of each year all unpaid taxes shall become delinquent, and the taxes upon real property are made a lien thereon. (CC 1984 §80.070)

**SECTION 140.080: COLLECTOR TO BE DILIGENT**

The Collector shall diligently endeavor to use all lawful means to collect all taxes which he/she is required to collect by law. To that end he/she shall have the power to seize and sell the goods and chattels of the person liable for taxes, (in the same manner as the goods and chattels are sold under execution issued on judgments of law), both before and after said taxes shall become delinquent, but no such seizure and sale of goods shall be made until the Collector has made demand of payment of the tax, either in person or by deputy to the party liable to pay the same, or by leaving a written or printed notice at his/her place of abode for that purpose with some member of the family over fifteen (15) years of age. The Collector shall not receive a credit for delinquent taxes until he/she shall have made an affidavit that he/she has been unable to find any personal property out of which to make the taxes in each case so returned delinquent. (CC 1984 §80.080)

**SECTION 140.090: SEIZURE OF GOODS**

Whenever taxes shall be collected by seizure or sale of goods and chattels in addition to the amount of the tax and costs of failure to pay the Collector as herein provided, the Collector shall levy the necessary costs of the proceedings and the interest on the amount of the taxes and costs of said failure for his/her trouble. If the Collector shall have reason to believe that any person charged with the taxes is about to move from the City without paying his/her taxes, he/she may at any time levy such taxes with costs and charges, by distress and sale; provided that in levying and selling personal property for taxes, the Collector shall be governed by the same rules and be entitled to the same fees as Sheriffs are, or may be, for like services upon execution. (CC 1984 §80.090)

**SECTION 140.100: COLLECTOR TO MAKE DELINQUENT LISTS-BOARD TO APPROVE-COLLECTION OF DELINQUENT TAXES**

- A. The Board of Aldermen shall require the collector, at the first (1st) meeting of the Board in April of each year, or as soon thereafter as may be, to make out, under oath, lists of delinquent taxes remaining due and uncollected for each year, to be known as "the land and lot delinquent list" and "the personal delinquent list".
- B. The Board of Aldermen, at the meeting at which the delinquent lists are returned or as soon as may be thereafter, shall examine the lists carefully, and if it appear that all property and taxes contained in the lists are properly returned as delinquent, the Board shall approve the lists, enter a record thereof in the journal and credit the amount thereof to the account of the City Collector.
- C. The Board shall return the delinquent lists to the collector, charging him/her therewith, and he/she shall proceed to collect the same in the same manner as provided by law for State and County taxes.

**SECTION 140.110: ENTER IN RECORD**

The Board of Aldermen shall cause such settlement to be entered on record so as to show the amount due the City. The records shall show the amount of taxes collected on the current tax books, and the amount of such returned delinquent thereon. Also the amount collected on delinquent lists, amount of interest and penalty collected on delinquent lists, amount collected on forfeited land lists, amount of interest or penalty and costs collected on forfeited land lists, amount collected on all licenses and from all other sources. (CC 1984 §80.120)

**SECTION 140.120: ENFORCE SETTLEMENT**

If the City Collector shall fail to make settlement in time and manner prescribed by law, he/she may be attached until he/she makes such settlement to the satisfaction of the Board of Aldermen. (CC 1984 §80.130)



**SECTION 140.130: DELIVER LIST TO SUCCESSOR**

Each outgoing Collector shall deliver the personal delinquent list to his/her successor, who shall proceed to collect the same and account for it as other monies collected by him/her, and shall return said list to the City Clerk to be delivered to the next succeeding Collector and so on until the whole is collected. All such transfers of the uncollected personal delinquent list shall be upon the order of the Board of Aldermen, entered on record, and the Clerk shall receive and file a receipt from the incoming Collector for said delinquent list in each instance. (CC 1984 §80.140)

**SECTION 140.140: CORRECT ERRORS**

At the meeting of the Board of Aldermen at which the several delinquent lists are required by this Article to be returned and certified, the said Board of Aldermen shall examine and compare the lists of lands and town lots on which the taxes remain due, and unpaid; and if any such land or town lots have been assessed more than once or if any of said lots are not subject to taxation, or if legal subdivision is incorrectly described, then in all such cases the Board of Aldermen shall correct all such errors by the best means in their power, and cause the list so corrected to be certified and filed in the office of the City Clerk. (CC 1984 §80.150)

**SECTION 140.150: MAY STILL CORRECT ERRORS**

In all cases where the City shall have assessed and levied taxes, general or special on any real estate, according to law whether the same be delinquent or otherwise, and until the same are collected and paid with all costs and interest and penalties thereon, the Mayor and Aldermen shall have full power to correct any errors that may appear in connection therewith whether of valuation, subject to the provisions of the Constitution of this State, or description of ownership double assessment, omission from the assessment books, or lists or otherwise and to make such valuation, assessment and levy to conform in all respects to the requirements of the law. (CC 1984 §80.180)

**SECTION 140.160: PENALTY AGAINST DELINQUENT LANDS**

Each tract of land in the back tax book, in addition to the amount of tax delinquent, shall be charged with a penalty of eighteen percent (18%) of each year's delinquency except that the penalty on lands redeemed prior to sale shall not exceed two percent (2%) per month or fractional part thereof.

**SECTION 140.170: LIEN**

A lien such as is now provided for by law in favor of the State for taxes due and unpaid on real estate is hereby declared in favor of the City for taxes due thereon and for all interests and cost accrued thereon or incurred under this Article; all in conformity with the provisions of the State law. (CC 1984 §80.200)

**SECTION 140.180: COMPROMISE TAXES WHEN**

Whenever it shall appear to the Board of Aldermen that any tract of land or town lot contained in the back tax book is not worth the amount of taxes, interest and costs due thereon as charged in said back tax book, or the same would not sell for the amount of such taxes, interest, and costs, it shall be lawful for said Board of Aldermen to compromise said taxes with the owner of said tract or lot, and upon payment to the Collector of the amount agreed upon, a certificate of redemption shall be issued under the Seal of the City which shall have the effect to release said land from the lien of the City and all taxes due thereon as charged in the back tax book; it shall be the duty of the Board of Aldermen to distribute the amount so paid to the various funds to which the said taxes are due in proportion as the amount received bears to the whole amount charged against the tract or lot. (CC 1984 §80.210)

## **ARTICLE II. SALES TAX**

### **SECTION 140.190: IMPOSITION OF CITY SALES TAX**

Pursuant to the authority granted by and subject to the provisions of Sections 94.500 to 94.540, RSMo., a tax for general revenue purposes is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 to 144.525, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of the tax shall be one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Section 144.010 to 144.525, RSMo. The tax shall become effective as provided in Section 94.510, RSMo., and shall be collected pursuant to the provisions of Sections 94.500 to 94.550, RSMo. (CC 1984 §81.010)

### **SECTION 140.200: TAX ON UTILITIES**

The municipal sales tax on all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil used for non-business, non-commercial, or non-industrial purposes heretofore imposed within the corporate limits of this municipality is hereby reimposed. (CC 1984 §81.020)

## **CHAPTER 145: FINANCES AND RECORDS**

### **ARTICLE I. FISCAL YEAR**

#### **SECTION 145.010: FISCAL YEAR**

The Fiscal Year of this City shall begin on October first (1st), and end on September thirtieth (30th) of the next succeeding year. (CC 1984 §22.010)

#### **SECTION 145.020: BUDGET REQUIRED**

Prior to the commencement of each Fiscal Year, a budget for the City shall be prepared, and the same will be presented to and approved by the Board of Aldermen. The format of the budget shall be on file in the City Clerk's office. (CC 1984 §22.100)

## **ARTICLE II. BUDGET**

### **SECTION 145.030: BUDGET CONTENTS**

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 (2) budget years. These comparisons shall be shown by year, fund, and source.
3. An estimate of the expenditures that are proposed to be spent during the budget year, plus a comparative statement of actual expenditures for the previous two (2) years. 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. (CC 1984 §22.110)

### **SECTION 145.040: 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. (CC 1984 §22.140)

### **SECTION 145.050: DEBT LIMIT**

The City shall not incur any debts which aggregate an amount greater than the anticipated revenues for the budget year, without the approval of the voters of the City, as required by law. (CC 1984 §22.150)

### **SECTION 145.060: BUDGET CALENDAR**

The Board of Aldermen shall prepare the City Budget in accordance with the following calendar:

1. First, the Board of Aldermen will collect the data necessary and make preliminary revenue estimates for the coming fiscal year. They will estimate expenditures for the present year, and note expenditures and revenues for the previous two (2) fiscal years.
2. Second, the Board of Aldermen will request from each City Officer a statement of expenditures requested for the coming fiscal year.

3. Third, the City Board will review the departmental requests and make their final revenue estimates for the coming fiscal year, and will confer with department heads to discuss these requests.
4. Fourth, the Board of Aldermen will begin assembling the City Budget.
5. Fifth, the Board of Aldermen will confer with the Mayor and any such other officers as the Mayor may designate, for preparation of the City Budget for the next fiscal year to be submitted to the Board of Aldermen.
6. The budget shall be submitted to the Board of Aldermen at the regular meeting in September. (CC 1984 §22.160)

#### **SECTION 145.070: BUDGET PROCEDURES**

To the maximum extent practicable, and to the extent it does not conflict with State law, this Code, or other ordinance, the budget shall be prepared in accordance with *A Guide to Budgeting for Missouri Municipalities*, published by the Missouri Municipal League. (CC 1984 §22.170)

### **ARTICLE III. RECORDS MANAGEMENT**

#### **SECTION 145.080: CITY CLERK TO KEEP RECORDS**

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

1. As used in this Article, the word "*record*" or "*records*" shall mean any 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 Article, and are hereinafter designated as "*non-record*" materials.
2. 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. (CC 1984 §22.200)

#### **SECTION 145.090: DUPLICATION AND RESEARCH CHARGES**

The City Clerk is hereby authorized and directed to impose the following charges for duplication and research for the production of documents:

1. Charges for copies shall be the actual cost incurred in copying the document.
2. Charges for research shall be the actual labor cost incurred during the research.

3. Standard state reports shall be charged \$2.00 per copy per accident.
4. Property damage reports shall be charged \$1.00 per copy per incident.

The City Clerk may waive part or all the above charges if she feels that the requested documents will significantly increase the public understanding of the operations or activities of the city and not to further the interest of the requester. (Ord. No. 03-14 § 1, 7-14-03)

## **CHAPTER 146: PURCHASING**

### **SECTION 146.010: GENERAL PROVISIONS**

- A. This policy provides guidelines to be followed in purchasing goods and services for the City of Buffalo. The Mayor shall be responsible for enforcing this policy. These policies are intended to promote increased efficiency, standardization of purchasing procedures while obtaining supplies, equipment, and services as economically as possible.
- B. All purchasing will demonstrate a reasonable and good faith effort to obtain goods and services at the lowest possible cost with the optimum quality needed. Competition among suppliers shall be encouraged.
- C. Accepting gratuities in exchange for preferential treatment is strictly prohibited. Any discounts, free merchandise or prizes given as the result of City purchases become the property of the City.

### **SECTION 146.020: PURCHASING AGENT AND DUTIES**

The Department Head of each City Department shall be the Purchasing Agent for each respective Department unless otherwise directed by the Mayor. The Purchasing Agent, when required, shall procure for the City the bids for all supplies and contractual services needed by the City, in accordance with the procedures prescribed by this Article or as required by law. The Purchasing Agent shall:

- 1. Act to procure for the City the highest quality of supplies and contractual services at the least expense to the City.
- 2. Prepare and adopt written specifications for all supplies and services.
- 3. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
- 4. Prescribe and maintain such forms necessary for the operation of the purchasing function.
- 5. Prepare, adopt, and maintain a vendors' catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendors' commodities, prices, and discounts.
- 6. To the extent possible, utilize "bulk" purchasing in order to take full advantage of discounts in materials or services.
- 7. Have the authority to declare vendors who default on the quotations as irresponsible bidders and to disqualify them from receiving further contract awards from the City for a stated period of time.
- 8. Inspect or supervise the inspection of all deliveries with regard to quantity, quality, and conformance to specifications.
- 9. Pursue all appropriate claims against the supplier, shipper or carrier.

**SECTION 146.030: REQUISITIONS AND ESTIMATES**

- A. Each City Department shall maintain detailed requisitions or estimates of the requirements for supplies and contractual services in such manner, at such time, and for such future periods as the Purchasing Agent shall prescribe.
- B. The Purchasing Agent shall examine each requisition or estimate and shall have the authority to revise it as to quantity, quality, or estimated cost.

**SECTION 146.040: CONFLICT OF INTEREST**

No officer or employee of the City shall transact any business in his/her official capacity with the business entity of which he/she is an officer, agent or member or in which he/she owns a substantial interest; nor shall he/she make any personal investments in any enterprise which will create an interest; nor shall he/she or any firm or business entity of which he/she is an officer, agent, or member, or the owner of a substantial interest, sell any goods or services to any business entity which is licensed by, or regulated in any manner, by the agency in which the officer or employee serves.

**SECTION 146.050: CONFLICT OF INTEREST – OFFICERS AND EMPLOYEES NOT TO DEAL WITH CERTAIN ENTITIES**

No officer or employee of this City shall enter into any private business transaction with any person or entity that has a matter pending, or to be pending upon which the officer or employee is or will be called upon to render a decision or pass judgment. If any officer or employee is already engaged in the business transaction at the time that a matter arises, he/she shall be disqualified from rendering any decision or passing any judgment upon the same.

**SECTION 146.060: GIFTS AND REBATES**

The Purchasing Agent and every other officer and employee of the City is expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase or contract is or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the City. Violation of this provision shall be grounds for dismissal.

**SECTION 146.070: PURCHASES - LEVEL 1- PURCHASES UP TO FIVE HUNDRED DOLLARS**

Purchases of up to Five Hundred Dollars (\$500) may be purchased by City Departments and then forward the completed purchase order to the City Clerk. Department Heads must approve the purchase and funds must be available in the budget. At a minimum, and to the extent possible, competitive quotations shall be obtained from at least three (3) vendors by telephone and documentation of such must be turned in with the purchase order for purchases over two hundred fifty dollars (\$250.00) All awards under this section shall be made to the lowest responsible bidder.



**SECTION 146.080: PURCHASES - LEVEL 2 - MORE THAN FIVE HUNDRED BUT LESS THAN ONE THOUSAND FIVE HUNDRED DOLLARS**

Purchases of more than Five Hundred Dollars (\$500) but less than One Thousand Five Hundred Dollars (\$1,500) may be approved by the Mayor, subject to the availability of funds in the budget. Competitive quotations are required and should be obtained in writing or by telephone from at least three (3) vendors. Quote information received will be tabulated and made part of the purchase order. All awards under this section shall be made to the lowest responsible bidder.

**SECTION 146.090: PURCHASES - LEVEL 3 - MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS LESS THAN TEN THOUSAND DOLLARS**

Purchases of more than One Thousand Five Hundred Dollars (\$1,500) but less than Ten Thousand Dollars (\$10,000) must be approved by the Board of Alderman prior to purchasing. All such awards shall be by formal, written contract from the lowest responsible bidder. Competitive quotations shall be required and should be obtained in writing or by telephone from at least three (3) vendors. Quote information received will be tabulated and made part of the board minutes.

In all cases, funds must be available in the budget or necessary budget amendments must be presented and approved by the Board of Alderman prior to approval of the purchase.

**SECTION 146.100: PURCHASES - LEVEL 4 - PURCHASES IN EXCESS OF TEN THOUSAND DOLLARS**

- A. The award of contracts and purchases over Ten Thousand dollars (\$10,000) must be approved by the Board of Alderman, prior to awarding the contract. All such awards shall be by formal, written contract from the lowest responsible bidder, after due notice inviting proposals. At least three (3) competitive bids shall be obtained from prospective, qualified vendors. In all cases, funds must be available in the budget or necessary budget amendments must be presented and approved by the Board of Alderman prior to approval of the purchase.
- B. Notice Required. The notice required by this section 146.100 shall consist of the following:
  - 1. Notice inviting sealed bids shall be published once in at least one (1) official newspaper of the City at least five (5) days preceding the last day set for the receipt of proposals. The newspaper notice required herein shall include a general description of the goods or services to be purchased, shall state where bid blanks and specifications may be obtained and the time and place for opening bids.
  - 2. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers that have requested their names be added to a "bidders" list, which the Purchasing Agent shall maintain, by sending them a copy of such newspaper notice or such other notice as will serve to notify them of the invitation to bid. In any case, invitations sent to vendors on the bidders list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.
  - 3. The City Clerk shall advertise all pending invitations to bid by a notice posted on the public bulletin board at City Hall.

4. The City Clerk shall solicit sealed bids by direct mail request to prospective vendors as may be in the best interest of the City.

C. Invitations To Bid.

1. All notices described in Section 146.100.B. shall include a specific due date and time for responses to requests for proposals. Any bids or proposals received after such date and time shall not be accepted.
2. All bids shall be opened at a public meeting of the City with at least two (2) representatives of the City present.

**SECTION 146.110:   LOWEST RESPONSIBLE BIDDER**

- A. The City reserves the right to reject any or all bids. Contracts shall be awarded to the lowest responsible bidder, subject to state and federal law. Bids shall not be accepted from, nor contracts awarded to, a contractor who is in default on the payment of taxes, licenses or other monies due the City. In determining “lowest responsible bidder” for the purpose of awarding contracts, the following criteria shall be considered, in addition to price:
1. Goods and services provided by vendors, merchants and businesses located in the City of Buffalo and Dallas County;
  2. The ability, capacity, and skill of the bidder to provide the goods, provide the service, or perform the contract;
  3. The ability of the bidder to perform the contract or provide the service promptly, within the time specified, without delay or interference;
  4. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
  5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract, goods, or services;
  6. The sufficiency of the financial resources and ability of the bidder to perform the contract, or provide the goods or services;
  7. The ability of the bidder to provide further maintenance and service for the use of the subject of the contract;
  8. The quality, availability and adaptability of the goods, supplies, or services to the particular use required;
  9. The number and scope of conditions attached to the bid.

## **SECTION 146.120: SOLE SOURCE PURCHASES**

A written explanation from the Department Head which shall be referred to as "sole source justification" shall be submitted by the Department Head prior to purchase approval for sole source purchases. The four most common sole source justifications are:

1. The requested product is an integral part or accessory to existing equipment.
2. The service request is for existing equipment which can only be completed by the original manufacturer or manufacturer's designated service provider.
3. The requested product or service has unique design, performance and/or quality specifications that are essential to a particular function and are not available in comparable products.
4. The requested service or system requires a supplier with unique skills or experience.

In rare cases, only one (1) supplier may exist to provide a particular product or service. When providing a justification based on the availability of one (1) supplier, the product or service must be defined in generic terms. Specifying patented products or processes, when not necessary to meet functional requirements, is not acceptable as a sole source justification. Justification should include information regarding attempts to locate other suppliers, such as letters, informal quotations or telephone contacts.

## **SECTION 146.130: EMERGENCY PROCUREMENT**

- A. Notwithstanding any other provision of this Chapter, in the case of an apparent emergency which threatens the public health, welfare or safety, requiring the immediate purchase of supplies, services or contractual services, the Mayor shall have the power to authorize the purchase, at the lowest obtainable price to secure the necessary services or goods in the open market, without competition, not in excess of Five Thousand Dollars (\$5000). In no event shall the contract price exceed commercially reasonable prices. A full explanation of the circumstances of an emergency purchase shall be recorded in the records of the City.

## **SECTION 146.140: OPEN MARKET PROCEDURE**

- A. All purchases of supplies and contractual services, and all sales of personal property which have become obsolete and unusable may be made in the open market without newspaper advertisement and without observing the procedures described in Sections 146.090 and 146.100 for the award of formal contracts.
- B. Notwithstanding the foregoing, all open market purchases shall, whenever possible, be based upon at least three (3) competitive bids, and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in Section 146.110.
- C. The City shall solicit bids by direct mail request to prospective vendors, by telephone, or by public notice posted on the bulletin board of City Hall.

- D. The Purchasing Agent shall maintain a record of all open market orders and bids submitted in competition thereof, and such records shall be open to public inspection.

**SECTION 146.150: AUCTIONS**

The Board may authorize a City employee or representative to attend a publicly advertised auction for the purpose of purchasing equipment or goods necessary for the operation of the City, up to a specified limit. In no event shall the amount paid for equipment or goods exceed commercially reasonable prices.

**SECTION 146.160: PURCHASE OF USED EQUIPMENT**

The Board may authorize the purchase of used equipment for the operation of the City without observing the procedures set forth in Sections 146.070 through 146.100 after a determination has been made by the Board that the value of the used equipment does not exceed fair market value.

**SECTION 146.170: PURCHASING OF SERVICES**

Repairs of existing equipment and infrastructure shall be done in the most expedient manner possible, within budgetary limits. The Department Head authorizing said repair shall take steps to ensure that the labor rates and time spent for the repair are reasonable for the service being performed. Additionally, any materials purchased through the service provider should be reviewed by the Department Head to ensure the price paid is reasonable. Repairs estimated to exceed \$500 shall require the Mayor's authorization and repairs estimated to exceed \$1500 shall require the approval of the Board of Alderman unless it is an emergency as defined by Section 146.130 (Ord. 15-04 §1, 4-13-15).

## **TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE**

### **CHAPTER 200: POLICE DEPARTMENT**

#### **SECTION 200.010: DEPARTMENT CREATED**

There is hereby created a Police Department for the City which shall consist of the Chief of Police, who shall be Ex Officio Superintendent of Police, Policemen and such other employees as may be provided for by the Board of Aldermen. (CC 1984 §71.010)

#### **SECTION 200.020: APPOINTMENTS**

The Chief of Police shall be appointed by the Board of Aldermen. All other appointments to or promotions within the Department shall be made by the Chief of Police with the approval of the Board of Aldermen. (CC 1984 §71.020)

#### **SECTION 200.030: RANK**

The Chief of Police shall be the head of the Department and have supervision over all members thereof. (CC 1984 §71.030)

#### **SECTION 200.040: DUTIES OF CHIEF**

The Chief of Police shall keep such records and make such reports concerning the activities of his/her Department as may be required by Statute or by the City Board of Aldermen. The Chief shall be responsible for the performance by the Police Department of its functions, and all persons who are members of the Police Department shall serve subject to the order of the Chief of Police. (CC 1984 §71.040)

#### **SECTION 200.050: DUTIES OF POLICE**

It shall be the duty of the members of the Police Department to see to the enforcement of all of the ordinances of the City and all Statutes applicable therein; and to preserve order and prevent infractions of the law and arrest violators thereof. (CC 1984 §71.050)

#### **SECTION 200.060: CONDUCT OF MEMBERS**

It shall be the duty of every member of the Police Department to conduct himself/herself, in a proper and law abiding manner at all times, and to avoid the use of unnecessary force. Each member of the Department shall obey the order and directions of his/her superior. (CC 1984 §71.060)

#### **SECTION 200.070: WITNESS FEES**

Every member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of any ordinance or of any State or Federal law. No such members shall

retain any witness fee for service as witness in any action or suit to which the City is a party; and any fees paid for such services shall be turned over to the Chief, who shall deposit the same with the City Collector. (CC 1984 §71.070)

**SECTION 200.080: RULES AND REGULATIONS**

The Chief of the Police Department may make or prescribe such rules and regulations as he/she shall deem advisable; such rules, when approved by the Board of Aldermen, shall be binding on such members. Such rules and regulations may cover, besides the conduct of the members, uniforms, and equipment to be worn or carried, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the Department. (CC 1984 §71.080)

**SECTION 200.090: STOLEN PROPERTY—CUSTODY OF**

The Chief of Police shall have the custody of all lost, abandoned, or stolen property recovered in the City. (CC 1984 §71.100)

**SECTION 200.100: EXCESSIVE FORCE PROHIBITED**

The City of Buffalo hereby adopts and will enforce a policy of prohibiting the use of excessive force by Law Enforcement Agencies within the City against any individuals engaged in non-violent civil rights demonstrations. (CC 1984 §71.200)

**SECTION 200.110: POLICE TRAINING REQUIREMENTS**

All employees of the police department except for clerical positions shall have a valid peace officer license issued by the Missouri Department of Public Safety as provided for in Chapter 590 of RSMo. It shall be the obligation of each employee who is subject to this section to immediately notify the Police Chief if their license is terminated or suspended by the Missouri Department of Public Safety. Any member of the police department except for clerical positions shall be terminated or suspended upon said notification by either the Police Chief or Mayor.(CC 1984 §23.260; Ord. No. 23.260 §§ 1-2, 11-8-93, Ord. No. 01-18 §2, 8-13-01; Ord. No. 06-06, §2, 3-13-06)

**SECTION 200.120: PARTICIPATION IN SOUTH CENTRAL MISSOURI MAJOR CASE SQUAD**

The Buffalo Police Department may, at the election of the Chief of Police, participate as a member agent in the South Central Missouri Major Case Squad. Participation by said Department shall not require any expenditure from the general revenue of the City of Buffalo. (Ord. No. 95-16 §1, 7-1095)

## **CHAPTER 205: FIRE DEPARTMENT**

### **SECTION 205.010: ESTABLISHMENT AND COMPOSITION**

There is established a fire department in the City, which shall be composed of a fire chief, assistant fire chief and as many firemen as the Board of Alderman determines are needed. (Ord No. 01-38 §1, 12-10-01)

### **SECTION 205.020: APPOINTMENT OF CHIEF**

The Mayor with the approval of the Board of Aldermen shall appoint the fire chief in October of each year. The fire chief shall be over the age of twenty-one (21) and shall have, at a minimum, completed the training of Firefighter one (1) and Firefighter two (2) prior to appointment. Such fire chief shall serve for a term of one (1) year, unless sooner removed. In the event of a vacancy in the office of fire chief, the assistant fire chief shall serve as interim fire chief until the next regular meeting of the Board, at which time the vacancy shall be filled by appointment of the Mayor, with the approval of the Board of Aldermen, the person so appointed to serve the unexpired term. (Ord No. 01-38 §1, 12-10-01)

### **SECTION 205.030: REMOVAL OF CHIEF**

The fire chief may be removed from office by resolution of the Board of Aldermen at any time for incompetence, inefficiency, neglect of duty or when it may appear to the Board to be in the best interest of the fire department. (Ord No. 01-38 §1, 12-10-01)

### **SECTION 205.040: GENERAL AUTHORITY AND DUTIES OF FIRE CHIEF**

The fire chief shall be commander of the fire department, subject only to the orders of the mayor. The fire chief shall be responsible for the discipline, good order and conduct of the Department, the enforcement of all laws, ordinances, and regulations as the same pertain to the Department, and for the care and condition of the houses, engines, trucks and all other property of the Department. He/she shall, when a fire breaks out, take immediate and proper measures for its extinguishment. The chief shall have the power to order the cutting down and removing of any building, erection, fence, or other thing, if he shall deem it necessary for the purpose of checking a fire in its progress. (Ord No. 01-38 §1, 12-10-01)

### **SECTION 205.050: APPOINTMENT OF ASSISTANT FIRE CHIEF**

The fire chief, with the approval of the Board of Aldermen shall appoint the assistant fire chief. The fire chief shall submit the name of the proposed assistant fire chief to the mayor at least fourteen (14) days prior to the meeting of the Board of Aldermen at which the appointment will be considered. The assistant fire chief shall have, at a minimum, completed the Firefighter one (1) and Firefighter two (2) training prior to appointment as assistant fire chief and shall meet all qualifications to be a member of the Fire Department. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.060: APPOINTMENT OF MEMBERS**

The members of the fire department shall be appointed by the fire chief, with the approval of the Board of Aldermen. The fire chief shall submit the names of any proposed members to the mayor at least fourteen (14) days prior to the meeting of the Board of Aldermen at which the appointments will be considered. Each member shall be a qualified person, of good moral character, who is physically able to perform the duties of a member of the fire department. Each member shall be able to run, walk, crawl, jump, bend, squat, kneel, twist, reach overhead, hold, and grip objects, climb ladders and stairways, sit and stand for long periods of time, and must be able to lift, carry, push or pull, weight up to 120 pounds. At the discretion of the Board of aldermen may be required to pass a post offer medical examination, which includes vision, hearing, and psychological evaluation. Each member shall be subject to the drug and alcohol screening policy for all City employees in accordance with Chapter 120 of this Code. Each member shall be at least eighteen (18) years of age, possess a valid driver's license, and must pass a background investigation. Each member shall satisfactorily complete fire fighter one (1) and two (2) training within eighteen (18) months of his appointment. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.070: DISMISSAL OF ASSISTANT FIRE CHIEF OR MEMBERS**

The assistant fire chief or any or all of the members of the fire department may be summarily dismissed by the fire chief, with the approval of the mayor, at any time when in his opinion the same will be to the best interest of the fire department. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.080: AUTHORITY AND DUTIES OF ASSISTANT FIRE CHIEF**

The assistant fire chief shall assist the fire chief and, in the absence of the chief, shall be in full charge and control of the Department, and exercise all of the powers and duties herein specified for the chief. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.090: COMPENSATION OF MEMBERS**

Each member of the fire department shall receive compensation based on a compensation schedule set by the Board of Aldermen. Such schedule shall be determined in October of each year. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.100: ADOPTION OF STANDARD OPERATING PROCEDURES**

The fire department shall have the authority to adopt standard operating procedures for the government of the same, which procedures shall be subject to the approval of the Board of Aldermen. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.105: MEMBERS TO OBEY ORDERS OF CHIEF**

The assistant fire chief and all other members of the fire department shall strictly obey all lawful orders of the fire chief. (Ord No. 01-38 §1, 12-10-01)



**SECTION 205.110: MEMBERS TO RESPOND TO ALARMS**

Whenever there is a fire alarm, the firemen shall, under the direction of the fire chief or assistant fire chief, proceed as rapidly as possible to the scene of the fire with the fire apparatus and equipment, and their work and manage the same under the direction of the fire chief or assistant fire chief until the fire is extinguished. No member of the fire department shall leave any fire before the same is extinguished without the permission of the fire chief or assistant fire chief. (Ord No. 01-38 §1, 1210-01)

**SECTION 205.115: RECORDS OF MEMBERS**

The chief shall keep, in suitable books, a record of the names, ages and residences of all the members of the fire department, the time of their admission and discharge, and an inventory of all the property belonging to the department held by each member. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.120: RECORDS OF FIRES AND LOSSES**

The chief shall keep a record of every fire that may occur, showing what property was destroyed, giving its description, name of owner, and occupant, where situated, its value and amount of loss and insurance. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.125: MONTHLY REPORT TO BOARD OF ALDERMAN**

The chief shall keep a record of false alarms, of the cause of the various fires, of the expense connected with the Department, and of such other facts as he may deem of value to be preserved, and report the same to the Board of Aldermen at its first regular meeting each month. The chief shall also submit a listing of the name, age, address, and telephone number of each current member of the Department. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.130: ANNUAL INVENTORY AND INSPECTION**

There shall be a general review and inspection of the fire department during the month of August each year. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.135: MEETINGS**

The fire department shall meet at regular monthly meetings. (Ord No. 01-38 §1, 12-10-01)

**SECTION 205.140: MUTUAL AID AGREEMENTS**

The fire department shall not answer any fire calls and/or use public safety equipment outside of the city limits, except as hereinafter provided. The city fire department, with the approval of the Mayor and Board of Aldermen, may enter into mutual aid agreements with rural fire protection associations, municipalities, and counties as authorized by state statute. Such mutual aid agreements shall be entered into only by official action of the Mayor and Board of Aldermen. (Ord No. 01-38 §1, 12-1001)

**SECTION 205.145: USE OF INTOXICATING LIQUOR BY MEMBERS**

It is unlawful for any member of the fire department to be found in a state of intoxication or under the influence of intoxicants at any fire or fire station, or to use any intoxicating liquor in or about any fire station. Any member of the fire department convicted of violating this section shall be immediately dismissed, and after dismissal, be ineligible to be a member of the fire department. (Ord No. 01-38 §1, 12-10-01)

## CHAPTER 210: ANIMAL REGULATIONS

### ARTICLE I. DOGS AND CATS

#### SECTION 210.010: OWNER DEFINED

As used in this Chapter, "owner" means any person, firm or corporation, harboring or keeping a dog or cat. (CC 1984 §73.010; Ord. No. 73.010 §1, 6-14-93)

#### SECTION 210.020: LIMITATION ON NUMBER OF CATS OR DOGS

No family or group of persons living in a dwelling shall keep, maintain, harbor, or own more than four (4) cats or four (4) dogs or more than a total of four (4) dogs and cats, over the age of three (3) months on or about the lot, unless issued a kennel license as provided in Chapter 625. (CC 1984 §73.015; Ord. No. 73.010 §1, 6-14-93; Ord. No 02-07 §1, 3-11-02)

#### SECTION 210.030: LICENSE REQUIRED FOR DOGS AND CATS

No owner shall keep or harbor any dog or cat above the age of three (3) months within the City limits of Buffalo, Missouri, unless a license therefore has first been secured. Licenses shall be issued by the City Clerk of Buffalo, Missouri, for a fee of two dollars (\$2.00). Licenses shall expire on the thirty-first (31st) day of May, next following their issuance. Dog or cat tags are not transferable and no refund shall be made on any dog or cat license fee because of leaving the State or City of Buffalo, Missouri, or death of the dog or cat before the expiration of the license period. Regardless of when purchased, the full fee shall be paid for the license. (CC 1984 §73.020; Ord. No. 73.010 §1, 6-14-93; Ord. No 02-07 §1, 3-11-02)

#### SECTION 210.040: METHOD OF SECURING DOG OR CAT LICENSE

No dog or cat license shall be issued unless the owner shows that said dog or cat has a current rabies vaccination by presenting to the City Clerk a certificate of current rabies vaccination issued by a veterinarian licensed by the State of Missouri. For purposes of this Article, "current rabies vaccination", means that the expiration date of the rabies vaccination as indicated on said certificate shall not be sooner than the May thirty-first (31st) next following the application for license. Upon payment of the license fee, the Clerk shall execute a receipt in duplicate; he/she shall deliver the original receipt to the person who pays the fee, retaining the duplicate. He/she shall also procure a sufficient number of suitable metallic tags and he/she shall deliver one (1) appropriate tag to the owner when the fee is paid. Duplicate tags will be issued by the City Clerk of Buffalo, Missouri, upon satisfactory proof that a license has been purchased and lost, for a fee of fifty cents (\$0.50). (CC 1984 §73.030; Ord. No. 73.030 §2, 10-11-93)

#### SECTION 210.050: AFFIXING TAGS

The owner shall cause the City license tag and the rabies vaccination tag issued by a licensed veterinarian to be affixed by a permanent metal fastener to the collar of the dog or cat so licensed in

such a manner that the tag may easily be seen by the officer and employees of the City of Buffalo, Missouri. The owner shall see that the tag is constantly worn by such dog or cat. (CC 1984 §73.040; Ord. No. 73.010 §1, 6-14-93)

**SECTION 210.060: OFFENSES INVOLVING TAGS**

It is hereby made unlawful for any person to take from any dog or cat a tag legally placed upon it with the intent to place it upon another dog or cat or to place such tag upon another dog or cat. (CC 1984 §73.050; Ord. No. 73.010 §1, 6-14-93)

**SECTION 210.070: AT LARGE DEFINED**

For the purpose of this Chapter, the term "at large" is defined to be and mean off the premises of the owner. A dog or cat is not "at large" if off the premises of the owner and under the control of a person, either by leash, cord, or chain. (CC 1984 §73.060; Ord. No. 73.010 §1, 6-14-93; Ord. 96-29 §1-2, 8-12-96)

**SECTION 210.080: RESTRICTIONS AND IMPOUNDING—UNLICENSED DOGS TO BE SHOT**

- A. It shall be unlawful for the owner of any dog or cat to allow said dog or cat to run at large.
- B. Dogs or cats not licensed pursuant to this Chapter, or found to be at large as designated above, whether bearing license or not, may be picked up and impounded by any Police Officer or designated City employee or may be forthwith shot and disposed of by any Police Officer or designated City employee if, in their opinion, to allow said dog or cat to remain unrestrained would create a threat, harm or disease.
- C. The City Clerk shall be notified on the following work day that any animal is impounded.
- D. The Police Officer or designated City employee may elect not to immediately pick up and impound a dog or cat not licensed pursuant to this Chapter or found to be at large, but may serve notice on the owner of the violation as follows:

**NOTICE OF VIOLATION**

TO: \_\_\_\_\_ DATE: \_\_\_\_\_

RE: A dog/cat of the following description Sex: \_\_\_\_\_ Color: \_\_\_\_\_

Breed: \_\_\_\_\_ Approximate Age: \_\_\_\_\_

You are in violation of the following Sections of the Code of Ordinances for the City of Buffalo:

- ( ) Section 210.030 requiring the owner of any dog or cat above the age of three (3) months within the City limits of Buffalo, Missouri, to obtain a license for the dog or cat. You

must obtain a rabies shot and a license for said animal within five (5) days or the animal will be impounded and you will be subject to the penalties as set forth below.

( ) Section 210.080 which provides that it is unlawful for the owner of any dog or cat to allow said dog or cat to run at large.

E. Violations of these ordinances are punishable by a fine not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00) or by confinement in the City Jail or County Jail for a period of not greater than thirty (30) days, or by both such fine and confinement for each violation. (CC 1984 §73.070; Ord. No. 73.010 §1, 6-14-93; Ord. No. 96-29 §1-2, 8-12-96; Ord. No 02-07 §1, 3-11-02)

**SECTION 210.090: NOTICE OF IMPOUNDING**

A. Upon taking up and impounding any dog or cat as provided above, an officer or City employee shall promptly post on the City Hall Bulletin Board a Notice of Impounding as follows:

**NOTICE OF IMPOUNDING**

Date

To Whom It May Concern:

I have this day taken up and impounded in the pound of the City of Buffalo, Missouri, at Street, a dog/cat answering to the following description: Sex \_\_\_\_, Color \_\_\_\_\_ Breed \_\_\_\_\_ Approximate Age \_\_\_\_\_ Name of Owner \_\_\_\_\_.

Notice is hereby given that unless dog/cat is claimed and redeemed on or before \_\_\_\_\_ o'clock A.M./P.M. on the \_\_\_\_ day of \_\_\_\_\_, 200\_, the same will be disposed of as provided by Section 210.090 of the City Code.

Signed: \_\_\_\_\_

B. The date of disposal of dog/cat shall be the fifth (5th) day after the posting of this notice unless that date falls on a Saturday or Sunday or holiday, in which case it shall be the following weekday. If a dog/cat is impounded bearing a license then an effort will be made to contact the person to whom the license is issued. (CC 1984 §73.080; Ord. No. 73.010 §1, 6-14-93)

**SECTION 210.100: HOW DOGS AND CATS REDEEMED**

No cat or dog shall be redeemed from the pound by the owner except upon compliance with Subsections (1) and (2) below:

1. Owners shall present to the Clerk a certificate of rabies vaccination issued by a licensed veterinarian within the past year. In the event the owner is unable to present such certification, then he/she will be required to post with the City Clerk a bond of fifty dollars (\$50.00) cash which shall be returned

to the owner if the owner presents a certificate of rabies vaccination issued by a licensed veterinarian within seven (7) days of posting said bond. After seven (7) days the said bond shall automatically forfeit to the City if not redeemed sooner.

2. The owner shall, within the time stated in the notice, pay to the Clerk the license fee for the current year in the case of a dog or cat plus an impounding fee of twenty dollars (\$20.00) and five dollars (\$5.00) per day for each day the dog or cat is confined in the pound as the cost of feeding.

Upon presentation of the certificate of the Clerk that the owner has complied with Subsections (1) and (2) above, the City Officer or employee shall release to any owner the cat or dog claimed by him/her. Any cat or dog impounded may be transferred to Dogwood Animal Shelter or another animal care facility which meets Missouri Department of Agriculture regulations and shall be held for a total of five (5) days excluding Saturday, Sunday, or holidays. After which time the animal becomes the property of the animal care facility. The City shall negotiate the fee to be paid to Dogwood Animal Shelter or another animal care facility. (CC 1997 §73.090; Ord. No. 73.010 §1, 6-14-93; Ord. No. 95-08 §§1-2, 5-8-95; Ord. 97-02 §§1-2, 1-13-97)

## **SECTION 210.105: VICIOUS DOGS**

A. As used in this Chapter:

1. "*Vicious dog*" means:

- a. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals;
- b. Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this Chapter; or
- c. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
- d. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

2. A vicious dog is "*unconfined*" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot. All such pens or structures must be kept in a clean and sanitary condition.

B. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

C. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or lease, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

- D. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.
- E. Owners of vicious dogs must within thirty (30) days of August 12, 1996, provide proof to the City Clerk of public liability insurance in the amount of at least fifty thousand dollars (\$50,000.00) insuring the owner for any person injuries inflicted by his or her vicious dog. (Ord. No. 96-29 §2, 8-12-96)

**SECTION 210.110: CATS OR DOGS CAUSING NUISANCES**

No person shall keep any cat or dog which, by frequent howling, barking, baying, yelping or squalling, shall disturb the peace of the neighborhood.  
(CC 1984 §75.410; Ord. No. 73.500 §1, 9-9-91)

**SECTION 210.120: PROHIBITIONS AND PENALTIES**

- A. It shall be unlawful for any person to abandon any cat or dog within the corporate City limits of the City of Buffalo, Missouri, or to permit any dog or cat abandoned by him or her in the vicinity of the corporate limits of the City of Buffalo, Missouri, to stray within the corporate limits of the City of Buffalo, Missouri.
- B. It is unlawful for any unauthorized person to break open the pound or to attempt to take from any officer any dog or cat taken up by him/her in compliance with this Chapter or in any manner to interfere with or hinder such officer in the discharge of his/her duties under this Chapter.
- C. Any owner who shall violate any of the provisions of this Chapter shall upon conviction, be subject to a fine of not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00) or by confinement in the City Jail or County Jail for a period of not greater than thirty (30) days, or by both such fine and imprisonment. Each and every occurrence shall be an additional violation and a separate offense. (CC 1984 §73.100; Ord. No. 73.010 §1, 6-14-93; Ord. No. 96-29 §§1–2, 8-12-96)

**ARTICLE II. CRUELTY TO ANIMALS**

**SECTION 210.130: ANIMAL ABUSE**

A person is guilty of animal abuse when a person:

- 1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023, and 273.030, RSMo.;
- 2. Purposely or intentionally causes injury or suffering to an animal; or

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

For the purposes of this Section, "animal" shall be defined as a mammal.

**SECTION 210.140: ANIMAL NEGLECT**

A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care which results in substantial harm to the animal.

**SECTION 210.150: ANIMAL FIGHTS PROHIBITED**

No person in the City shall maintain any place where fowl or animals are suffered to fight upon exhibition or for sport or upon any wager. (CC 1984 §73.440)

**SECTION 210.200: FERAL CAT COLONIES**

- A. Definition - A feral cat colony is a group of non-domestic cats living in a common or public defined area and which has a caretaker and has received approval from the Feral Cat Colony Coordinator and the City's Animal Control Officer to exist.
- B. Feral Cat Colony Coordinator - Is a volunteer and citizen of Buffalo who agrees to coordinate all feral cat colonies within the City of Buffalo. Said coordinator shall be recommended by the Animal Control Officer and appointed by a majority vote of the Board of Alderman. Said coordinator shall perform the duties as listed in this section and may be removed for any reason by a majority vote of the Board of Alderman. If a volunteer coordinator is removed or resigns from the position and another coordinator is not appointed under this ordinance the feral cat colonies will cease to exist legally under the Buffalo City Code and the cats shall be considered to be at large and thus subject to impoundment by the Animal Control Officer.
- C. Feral cat colonies may exist within the city limits of the City of Buffalo, if the same are registered with the Feral Cat Colony Coordinator and maintained as set forth herein. The colony shall be registered with the Feral Cat Colony Coordinator and a caretaker designated as responsible for the same. The registration shall specify the location of the colony.
- D. The caretaker shall:
  1. Ensure that the animals within the colony are fed on a regular basis, including holidays, weekends, and during inclement weather, including in the absence of the caretaker.
  2. Sterilize or neuter all cats over the age of four months.
  3. Ensure that all cats within the colony which are over the age of three months are vaccinated for rabies.



4. Remove kittens from the colony which are between the ages of six (6) and eight (8) weeks of age.
  5. Remove sick or injured cats from the colony for veterinary care or humane euthanasia.
  6. Maintain proof of sterilization, vaccination, identifying markings and medical records for all cats in the colony.
  7. Provide proof of any of the above requirements to the Feral Cat Colony Coordinator, City Animal Control Officer, or other designated City representative upon request.
  8. Understand that funding these requirements will not come from the City of Buffalo.
- E. The City Animal Control Officer shall immediately seize and remove all or any parts of a feral cat colony if, in the opinion of the Animal Control Officer, removal is necessary for the public health or public safety, including, but not limited to, public safety concerns regarding rabies or other epizootic and zoonoses.
- F. The City Animal Control Officer shall remove any cats within a feral colony which are creating a public nuisance, or which are being kept in violation of the requirements of this ordinance. The Animal Control Officer, may, but is not required to, give notice of the nuisance or violation, to the caretaker, and give the caretaker a reasonable period of time to correct the same.
- G. The Feral Cat Colony Coordinator shall be responsible for ensuring caretakers are following the guidelines required by this section and shall provide proof of the same to the Animal Control Officer immediately upon request. The Feral Cat Colony Coordinator shall assist the Animal Control Officer in removing cats from colonies as required by this section. The Feral Cat Colony Coordinator shall get approval from the Animal Control Officer prior to allowing any new colonies to be lawfully formed as prescribed by this section. (Ord. No. 03-05 §1, 4-14-03; Ord. No. 03-27 §§1–2, 11-10-03)

## **CHAPTER 215: OFFENSES**

### **ARTICLE I. OFFENSES AGAINST A PERSON**

#### **SECTION 215.010: ASSAULT**

A person commits the offense of assault if:

1. He/she attempts to cause, intentionally causes, or recklessly causes physical injury to another person.
2. With criminal negligence he/she causes physical injury to another person by means of deadly weapon.
3. He/she purposely places another person in apprehension of immediate physical injury.
4. He/she recklessly engages in conduct which creates the grave risk of death or serious physical injury to another person.
5. He/she knowingly causes physical contact with another person knowing that the other person will regard the contact as offensive or provocative. (CC 1984 §75.170)

#### **SECTION 215.020: ASSAULT OF A LAW ENFORCEMENT OFFICER**

A person commits the offense of assault of a Law Enforcement Officer if knowingly he/she:

1. Places a Law Enforcement Officer in apprehension of immediate physical injury; or
2. Causes physical contact with a Law Enforcement Officer without the consent of said Officer; or
3. Causes or attempts to cause physical contact with a Law Enforcement Officer in a rude, angry, or threatening manner.

### **ARTICLE II. OFFENSES CONCERNING ADMINISTRATION**

#### **SECTION 215.030: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY**

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

**SECTION 215.040: RESISTING OR INTERFERING WITH ARREST**

- A. A person commits the offense of resisting or interfering with arrest if, knowing that a Law Enforcement Officer is making an arrest, for the purpose of preventing the officer from effecting the arrest, he:
1. Resists the arrest of himself by using or threatening the use of violence or 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.
- B. This Section applies to arrests with or without warrants and to arrests for any crime or ordinance violation.

**SECTION 215.050: OBSTRUCTING POLICE**

A person commits the offense of obstructing police, if knowingly he/she:

1. Causes or attempts to cause the immediate delay of a Police Officer, by means of physical interference or by verbal misdirection, to the location of an actual emergency or call for assistance; or
2. Is at the scene or location where a Police Officer has responded to an actual emergency or call for assistance and physically obstructs the officers' lawful performance of duty.

**SECTION 215.060: HINDERING PROSECUTION**

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

1. Harbors or conceals such person.
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.
3. Provides such person with money, transportation, weapon, disguise, or other means to aid him/her in avoiding discovery or apprehension.
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. (CC 1984 §75.310)

**SECTION 215.070: PERJURY**

- A. A person commits the offense of perjury if, with the purpose to deceive, he/she 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 oaths.

- 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.
- C. Knowledge of the materiality of the statement is not an element of this offense, and it is no defense that:
  - 1. The defendant mistakenly believed that fact to be immaterial.
  - 2. The defendant was not competent, for reasons other than mental disability or immaturity, to make the statement.
- D. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement in the course of an official proceeding in which it was made, provided he/she did so before the falsity of the statement was exposed. Statements made in separate hearings at separate stages of the same proceeding are made in the course of the same proceeding.
- E. The defendant shall have the burden of injecting the issue of retraction under Subsection (D) of this Section. (CC 1984 §75.320)

**SECTION 215.080: FALSE DECLARATIONS**

A person commits the offense of making a false declaration if, with the purpose to mislead a public servant in the performance of his/her duty, he/she:

- 1. Submits any written false statement, which he/she does not believe to be true;
  - a. In an application for any pecuniary benefit or other consideration.
  - b. On a form bearing notice, authorized by law, that false statements made therein are punishable.
- 2. Submits or invites reliance on:
  - a. Any writing which he/she knows to be forged, altered, or otherwise lacking in authenticity.
  - b. Any sample, specimen, map, boundary mark, or other object which he/she knows to be false.
- 3. The falsity of the statement or the item under Subsection (1) of this Section must be as to a fact which is material to the purpose for which the statement is made or the item submitted, and the provisions of Subsections (B) and (C) of Section 215.070 shall apply to prosecutions under Subsection (1) of this Section. (CC 1984 §75.330)

## **SECTION 215.090: FALSE REPORTS**

A person commits the offense of making a false report if he/she knowingly:

1. Gives false information to a Law Enforcement Officer for the purpose of implicating another person in a crime.
2. Makes a false report to a Law Enforcement Officer that a crime has occurred or is about to occur.
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. (CC 1984 §75.340)

## **SECTION 215.100: TAMPERING WITH PHYSICAL EVIDENCE**

A person commits the offense of tampering with physical evidence if he/she:

1. Alters, destroys, suppresses, or conceals any record, document, or thing with the purpose to impair its verity, legibility, or availability in any official proceeding or investigation.
2. Makes, presents, or uses any record, document, or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation. (CC 1984 §75.350)

## **SECTION 215.110: FALSE IMPERSONATION**

A person commits the offense of false impersonation if he/she:

1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
  - a. Performs an act in that pretended capacity.
  - b. Causes another to act in reliance upon his/her pretended official authority.
2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
  - a. Performs an act in that pretended capacity.
  - b. Causes another to act in reliance upon such representation. (CC 1984 §75.360)

## ARTICLE III. OFFENSES CONCERNING PUBLIC SAFETY

### SECTION 215.115: OBEDIENCE TO LAW ENFORCEMENT OFFICERS

No person shall willfully fail or refuse to comply with any lawful order or direction of a law enforcement officer. (Ord. No. 12-01 §1, 2-13-12)

### SECTION 215.116: SUSPECTS TO IDENTIFY THEMSELVES

Any law enforcement officer may detain any person whom the officer encounters under circumstances creating a reasonable suspicion that the person has committed, is committed or is about to commit a crime, and require the person to identify himself or herself. Any person so detained shall identify himself or herself by giving his or her full legal name. (Ord. No. 12-01 §2, 213-12)

### SECTION 215.120: VAGRANCY

A person commits the offense of vagrancy when he/she is:

1. Found loitering or strolling in, about, or upon any street, alley, or other public way or public place, or at any public gathering or assembly, or in or around any store, shop or business or commercial establishment, or on any private property or place without lawful business, and who upon being ordered to move on about his/her business, fails to do so; or
2. Found to occupy, lodge, or sleep in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car, or other vehicle, without owning the same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness and not giving a reasonable explanation for his/her behavior; or
3. Found to be begging or going from door to door of private homes or commercial and business establishments, or places himself/herself in or upon any public way or public place to beg or receive alms for his/her own use. (CC 1984 §75.070)

### SECTION 215.130: LOITERING DEFINITIONS

As used in Section 215.140 the following terms shall have these prescribed meanings:

*LOITERING*: Remaining idle in essentially one (1) location and shall include the concept of spending time idly, to be dilatory, to linger, to stay, to saunter, to delay, to stand around, and shall include the colloquial expression "Hanging Around".

*PUBLIC PLACE*: Any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place solely devoted to the uses of the public. 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, and parks. (CC 1984 §75.150)

**SECTION 215.140: LOITERING—POLICE ORDER TO DISPERSE**

- A. It shall be unlawful for any person to loiter, loaf, wander, stand, or remain idle either alone and/or in consort with others in a public place in such a manner so as to:
  - 1. Obstruct any public street, public highway, public sidewalk, or any other public place or building, by hindering or impeding or tending to hinder or impede, the free and uninterrupted passage of vehicles, traffic, or pedestrians.
  - 2. Commit in or upon any public street, public highway, public sidewalk, or any other public place or building, any act or thing which is an obstruction or interference to the free and 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 uninterrupted ingress, egress, and regress therein, thereon, and thereto.
- B. When any person causes or commits any of the conditions enumerated in Subsection (A) herein, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section. (CC 1984 §75.151)

**SECTION 215.145 STREET ADDRESS HOW DESIGNATED AND DISPLAYED**

- A. All street numbers inside the city limits of Buffalo shall be assigned by the designated employee at City Hall.
- B. All residences and commercial businesses shall have their street addresses as assigned by City Hall conspicuously posted so that providers of fire protection services or other emergency services shall better find the proper location when responding to an emergency call.
- C. The Fire Chief or assignee shall provide notice of the correct address and of this requirement to the resident or occupant of each premise. Said notice shall stipulate the time they have to comply which shall not be less than fifteen days.
- D. To be conspicuously posted the address shall be posted on part of the house visible from the road with numbers not less than 4" in height and be of a color that contrasts with the house. If not visible and conspicuous from the road the address shall be displayed on a sign at the driveway entrance to the residence or commercial building with numbers that are no less than 4" in height and of contrasting colors.
- E. Residents or occupants shall keep said number free of shrubbery or other interferences at all time.
- F. Any incorrect house number or other numbers that may be confused with the street address shall be removed by the owner or occupant of said premise.
- G. Any building that has the correct numbers conspicuously posted at the time of the passage of this ordinance, that are visible from the street, shall not be required to put up larger numbers to comply with this ordinance. (Ord. No. 03-09 §1, 5-12-03; Ord. No. 06-11 §2, 5-8-06)

## **ARTICLE IV. OFFENSES CONCERNING PUBLIC PEACE**

### **SECTION 215.150: UNLAWFUL ASSEMBLY**

A person commits the offense 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 this State or of the United States with force or violence.

### **SECTION 215.160: RIOTING**

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

### **SECTION 215.170: PEACE DISTURBANCE—PENALTY**

A person commits the offense of peace disturbance if:

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

### **SECTION 215.180: PRIVATE PEACE DISTURBANCE**

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



1. Threatening to commit an offense against any person, or
2. Fighting. (CC 1984 §75.050)

**SECTION 215.190: PEACE DISTURBANCE DEFINITIONS**

For the purposes of Sections 215.170 and 215.180, the following words shall have the meanings set out herein:

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

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

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

If a building or structure is divided into separately occupied units, such units are separate premises. (CC 1984 §75.060)

**SECTION 215.200: RESERVED**

**SECTION 215.210: PROHIBITED WEAPONS**

A person commits an offense if he/she knowingly possesses, manufactures, transports, repairs or sells:

1. An explosive weapon.
2. A machine gun.
3. A gas gun (i.e., a gas ejective device).
4. A short barreled rifle or shotgun.
5. A firearm silencer.
6. A switchblade knife.
7. Knuckles. (CC 1984 §75.120)

**SECTION 215.220: UNLAWFUL USE OF WEAPONS**

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

1. Carries concealed upon or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use, or
2. Discharges or shoots a firearm, or
3. Exhibits, in the presence of one(1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner, or
4. Possesses a firearm or projectile weapon while intoxicated, or

5. Carries a firearm or any other weapon readily capable of lethal use into any of the following:
  - a. Any church or place where people have assembled for worship, or
  - b. Into any election precinct on any election day, or
  - c. Into any school property (including school bus) or
  - d. Any building owned or occupied by any agency of the federal government, state government or political subdivision, or
  - e. Any park owned and or operated by the City of Buffalo. (CC 1984 §75.120; Ord. No. 04-10, §1-2, 5-10-04)

**SECTION 215.230: UNLAWFUL USE OF WEAPONS, EXCEPTIONS**

- A. Paragraph 1, 2, 3, and 5 of Section 215.220 shall not apply to or affect any of the following:
  1. All State, County, Municipal Law Enforcement Officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
  2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
  3. Members of armed forces or national guard while performing their official duty;
  4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested in article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;
  5. Any person whose bona fide duty is to execute process, civil or criminal;
  6. Any federal probation officer; and
  7. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissions under Section 84.340, RSMo.
- B. No firearm shall be discharged within the corporate city limits of Buffalo, Missouri except by an individual identified in Paragraph A items numbered 1-6 of the Section while said individual is actively engaged in the discharge of their official duties.
- C. Paragraph 1, 4, and 5 of Section 215.220 does not apply when the actor is transporting such weapons in a non-functioning state or in unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible.
- D. Paragraph 1 of Section 215.220 does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority, or control, or is traveling in a continuous journey peaceably through the State.

- E. Any person may make application to the Chief of Police of the City of Buffalo, Missouri, for a permit which shall allow such person to discharge a firearm within said City. The Chief, upon being satisfied that the applicant is a sober and reasonable person who possesses mature judgment and is otherwise qualified by law to possess a firearm, may issue to such applicant, a permit which shall authorize the discharge of a firearm within the limits of said City. All such permits issued hereunder shall be recorded in the office of the City Police, and shall specify the firearm or firearms, to which it pertains, and the type of ammunition permitted to be used therein and the period of time for which it is issued including the date of expiration. No permit shall be valid for more than thirty (30) days from the date of issue thereof and may contain limitation and/or restrictions as deemed necessary by the Chief of Police to insure the public health, safety and welfare of the citizens of the city and its surrounding communities. Any violation of those limitations/restrictions on use of firearms, breach of the peace or other violation of the laws of the city or state shall immediately void the permit.
- F. Paragraph 1 of Section 215.220 does not apply to a firearm for any 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. (CC 1984 §75.140; Ord. No. 04-10 §1-2, 05-10-04)

**SECTION 215.235: PROHIBITIONS TO CARRYING CONCEALED FIREARMS**

- A. Notwithstanding the provisions of Section 215.230 Paragraph F, it shall be a violation of this Section, punishable as hereinafter provided, for any person not identified within the category of person listed under Section 215.230 paragraph A items 1-6, while actively engaged in their official duties, to carry any concealed firearm into:
  - 1. Any police, sheriff or highway patrol office or station without the consent of the law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  - 2. Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises (Ord. No 15-05 §2, 5-11-15);
  - 3. The facility of any prison or jail. Possession of a firearm in a vehicle on the premises shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
  - 4. Any courthouse, courtrooms, administrative offices, libraries, or other rooms of any court whether or not such court solely occupies the building in question. This shall also include, but not limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in these paragraphs are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by court rule pursuant to state law. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

5. Any meeting of the Buffalo Board of Alderman, except that nothing in this subsection shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body of which he or she is a member provided that it is not otherwise prohibited. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises (Ord. No 15-05 §2, 5-11-15);
6. Any building owned, leased or controlled by the City of Buffalo, and any parks or other recreational facilities owned by the City of Buffalo, which are clearly identified by signs posted at the entrance to the building or at the restricted area to indicate that carrying a concealed weapon in the building or restricted area is prohibited. However, nothing in this subsection shall preclude a member of the governing body holding a valid concealed carry permit or endorsement from carrying a concealed firearm in a building or restricted area. This subsection shall not apply to any building used for public housing by private persons, roads, firing ranges, and private dwellings owned, leased or controlled by the City of Buffalo. Persons violating this subsection may be denied entrance to the building or restricted area, ordered to leave the building or restricted area, and if such person is an employee of the City, may be subject to disciplinary measures (Ord. No 15-05 §2, 5-11-15);
7. Any establishment licensed to dispense intoxicating liquor or nonintoxicating beer for consumption on the premises, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. This section does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this section authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated;
8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
9. Any place where the carrying of a firearm is prohibited by federal law;
10. Any facility owned, leased or controlled by a school without the consent of a school official or the school district school board. Possession of a firearm in a vehicle on the premises of a school facility shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
11. Any portion of a building used as a child care facility without the consent of the manger. Nothing in this section shall prevent the operator or a child care facility in a family home from owning or possessing a firearm or a driver's license or nondriver's license containing a concealed carry endorsement;
12. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises of any of the areas

listed in this subdivision shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

13. Any publicly or private property including buildings and parks owned by the City of Buffalo, whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place.
  14. Any hospital, convalescence facility or nursing home accessible by the public. Possession of a firearm in a vehicle on the premises of any of the areas listed in this section shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- B. All signs prohibiting firearms shall be conspicuously posted and be at least eleven inches by fourteen inches in size, with the lettering thereon to be no less than one inch in height.
- C. Any person violating any of the provisions of Paragraph A of this Section shall be punished as follows:
1. If the violator holds a concealed carry endorsement issued pursuant to state law the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars. If a third citation for a similar violation is issued within one year of the first citation such person shall be fined an amount not to exceed five hundred dollars. Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue.
  2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to state law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.200 of this Code of Ordinances.
  3. Employees of the City of Buffalo, who violate this section while not actively engaged in the performance of their official duties, may, in addition to any other punishment provided hereby, be subject to disciplinary action.
  4. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars, for any person issued a concealed carry endorsement pursuant to state law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry endorsement upon the request of any peace officer.

## **SECTION 215.240: DISORDERLY CONDUCT DEFINITIONS**

As used in Section 215.250 the following terms shall have these prescribed meanings:

*INCITE A RIOT:* Shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:

1. Advocacy of ideas.
2. Expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

*PUBLIC PLACE:* Any place which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. 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.

*RIOT:* A public disturbance involving:

1. An act or acts of violence by one (1) or more persons part of an assemblage of seven (7) or more persons, which act or acts constitute a clear and present danger of or shall result in, damage or injury to the property of any other person or the person of any other individual.
2. A threat or threats of the commission of an act or acts of violence by one (1) or more persons, part of an assemblage of seven (7) or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual. (CC 1984 §75.160)

## **SECTION 215.250: DISORDERLY CONDUCT**

A person commits the offense of disorderly conduct if, in a public place, his/her conduct causes or is likely to cause disorder, nuisance, alarm or public danger and he/she does any of the following:

1. Commits an act in a violent and tumultuous manner, whereby another person is placed in danger of injury to life, limb, or health; or whereby the property of another is placed in danger of being damaged or destroyed; or
2. Causes, provokes, or engages in any fight or brawl; or
3. Obstructs the flow of vehicular or pedestrian traffic, and refuses to clear such public way when ordered to do so by a Law Enforcement Officer; or
4. Is under the influence of an intoxicating liquor or drug, while upon the real property of any place of business, without the consent of the owner or caretaker; or
5. Is in an intoxicated or drugged condition in such a manner so as not to be able to care for his/her own safety or the safety of others; or

6. Enters into any school, church, courthouse or municipal government building, while under the influence of an intoxicating liquor; or
7. Incites, attempts to incite, or is involved in attempting to incite a riot; or
8. Threatens to commit a crime against any member of the Police Department, Municipal Court, or any other authorized official of the City who is engaged in the performance of their official duty; or
9. Any one (1) or more persons knowingly refuse to obey a lawful order to disperse by a Law Enforcement Officer when such order is in the interest of restoring public peace and order, or the location of a bona fide emergency or when public health and safety is imminently threatened. (CC 1984 §75.161)

**SECTION 215.260: EXEMPTIONS**

Sections 215.240 through 215.250 shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws. (CC 1984 §75.162)

**SECTION 215.265: FUNERAL PROTEST PROHIBITED, WHEN - CITATION OF LAW - DEFINITION**

- A. Every citizen may freely speak, write and publish the person's sentiments on all subjects, being responsible for abuse of the right, but no person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.
- B. As used in this Section, "other protest activities" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.
- C. As used in this Section, "funeral" and "burial service" mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this Section does not apply to processions while they are in transit beyond any three hundred (300) foot zone that is established under Subsection (A) above.  
(Ord. No. 13-04 §1, 05-13-13)

## **ARTICLE V. OFFENSES CONCERNING PROPERTY**

### **SECTION 215.270: TAMPERING**

A person commits the offense of tampering if he/she:

1. Tamper with the property of another for the purpose of causing substantial inconvenience to that person or to another.
2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle.
3. Tamper or makes connection with the property of a utility.
4. Tamper with the property or facilities of an institution providing health or safety protection. (CC 1984 §75.010)

### **SECTION 215.280: PROPERTY DAMAGE**

A person commits the offense of property damage if he/she knowingly damages property of another or he/she damages property for the purpose of defrauding an insurer. (CC 1984 §75.020)

### **SECTION 215.290: TRESPASS**

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

### **SECTION 215.300: STEALING**

A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion. (CC 1984 §75.080)



## ARTICLE VI. OFFENSES CONCERNING MORALS

### SECTION 215.310: INDECENT EXPOSURE

A person commits an offense of indecent exposure if he/she knowingly exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm. (CC 1984 §75.110)

### SECTION 215.320: LEWD AND LASCIVIOUS BEHAVIOR—"PEEPING TOM"

It shall be unlawful for any person to be guilty of any open, gross lewdness or lascivious behavior, or of any open and notorious act of public indecency, grossly scandalous, or of any disorderly conduct against the public peace or public morals;

1. No person shall during the nighttime hours, except in the discharge or execution of an official duty, loiter about or upon the premises of a place where people reside, nor shall any person, during the nighttime hours, peep or gaze through windows, doors, or other openings of a place wherein people reside; and
2. No person shall during the nighttime hours engage in an indecent or perverted conduct, commonly called that of a "*peeping tom*". (CC 1984 §75.200)

### SECTION 215.330: ENDANGERING THE WELFARE OF A CHILD

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

1. He with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; or
2. He knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of Section 211.031, RSMo; or
3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he 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 (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of Section 211.031, RSMo; or
4. He knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.

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.

**SECTION 215.340: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS**

A person commits the offense of furnishing pornographic materials to minors if, knowing its content and character, he/she:

1. Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor.
2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance. (CC 1984 §75.290)

**SECTION 215.350: PUBLIC DISPLAY OF EXPLICIT SEXUAL MATERIAL**

A person commits the offense of public display of explicit sexual material if he/she knowingly:

1. Displays publicly explicit sexual material.
2. Fails to take prompt action to remove such a display from property in his/her possession after learning of its existence. (CC 1984 §75.300)

**ARTICLE VII. OFFENSES CONCERNING BUSINESSES**

**SECTION 215.360: DECEPTIVE BUSINESS PRACTICE**

A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he/she recklessly:

1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity.
2. Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service.
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure.
4. Sells, offers or exposes for sale, adulterated or mislabeled commodities.
5. Makes a false or misleading written statement for the purpose of obtaining property or credit. (CC 1984 §75.260)

## **SECTION 215.370: COMMERCIAL BRIBERY**

A person commits the offense of commercial bribery:

1. If he/she solicits, accepts or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he/she is subject as:
  - a. Agent or employee of another.
  - b. Trustee, guardian or other fiduciary.
  - c. Lawyer, physician, accountant, appraiser or other professional advisor or informant.
  - d. Officer, director, partner, manager or other participant in the direction of the affairs of an incorporated or unincorporated association.
  - e. Arbitrator or other purportedly disinterested adjudicator or referee.
2. If as a person who holds himself/herself out to the public as being engaged in the business of making disinterested selection, appraisal or criticism of commodities or services, he/she solicits, accepts or agrees to accept any benefit to influence his/her selection, appraisal or criticism.
3. If he/she confers or offers or agrees to confer any benefit the acceptance of which would be criminal under Subsections (1) and (2) of this Section. (CC 1984 §75.270)

## **SECTION 215.380: BAIT ADVERTISING**

A person commits the offense of bait advertising if he/she 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/she offered them.
2. In the quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement.
3. At all. (CC 1984 §75.280)

## **ARTICLE VIII. OFFENSES CONCERNING DRUGS AND ALCOHOL**

### **SECTION 215.390: MARIJUANA**

Except as authorized by Sections 195.005 to 195.425, RSMo., the possession of marijuana in the amounts of thirty-five (35) grams or less is unlawful except in the usual course of business or practice, or in the performance of their official duties. (CC 1984 §75.100)

### **SECTION 215.400: POSSESSION OR CONSUMPTION OF ALCOHOL BY A MINOR**

Any person under the age of twenty-one (21) who purchases, attempts to purchase, consumes or has in his/her possession any intoxicating liquor or beer, or any non-intoxicating liquor or beer (as defined in Section 600.010), shall be deemed guilty.

1. No person under the age of twenty-one (21) years shall represent that he/she has attained the age of twenty-one (21) years in order to purchase, request, obtain, or receive any intoxicating liquor or non-intoxicating beer.
2. No person nor his/her employees shall sell, give or supply any intoxicating liquor or nonintoxicating beer to any person under the age of twenty-one (21) years, provided however, that this Section shall not apply to a parent or guardian who supplies intoxicating liquor or non-intoxicating beer to his/her child or ward under the age of twenty-one (21) years within the confines of a private dwelling, nor to a duly licensed physician who administers intoxicating liquor or non-intoxicating beer to a person under the age of twenty-one (21) years, nor to any person who supplies intoxicating liquor or non-intoxicating beer to a person under the age of twenty-one (21) years solely for medical purposes. (CC 1984 §75.190)

### **SECTION 215.410: POSSESSION OF DRUG PARAPHERNALIA**

No person shall use or possess with intent to use drug paraphernalia as defined in Section 195.010 (18), RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or imitation controlled substance. (CC 1984 §75.380)

### **SECTION 215.420: OPEN BEER AND LIQUOR CONTAINER**

It shall be unlawful for any person to possess any container of intoxicating beer (5%), nonintoxicating beer (3.2%), or any container of intoxicating malt liquor, wines, or liquor (as defined under Section 600.010 of this Code) if said container is open or readily available for consumption, and said person is:

1. Upon any City or State maintained street, highway, right-of-way, alleyway or sidewalk; or
2. Upon the grounds of any Municipal park, pool, airport, community center, City Hall, or any Municipal building or grounds; or

3. Upon the real property of any school or church, while in the presence of any lawful assemblage of persons; or
4. Upon the private property of another without the owners consent; and

Subsection (4) hereof shall require a complaint filed by the property owner, lessee, or caretaker. The property owner, lessee, or caretaker may pre-file a Consent to Prosecute Agreement with the City Attorney for this offense. To have committed the offense on private property, the actor must first have been notified by verbal communication or by posted sign and the actor must fail to disperse or dispose of said container. (CC 1984 §75.400)

## **ARTICLE IX. MISCELLANEOUS OFFENSES**

### **SECTION 215.430: UNAUTHORIZED USE OF TRASH RECEPTACLES**

No person shall deposit refuse, garbage, trash, rubbish, debris, of any nature, including without limitation food waste, rejected vegetable matter, paper, clothing, grass, leaves, tin cans, bottles or solid waste of any nature whatsoever into any trash receptacle, dumpster or other trash storage container not owned or leased by said person without the authorization of the owner or lessee thereof. (CC 1984 §75.420)

### **SECTION 215.440: FIREWORKS**

- A. *Applicability.* The provisions of this Section shall be applicable to any person or persons within the City limits of Buffalo.
- B. *Definitions.* The following definitions shall apply in interpreting and enforcing the provisions of this Section:

*FIREWORKS:* Shall mean and include any combustible or explosive composition, or any substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by means of combustion, explosion, deflagration or detonation.

*PERSON OR PERSONS:* Shall mean and include individuals, firms, partnerships and corporations.

*RESIDENTIAL AREA:* Shall mean and include those areas located at least one (1) City block from any place of business, any government institution, including any jail, courthouse, school, library or other public building or public property wherever located in the City.

*SALE AND/OR DISPLAY:* Shall mean and include the exhibition, possession with the intent to give away, or sell, or offer for sale, within the City limits any type of fireworks as defined herein.

*USE:* Shall mean and include the purchase, possession, setting-off or otherwise causing to explode, discharge or burn any fireworks as defined herein, including, but not limited to, the throwing of fireworks from land, air, streets or highways, into or upon any property located within the City.

- C. *Prohibition.* Except as otherwise provided herein, it shall be unlawful for any person to sell or offer for sale, possess or give away, store (unless a conditional use permit has been issued under 402.170), display, or use fireworks of any kind within the City limits of Buffalo.
- D. *Penalties for Violation.* The following shall be lawful penalties for violation of the provisions of this Section:
1. Any person who fails to comply with or violates the provisions of this Section shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment in the City or County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. (Ord. No. 9827, §1, 10-12-98)
  2. 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.
- E. *Exceptions.* The following shall constitute the only exceptions to violations of this Section:
1. *Use on private property.* On the Third (3rd), Fourth (4th) and Fifth (5th) days of July in each year from 12:00 Noon to 10:00 P.M., in all residential areas of the City as previously defined herein, an individual may possess and use in a careful and prudent manner, fireworks as defined herein, to the extent that the same are contained and kept within and upon that individual's private property and at such times that said use does not disturb the peace of any other persons. In no event shall fireworks be used whether on such persons private property or not, after a complaint is filed with the City Police with regard to the use of the same. Any additional use after the filing of a complaint shall constitute a violation of this Section notwithstanding the location, nature or intent of said use.
  2. *Public demonstrations.* Fireworks may be used for displays given by any civic or public organization or group of individuals which shall first have obtained a permit for such display from the Chief of the Buffalo Fire Department. No such permit shall be issued, except upon written application for the same, 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, 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 displayed;
    - f. The manner and location of storage of such fireworks prior to the display and safety precautions taken in such storage;

- 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 locations of buildings, highways or roads and other lines of communication, the location and restraints of the audience and the location of any trees, telegraph or telephone poles, lines or other overhead obstructions; and
  - h. The names and addresses of the individuals or organization responsible for the clean-up of the premises after the display is concluded.
  - i. The Chief of the Buffalo Fire Department shall issue the 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 and shall immediately notify the Mayor of any such display permits given, passing the application for the same along to the Mayor at the time of such notice. The Mayor or Board of Aldermen may require such changes in the plans for the display as may reasonably appear to be necessary to insure adequate protection of persons and property.
- F. Continuation of Previous Business - If any real property annexed into the city limits of Buffalo, Missouri shall have been used for the retail sale of fireworks in the year immediately preceding its annexation into the city, the owner or occupant thereof shall be allowed to continue said retail sales of fireworks notwithstanding any provision contained herein prohibiting same. Providing however, that such retail sales shall not be allowed to resume or continue on any such property where there has been an interruption in such sales for a period of one year or longer or if the owner fails provide proof of liability insurance and to comply with all local and states laws.

Any owner or occupant of real property currently utilized for the retail sale of fireworks shall notify the city clerk of the cessation of such business within thirty (30) days thereof. If the city clerk is not notified by the owner or occupant that such retail sales have ceased on a date certain, the city clerk's determination of an effective date on which such sales ceased shall be conclusive (CC 1984 §77.010–77.050; Ord. No. 03-11, §§1-2, 6-9-03; Ord. No. 14-10, §2, 8-11-14; Ord. No. 20-01 §2, 1-13-20)

**SECTION 215.450: UNLAWFUL USE OF ROLLER BLADES, ROLLER SKATES AND SKATEBOARDS ON CERTAIN PUBLIC PROPERTY**

It shall be unlawful for any person to use roller blades or roller skates or ride a skateboard, upon any concrete walkway or sidewalk or any street within the city limits of Buffalo. (Ord. No. 08-01, §1, 01-14-08)

**SECTION 215.460: UNLAWFUL OCCUPANCY**

- A. It shall be unlawful for any person, individually or in concert with others, to camp, pitch tents, occupy travel trailers, or occupy a temporary or permanent accessory building; not including a dwelling as defined in Section 402.020; for the purpose of overnight occupancy on any property within the City Limits of the City of Buffalo, Missouri, for longer than three (3) days' of consecutive use, except when authorized by the following:

(1) A special permit issued by this City, pursuant to Section 402.150; or (2) By written agreement with this City.

B. It shall be unlawful for any person, individually or in concert with others to camp, pitch tents, occupy travel trailers, or occupy a temporary or permanent building; not including a dwelling as defined in Section 402.020; for the purpose of overnight occupancy in a park or on public property within the City limits of the City of Buffalo, Missouri, except when authorized by the following:

(1) A special permit is issued by this City, pursuant to Section 402.150;

(2) By written agreement with this City; or

(3) The Missouri Department of Transportation when the public property being used is under the control or authority of the Missouri Department of Transportation. (Ord. No. 20-23, §1, 11-9-20).



## CHAPTER 220: NUISANCES

### SECTION 220.010: DEFINITIONS

*DAMAGED OR DISABLED VEHICLES:* A damaged or disabled vehicle is any vehicle which has been inoperable for more than seventy-two (72) hours or is in such a state of repair as to be mechanically inoperable, except those vehicles on the premises of a duly licensed automobile repair shop, sales business, duly licensed tow lot, or duly licensed storage lot.

*DEBRIS INCLUDES:*

1. Weed cuttings;
2. Cut, fallen or hazardous trees and shrubs, including piles of limbs, logs, brush and firewood piles that are not neatly stacked in the side or rear yard;
3. Overgrown vegetation and noxious weeds which are seven (7) inches or more in height on developed lots or undeveloped lots that are less than two (2) acres;
4. Overgrown vegetation and noxious weeds, which are twelve (12) inches or more in height on undeveloped lots that are two (2) acres or larger, located within seven feet of the perimeter of a developed lot or adjacent to public rights of way, streets, and trails. The seven-foot perimeter shall be maintained to not more than twelve (12) inches at all times. The remaining area of an undeveloped lot that is two (2) acres or larger shall be mowed, brush hogged or cut for hay to a height of twelve (12) inches or less at least two (2) times during the growing season with the last cutting to occur before September 1.
5. Rubbish and trash of every kind:
  - (a) Whether located on or under the ground, or on vehicles, porches, open carports, breezeways, open garages, without doors or similar areas that are visible from adjacent property or public roads, except which is stored in hard plastic or metal, watertight and fly tight containers awaiting pickup for disposal by licensed trash disposal companies
  - (b) All trash for curbside collection shall be stored in the provided trash container for resident use. Trash container may be taken to curb for collection after noon on the day prior to scheduled pickup and must be removed from curb within 24 hours of the scheduled pickup.
  - (c) All nonresidential trash (including multi-family) must be stored within the provided container and not be overflowing. Container must be stored behind a barrier (such as building or fence). Any curbside presence necessary for collection shall follow the same guidelines as residential trash stated in paragraph b.; (Ord. 21-12§2, 8-9-21)
6. Building materials stored on the property for use on the property more than sixty days (60). Building materials including lumber shall be neatly stacked and stacked to a height not to exceed four feet from the ground level;

7. Rocks, fill dirt, or bricks, except those delivered and neatly stacked or stockpiled for use in connection with on-going/on-site new construction and/or repairs or improvements and which are actually used for that purpose within ninety (90) days of the date of delivery.
8. Tin or steel or parts of junk vehicles;
9. Tires;
10. Broken furniture or inoperable or unused appliances including outdoor storage of furniture or appliance designed for indoor use;
11. Any condition that is or is likely to be a breeding ground or home for insects or rodents, including but not 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.
14. Flammable materials except that which is maintained for ordinary household, commercial (but only if located in an area properly zoned) if stored in containers designed for the specific material and the container is not maintained unreasonably near a source of heat, flame or combustion.

*DANGEROUS CONDITION:* Any condition of property which is likely to cause or contribute to injury or death to persons, including, but not limited to:

1. Sidewalks which are in a dangerous or defective condition;
2. Tree limbs, signs, ropes, or any other device which projects over streets at an elevation of less than eighteen (18) feet or over sidewalks at an elevation of less than eight (8) feet;
3. Storing of 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;
4. Maintenance of explosive devices in any area not zoned for heavy industrial uses (M-1, Industrial or the Buffalo Zoning Code) and in which a conditional use permit has not been granted;
5. Holes, depression, or open excavations which are at any point more than three (3) feet below the natural grade of the land immediately adjacent to them.
6. Abandoning, discarding or knowingly permitting to remain on premises or property, in a place accessible to children any icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half (1 ½) cubic feet or more and an opening of fifty (50) square inches or more and which has door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life

by removing such hinges, latches or other hardware which may cause a person to be confined therein.

*DEVELOPED LOT:* A lot that is part of a subdivision, has located on the lot residential, commercial, industrial, or other building or structures, excepts sheds or barns, or has improvements such as utilities, sewer, water, grading or landscaping on the lot.

*INOPERABLE VEHICLE:* A vehicle which is not mechanically capable of being operated in its customary manner.

*JUNK VEHICLES:* Junk vehicles include any wrecked, damaged, demolished, disabled or unlicensed vehicle, or part or portion thereof, unless such vehicle is in a completely enclosed building.

*OBSTRUCTED VIEW:* Any corner lot in the City of Buffalo, which lot abuts upon two (2) intersecting streets, which has erected, placed or maintained any grade of land, wall, fence, other structure or object, hedge, shrub, tree or other growth within that portion of said lot within a distance of twenty (20) feet from the intersection of the existing paving of the streets abutting such corner lot, which grade, walls, fence, or other structure or object, hedge, shrub, tree or other growth, tends or will tend in any manner to obscure the clear view of persons using the said streets, or persons or vehicles approaching upon the intersecting streets.

*UNDEVELOPED LOT:* A lot that is not part of a subdivision, has no residential, commercial, industrial, or other buildings or structures located on the lot, except sheds or barns, and has no improvements such as utilities, sewer, water, grading or landscaping on the lot.

*UNLICENSED VEHICLE:* A vehicle which is not currently licensed and/or registered as required for that type of vehicle by applicable federal, state or municipal statutes, ordinances or regulations in order to permit the normal operation of said vehicle.

*VEHICLES:* A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include without limitation, automobiles, truck trailer, motorcycles, tractors, buggies, wagons, or any part or portion thereof.

*WEEDS:* Weeds, high grass and brush that exceeds twelve (12) inches or grass in excess of six inches for lots with a structure on them.

## **SECTION 220.020: MAINTENANCE OF DEBRIS, JUNK VEHICLES AND DANGEROUS CONDITIONS AS A NUISANCE**

The maintenance of debris, junk vehicles, weeds, obstructed view or dangerous conditions by the owner or occupant of any property in the City of Buffalo is hereby declared to be a public nuisance and is subject to abatement as provided in the following sections.

## **SECTION 220.030: ENFORCEMENT OFFICER APPOINTED**

The Enforcement Office shall be appointed by the Mayor.

## **SECTION 220.040: ABATEMENT PROCEDURE**

1. Investigate Complaint. Whenever a complaint is received regarding a potential nuisance, the Enforcement Officer shall investigate the complaint to determine if there is sufficient cause to believe a nuisance exists.
2. Notice Sent. If the Enforcement Officer determines that there is sufficient cause to believe a nuisance exists, a notice shall be sent to the owner of the property and the occupant specifically describing each condition of the lot or land declared to be a public nuisance and identifying what action will remedy the public nuisance. For the purposes of this Ordinance, both the owner and the occupant of a lot or tract of land shall have joint and several responsibilities for any violation hereof. The notice may be delivered by personal service by the Enforcement Officer or other designated City Employee, by United States mail, or by posting such notice on the premises. Mailed notice shall be addressed to the owner at the owner's address as shown by the records of the Dallas County Collector and to the occupant at the post office address of the property, unless the Enforcement Officer has actual knowledge that the mailing address of the occupant is different than the post office address of the property. If notice is mailed, it shall be presumed that the notice was received three (3) days after the date of mailing. The notice shall describe the nature of the nuisance, the location of the property, and shall order the property owner and occupant, if any, to begin to abate the nuisance or dangerous condition within a period of ten (10) days following receipt of the notice unless a condition presents an immediate, specifically identified risk to the public health or safety, and to pursue the abatement of the nuisance without delay.
3. Hearing. The Mayor or other designated officer of Buffalo shall hold a hearing to determine if the property constitutes a nuisance as defined by this Chapter. If the property is declared a nuisance the Mayor and/or Board of Alderman shall order the nuisance abated and allow the owner and/or occupant at least five days in order to abate said nuisance.
4. Abatement. Upon a failure of the owner and/or occupant to pursue the removal or abatement of the nuisance within the time designated by the Mayor at the hearing, the nuisance shall be abated by the City and cost thereof be charged to the property owner in the form of a special tax bill. If the Mayor or their designated officer causes such condition to be removed or abated, the cost of such removal or abatement and the proof of notice to the owner and/or occupant of the property shall be certified to the city clerk or office in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws delinquent and back taxes. The tax bill from the date of issuance shall be deemed a personal debt against the owner and shall also be a lien on the property from the date the tax bill is delinquent until paid.

## **SECTION 220.060: ENTRY TO ABATE**

The Enforcement Officer, and any City employee assigned to abate a nuisance under this Chapter, or any contractor and its employees hired to abate nuisances under this Chapter may enter the premises upon which such nuisance is situated for the purpose of abating the same, with or without the consent of the owners thereof, without being guilty of trespass.

**SECTION 220.070: VIOLATION OF THIS CHAPTER UNLAWFUL**

A person who maintains a nuisance and 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 subject to punishment as set forth in Section 100.200 of the Buffalo City Code. (CC 1984 §74.010, Ord. No. 02-31 §2, 11-13-02, Ord. No. 13-07 §§1-2, 9-9-13; Ord. No. 18-05 §§1-2, 4-9-18)

**CHAPTER 225: WEEDS**

**SECTION 225.010: WEEDS - Deleted per Ord. No. 13-07** (Ord. No. 98-30, §1, 10-12-98, Ord. No. 13-07 §§1-2, 9-9-13)

**SECTION 225.020: OBSTRUCTIONS ON PRIVATE PROPERTY INTERFERING WITH THE VIEW OF MOTORISTS - Deleted per Ord. No. 13-07** (Ord. No. 98-30, §1, 10-12-98, Ord. No. 13-07 §§1-2, 9-9-13)

**CHAPTER 230: LITTER**

**SECTION 230.010: LITTER IN PUBLIC PLACE**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or authorized private receptacles. (CC 1984 §64.010)

**SECTION 230.020: RESPONSIBILITY OF DRIVER**

The driver of an automobile shall be responsible for the conduct of the passengers of the vehicle, and for any litter thrown from the automobile in violation of the preceding Section. (CC 1984 §64.015)

**SECTION 230.030: MANNER OF DEPOSITING LITTER**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (CC 1984 §64.020)

**SECTION 230.040: SWEEPING LITTER INTO PUBLIC PLACES**

- A. No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.
- B. Within the meaning of this Section the word "*litter*" shall include, without excluding other substances, cut weeds, grass clippings, branches and twigs that may accumulate on any building, lot or premises. (CC 1984 §64.030)

**SECTION 230.050: BURNING LITTER, LEAVES, ETC., PROHIBITED**

No person shall burn any refuse or solid waste in Buffalo. Yard waste in manageable quantities may only be burnt when it does not create a nuisance for other residents or pose a fire danger to anyone's property and is under constant supervision. (CC 1984 §64.040; Ord. No. 03-10, §§1-2, 5-12-03)

**SECTION 230.060: SIDEWALKS TO BE KEPT FREE OF LITTER**

Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. Persons owning or occupying places of business within the City shall keep the front of their business premises free of litter. (CC 1984 §64.050)

**SECTION 230.070: TRANSPORTATION OF LITTER**

No person shall drive or move any truck or other vehicle hauling or transporting litter within or about the City, unless such vehicle is so constructed and the load secured so as to prevent any of the contents therein being blown, dropped or deposited upon any street, alley or other public place. (CC 1984 §64.070)

**SECTION 230.080: LITTERING ON ANY PRIVATE PREMISES**

No person shall throw or deposit litter on any private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property owned by another. (CC 1984 §64.080)

**SECTION 230.090: PENALTY**

Persons violating this Chapter shall be fined not less than fifty dollars (\$50.00) per offense. Each day on which the violation continues shall constitute a separate offense for purposes of this Section.

## CHAPTER 235: REFUSE

### SECTION 235.010: DEFINITIONS

The following terms when used in this Chapter shall have the meanings set out herein:

*COMMERCIAL REFUSE:* Any refuse generated as a by-product of any commercial and industrial operation.

*REFUSE:* Refuse, garbage, trash, rubbish, debris of any nature, including without limitation food waste, rejected vegetable matter, paper, clothing, grass, leaves, tin cans, bottles, and solid waste of any nature whatever, provided however, that the term "*refuse*" will not be interpreted as herein used to include rejected animal fat or waste resulting from butchering operations, nor shall it include dead animals, earth or rock from excavating or grading activities, or trees or brush, ashes, discarded furniture or large appliances.

*RESIDENTIAL REFUSE:* Any refuse generated by occupants of houses, buildings and premises used exclusively for residential purposes. (CC 1984 §60.010)

### SECTION 235.020: REFUSE HAULERS TO BE LICENSED

In addition to any and all other licenses and permits required by the City of Buffalo, no person shall engage in the business of hauling refuse from residential, commercial or industrial establishments in the City, unless he/she shall have first secured a license therefore from the City Engineer of the City of Buffalo. (CC 1984 §60.020)

### SECTION 235.030: APPLICATION FOR LICENSE TO HAUL REFUSE

Any person desiring a license to haul shall make application therefore to the City Engineer of the City of Buffalo upon forms to be provided by him/her setting forth such information as the City Engineer may find reasonably necessary to determine compliance with this Chapter. (CC 1984 §60.030)

### SECTION 235.040: REQUIREMENTS FOR LICENSE BEFORE ISSUING

- A. No license to haul refuse shall be issued to any applicant unless upon reasonable investigation of the facts contained in the application the City Engineer finds:
1. The vehicle proposed to be used by the applicant to haul refuse bears a current State of Missouri safety check certificate.
  2. Such vehicles are otherwise in good repair and when operated under normal conditions do not emit unreasonably loud or disturbing noises.
  3. Such vehicles are clean and sanitary and so constructed as to reasonably prevent spillage of load therefrom.

4. Except as provided in Section 235.050(B)(3), that such said vehicles are of a type that will pass all requirements of Missouri Statutes relating to trucks for use as herein required.
  5. The portion of the vehicle in which the refuse will be contained is constructed of metal or other non-porous material capable of being readily cleaned and kept sanitary.
  6. Each vehicle to be operated by the licensee contains a broom and shovel so that the licensee can collect any and all scattered refuse which results from the licensee's loading and collection operation.
  7. The applicant for license has a corporate surety bond to be approved by the City Attorney in the sum of ten thousand dollars (\$10,000.00) payable annually to guarantee to the City full and faithful performance of the contractors' duties as provided in Section 235.050 of this Chapter.
- B. Licenses issued hereunder shall be for a period of twelve (12) months unless sooner suspended or revoked and shall be renewable upon re-application and continued compliance with this Chapter. A fee of fifteen dollars (\$15.00) shall be paid by each licensee annually prior to license being issued. (CC 1984 §60.040)

**SECTION 235.050: APPROVED VEHICLES OF LICENSEES TO BE IDENTIFIED**

- A. No licensee under this Chapter shall use any vehicle to haul refuse unless the same shall have prominently displayed thereon in a location to be determined by the City Engineer, a license or other identifying sticker, or tag which shall be issued by the City Engineer upon a finding that the vehicle is in compliance with this Chapter.
- B. It shall be the duty of the licensee under this Chapter to meet the following minimum requirements:
  1. To maintain vehicles used to haul refuse at all times in such conditions as to meet the requirements for vehicles set forth in Sections 235.040(A)(1) and (6).
  2. To maintain in effect the surety bond required by Section 235.040(A)(7).
  3. To haul all refuse which the licensee shall collect in a vehicle which meets the requirements of Section 235.040(A)(4), provided however, that such license shall be permitted to haul discarded furniture and large appliances and ashes in any type of truck which he/she so desires so long as such vehicle is reasonably constructed to prevent spillage of load therefrom.
  4. To haul all collected refuse to a State approved landfill.
  5. To provide service to all residential, commercial, or industrial customers who may desire such service, so long as such customer shall remain current in the payment of the charge established by licensee and so long as such customer shall meet the reasonable requirements of licensee. In the event of disagreement as to whether any requirement of the licensee is reasonable, it shall be the duty of the Board of Aldermen of the City of Buffalo to determine such reasonableness.



6. To maintain continuous service to the citizens of Buffalo, Missouri, for the period for which the license is issued, except for good cause shown. Determination of good cause shall be made by the Board of Aldermen of the City of Buffalo, Missouri. (CC 1984 §60.050)

**SECTION 235.060: REVOCATION OR SUSPENSION OF LICENSE**

Whenever the City Engineer, after a reasonable notice and hearing, shall find that any licensee under this Chapter shall be in violation of any of the terms or conditions of this Chapter, may suspend the license until the licensee shall demonstrate compliance with the terms of this Chapter and if the licensee shall fail to demonstrate such compliance within five (5) days from the date of suspension or shall have repeatedly suffered suspension under the terms of this Chapter, the Board of Aldermen of the City of Buffalo, shall have the power to revoke the license and the licensee shall not thereafter be qualified or eligible to hold such license in the City of Buffalo for a period of two (2) years from the revocation thereof, and in addition, licensee shall forfeit his/her surety bond to the City of Buffalo. (CC 1984 §60.070)

**SECTION 235.070: CHARGES TO CUSTOMERS**

Every license under this Chapter shall file and maintain with the City Engineer a current listing of prevailing charges established by the licensee for hauling of residential refuse. (CC 1984 §60.080)

**CHAPTER 240: FAIR HOUSING**

**SECTION 240.010: DECLARATION OF POLICY**

The Board of Aldermen of the City of Buffalo hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to see, purchase, lease, rent or obtain real property without regard to race, sex, color, religion, handicap, familial status or national origin. This Chapter shall be deemed an exercise of the police powers of the City of Buffalo for the protection of the public welfare, prosperity, health and peace of the people of Buffalo, Missouri. (Ord. No. 96-33 §1, 8-26-96)

**SECTION 240.020: DEFINITIONS**

For the purposes of this Chapter the following terms, phrases, words and their derivations shall have the meaning given herein unless the context otherwise indicates:

*AGGRIEVED PERSON:* Any person who is attempting to provide housing for himself/herself or his/her family in the City of Buffalo, Missouri.

*DISCRIMINATE:* Distinctions in treatment because of race, sex, color, religion, handicap, familial status or national origin of any person.

*PERSON:* Any individual, firm, partnership or corporation. (Ord. No. 96-33 §2, 8-26-96)

**SECTION 240.030: DISCRIMINATORY PRACTICES**

It shall be a discriminatory practice and a violation of this Chapter for any person to:

1. Refuse to sell or rent after the making a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, handicap, familial status or national origin of any person.
2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, handicap, familial status or national origin.
3. Make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, sex, color, religion, handicap, familial status or national origin, or an intention to make such limitation or discrimination.
4. Represent to any person because of race, sex, color, religion, handicap, familial status or national origin, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, handicap, familial status or national origin.
6. Discriminate in the sale or rental of housing on the basis of a handicap of that buyer or renter; a person residing in or intending to reside in that 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 Housing Amendments Act.
7. 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 Amendments Act. (Ord. No. 96-33 §3, 8-26-96)

**SECTION 240.040: DISCRIMINATION IN THE FINANCING OF A HOUSE**

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person therefore for the purpose of purchasing, constructing, repairing or maintaining a dwelling, or to discriminate against any person in the fixing of the amount or conditions of such loan, because of the race, sex, color, religion, handicap, familial status or national origin of such person, or of any person therein associated in connection with such financing. (Ord. No. 96-33 §4, 8-26-96)

**SECTION 240.050: ADMINISTRATION**

- A. There is hereby created a Fair Housing Committee whose membership shall consist of five (5) members, who shall be appointed by the Mayor of the City with the approval of the Board of Aldermen.
- B. Every complaint of a violation of this Chapter shall be referred to a Fair Housing Committee. The Fair Housing Committee 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 Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee, after investigation, finds that there is merit to the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- C. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by conference and conciliation, then and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether to prosecute in Municipal Court on said complaint shall be left to the City Attorney.
- D. Nothing in this Chapter shall be construed in such manner as to limit administrative enforcement mechanisms and recourse against alleged discriminatory housing practices through the U.S. Department of Housing and Urban Development as specified under Section 810 of the Fair Housing Act as amended effective March 12, 1989, or through the Missouri Commission on Human Rights, as specified in applicable State Statutes. (Ord. No. 96-33 §5, 8-26-96)

**SECTION 240.060: ENFORCEMENT**

- A. Any person convicted in Municipal Court of a violation of this Chapter shall be punished by a fine of not more than three hundred dollars (\$300.00), or by confinement in the City or County Jail for not more than three (3) days, or both such fine and imprisonment.
- B. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the Circuit Court of the State of Missouri. (Ord. No. 96-33 §6, 826-96)

## **CHAPTER 245: EMERGENCY MANAGEMENT**

### **SECTION 245.010: ESTABLISHMENT**

There is hereby created within and for the City of Buffalo an emergency management organization to be known as the Buffalo Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

### **SECTION 245.020: ORGANIZATION**

This agency shall consist of a Director and other members appointed by the Buffalo Emergency Management Organization to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

### **SECTION 245.030: FUNCTIONS**

The organization shall perform emergency management functions within the City of Buffalo, and may conduct these functions outside the territorial limits as directed by the governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

### **SECTION 245.040: DIRECTOR**

- A. The Director will be appointed by the Mayor and shall serve during the pleasure of the Mayor.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management activities.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Buffalo Emergency Management Organization.

### **SECTION 245.050: EXECUTIVE OFFICER**

The City of Buffalo in accordance with Chapter 44, RSMo., may:

- 1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of any enemy attack; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Disaster and Emergency Planning.

2. Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operation teams, units, or personnel who may serve without compensation;
3. In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public work or entering into contracts.

**SECTION 245.060: MUTUAL-AID AGREEMENTS**

The Mayor of the City, with the approval of the Governor and consistent with the Missouri Emergency Operations Plan, may enter into mutual aid agreements with other public and private agencies within and without the State for reciprocal emergency aid. The Director may assist in the negotiation of such reciprocal mutual-aid agreements.

**SECTION 245.070: CITY MAY ACCEPT SERVICES, ETC.**

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal government or an officer or agency thereof for disaster planning and operations purposes, subject to the terms of the offer.

**SECTION 245.080: OATH**

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

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

**SECTION 245.090: OFFICE SPACE**

The Mayor is authorized to designate space in any City owned or leased building for the Buffalo Emergency Management Organization.

## **CHAPTER 250: GEORGE W. O'BANNON COMMUNITY BUILDING**

### **SECTION 250.010: PERMITTED USES**

The George W. O'Bannon Community Building shall be used for:

1. Meetings of the Board of Aldermen of the City or other duly appointed committees or boards of the City.
2. Meetings of civic, educational, business, fraternal or benevolent organizations.
3. The conduct of public entertainments either publicly or privately sponsored by for profit or not for profit organizations or individuals.
4. Auctions or other special sales.
5. Exhibits for fairs.
6. Any other appropriate use. (Ord. No. 26.010 §2, 6-14-93)

### **SECTION 250.020: PROHIBITIONS**

In keeping with the community nature of the O'Bannon Center and particularly in order to preserve family-based access to said building the following prohibition shall apply: No alcoholic beverages shall be permitted in the building or on the premises. (Ord. No. 26.010 §2, 6-14-93)

### **SECTION 250.030: RENTAL AGREEMENT**

No person shall use the O'Bannon Center except upon execution of, and upon the terms of, the agreement, of rental use of O'Bannon Community Center which agreement is on file in the City Clerk's office. The Mayor, Mayor Pro Tem or City Clerk shall be the only persons authorized to enter into this agreement on behalf of the City. (Ord. No. 26.010 §2, 6-14-93)

## **CHAPTER 251: BUFFALO CITY PARK**

### **SECTION 251.010: HOURS**

- A. The Buffalo City Park shall be open to the public between the hours of 7:00 a.m. and 10:00 p.m. each day. The Park shall be closed between the hours of 10:00p.m. and 7:00 a.m.. No person shall enter into or remain in said park, or leave a motor vehicle unattended in said park, between 10:00p.m. and 7:00a.m..

- B. The Buffalo Police Department may cause the removal of any vehicle parked in violation of this Section. Any vehicle which has been so removed and which is not properly claimed within thirty days thereafter shall be considered to be an abandoned vehicle.
- C. Notice of the official hours of the park as set forth herein shall be posted at each of the two entrances to the Buffalo City Park.
- D. It shall be unlawful for any person to violate the provisions of this Section. Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be subject to punishment in accordance with Section 100.200 of this Code. (Ord. No. 02-09 §1, 3-11-02)

## **CHAPTER 252: DALLAS COMMUNITY PARK**

### **SECTION 215.120      HOURS - DALLAS COMMUNITY PARK**

- A. The Dallas Community Park shall be open to the public between the hours of 6:00 a.m. and 10:00 p.m. each day unless a city authorized event is taking place. No person shall enter into or remain in said park, or leave a motor vehicle unattended in said park unless attending a city authorized event, between the hours of 10:00 p.m. and 6:00 a.m..
- B. The Buffalo Police Department may cause the removal of any vehicle parked in violation of this Section. Any vehicle which has been so removed and which is not properly claimed within thirty days thereafter shall be considered to be abandoned vehicle.
- C. Notice of the official hours of the park as set forth herein shall be posted at each of the two entrances to the Dallas Community Park.
- D. It shall be unlawful for any person to violate the provisions of this Section. Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be subject to punishment in accordance with Section 100.200 of this Code. (Ord. No. 13-05 §1, 8-12-13)

## **CHAPTER 253: LAWRENCE HOLT MEMORIAL TRAIL**

### **SECTION 253.010      USE AND HOURS ON GREENWAY TRAIL**

- A. The area between Main Street and the Dallas County Community Park on which the City has created a greenway trail shall be designated the “Lawrence Holt Memorial Trail.”
- B. The Lawrence Holt Memorial Trail shall be open to the public for use between 5 a.m. and 10 p.m.. No person shall enter onto or remain on said Trail after 10 p.m. or before 5 a.m., unless attending a city-authorized event.

- C. The Lawrence Holt Memorial Trail shall be used only for walking, running, and riding bicycles. Motorized wheelchairs and electric mobility devices may also be operated on the Lawrence Holt Memorial Trail. Use of other motorized equipment, devices, or vehicles on the Lawrence Holt Memorial Trail is prohibited, except by City employees for purposes of maintenance and repair.
- D. It shall be unlawful for any person to violate the provisions of this Section. Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be subject to punishment in accordance with Section 100.200 of this Code (Ord.15-10,§1, 9-28-15, Ord.15-11,§1,10-26-15).

## **CHAPTER 255: CURFEW**

### **SECTION 255.010: DEFINITIONS**

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

*CURFEW HOURS:* 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 5:30 A.M. on the following day; and 12:01 A.M. until 5:30 A.M. on any Saturday or Sunday.

*EMERGENCY:* 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:* 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:*

1. A person, who, under court order, is the guardian of the person of a minor, or
2. A public or private agency with whom a minor has been placed by a court who maintains a place of residence for a minor, or
3. 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 Chapter but for no other provision of the Buffalo Municipal Code). Any person under seventeen (17) years of age.

*OPERATOR:* Any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. The terms includes the members or partners of any association or partnership and the officers of a corporation.

*PARENT:* A person who is a natural parent, adoptive parent, or step-parent of a minor, or a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor. Solely for the purposes of Section 255.030, it does not include:



1. 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
2. A person who, although the natural or adoptive parent or guardian of a minor, is not exercising actual custody, temporary custody of 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:* Any land or building which is owned by one (1) or more private persons, partnerships, corporations or associations. For the purposes of this Chapter, the terms do not include:

1. The residence and the land upon which it sits of a parent or guardian of a minor.
2. 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.
3. The common areas of any multi-dwelling unit at which the minor resides with a parent or guardian, or
4. 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 consent of the occupants of such dwelling unit and the consent of the parent or guardian of such minor.

*PUBLIC PLACE:* 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 (except as provided in the definition of "*Private Place*" of this Section), office buildings, transport facilities, and shops.

*REMAIN:* 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:* 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.

*SERIOUS BODILY INJURY:* 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. (Ord. No. 96-14 §1, 5-13-96)

**SECTION 255.020: CURFEW VIOLATION**

A minor commits the offense of "*curfew violation*" if he/she is in or remains in any public or private place during curfew hours. Violations under this Section shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by confinement in the City or County Jail not exceeding ninety (90) days, or by both such fine and confinement. (Ord. No. 96-14 §1, 5-13-96)

**SECTION 255.030: CLASS 1 OFFENSE PERMITTING A CURFEW VIOLATION**

A parent or guardian of a minor commits the Class 1 offense of Permitting a Curfew Violation if he/she knowingly, or negligently by the exercise of insufficient control, allows a minor to commit a curfew violation, after having first been given one (1) written notice of a prior curfew violation by a minor for which he/she is the parent or guardian. Violations under this Section shall be punishable by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) or by confinement in the City or County Jail not exceeding ninety (90) days, or by both such fine and confinement. (Ord. No. 96-14 §1, 5-13-96)

**SECTION 255.040: CLASS 2 OFFENSE PERMITTING A CURFEW VIOLATION**

The operator of an establishment commits the Class 2 offense of Permitting a Curfew Violation if such operator or any agent or employee of such operator negligently allows a minor to remain in such operator's establishment during curfew hours. Violations under this Section shall be punishable by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) or by confinement in the City or County Jail not exceeding ninety (90) days, or by both such fine and confinement. (Ord. No. 96-14 §1, 5-13-96)

**SECTION 255.050: DEFENSE**

It is a defense of guilt under Sections 255.020 through 255.040 of this Chapter if the minor:

1. Is accompanied by his/her parent or guardian; or
2. Is traveling directly to or from a public or private place on an errand at the direction of his/her parent or guardian; or
3. Is on an emergency errand affecting the minor, his/her 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/her parent or guardian; or
6. Is traveling directly to or from, or is participating in a civil rights activity protected by the First 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. (Ord. No. 96-14 §1, 5-13-96)

**SECTION 255.060: PROCEDURES INVOLVING JUVENILES**

It shall be unlawful for a Law Enforcement Officer to stop and inquire of, or request identification from, any person who he/she has reasonable cause to believe is a minor that is violating Section 255.020. 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 sixteen (16) years. If the suspect states that he/she is under the age of seventeen (17) years, or asserts that he/she is over the age of sixteen (16) years but is unable to produce identification which establishes his/her age, the Officer shall take such person into custody and deliver him/her to the home of his/her parent or guardian. If the parent or guardian is not home, the Officer may nevertheless leave the suspect at his/her home if he/she observes no condition which appears to create significant risk of injury or harm to the suspect. If the suspect refuses to identify himself/herself, or upon arriving at the home of the suspect, the Officer observes any condition which appears to create significant risk of injury or harm to the suspect, the Officer shall deliver the person to the Buffalo Police Department, 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, and to assure that such report is delivered to the Juvenile Officer, and
2. Prepare or cause to be prepared a notice to parent or guardian of suspected curfew violation, in the following form:

**NOTICE TO PARENT OR GUARDIAN OF SUSPECTED CURFEW VIOLATION**

On \_\_\_\_\_, 19\_\_, a child under the age of seventeen (17) of age named, \_\_\_\_\_ was found to be in violation of the City of Buffalo's Curfew Law. This Violation occurred at \_\_\_\_\_ (time). You, as the parent/guardian of this child, are hereby notified that you are held responsible by the City of Buffalo for allowing this child to violate the City's Curfew Ordinance and you are being given the required, one (1) warning notice of violation. Any further violations will result in charges being brought against you in the Municipal Court of the City of Buffalo for "Class 1 Permitting a Curfew Violation". The requirements of the Curfew Ordinance call for the children under the age of seventeen (17) to be in by 11:00 P.M. on Sunday through Thursday nights. They must be in by Midnight on Friday and Saturday nights.

\_\_\_\_\_, Chief Buffalo Police Department

and shall assure delivery of such notice to the parent(s) or guardian(s) on the first occasion that a child or ward of such parent or guardian is found to be in violation of Section 255.020; and

3. 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 Chapter, a report shall be provided to the City Attorney. (Ord. No. 96-14 §1, 5-13-96)

**SECTION 255.070: DUTIES OF THE CHIEF OF POLICE**

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 Office for all suspected juvenile offenses other than Curfew Violations; 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. Such information as will enable the Board of Aldermen to determine the effectiveness of this Chapter in protecting minors and the citizens of the City from minors. (Ord. No. 9614 §1, 5-13-96)

## TITLE III. TRAFFIC CODE

### CHAPTER 300: GENERAL PROVISIONS

#### SECTION 300.010: MODEL TRAFFIC CODE—ADOPTION AND EXCEPTIONS

Chapter 300, RSMo., consisting of Sections 300.010 through 300.600, RSMo., as amended, and commonly known as the "Model Traffic Ordinance" is hereby adopted as and for the traffic ordinance of this City, with the exceptions of the following Sections which are expressly deleted: 300.060, 300.070, 300.205, 300.295, 300.330, 300.445.

#### SECTION 300.020: DEFINITIONS

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

*ALLEY OR ALLEYWAY:* Any street with a roadway of less than twenty (20) feet in width.

*ALL-TERRAIN VEHICLE:* Any motorized vehicle manufactured and used exclusively for off highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control.

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

*BUSINESS DISTRICT:* The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

*CENTRAL BUSINESS (OR TRAFFIC) DISTRICT:* All streets and portions of streets within the area described by City ordinance as such.

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

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

*CROSSWALK:*

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

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

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

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

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

*INTERSECTION:*

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

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

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

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

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

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

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

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

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

*PEDESTRIAN:* Any person afoot.

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

*POLICE OFFICER:* Every Officer of the Municipal Police Department or any Officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

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

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

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

*RESIDENCE DISTRICT:* The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

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

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

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

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

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

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

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

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

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

*TRAFFIC:* Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

*TRAFFIC CONTROL SIGNAL:* Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

*TRAFFIC DIVISION:* The Traffic Division of the Police Department of the City, or in the event a Traffic Division is not established, then said term whenever used herein shall be deemed to refer to the Police Department of the City.

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



## **CHAPTER 305: TRAFFIC ADMINISTRATION**

### **SECTION 305.010: POLICE ADMINISTRATION**

There is established in the Police Department a Traffic Division to be under the control of an Officer of Police appointed by and directly responsible to the Chief of Police.

### **SECTION 305.020: DUTY OF TRAFFIC DIVISION**

The Traffic Division with such aid as may be rendered by other members of 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 the City Traffic Engineer and other Officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon the division by this Code and the traffic ordinances of the City.

### **SECTION 305.030: RECORDS OF TRAFFIC VIOLATIONS**

- A. The Police Department or the Traffic Division thereof shall keep a record of all violations of the traffic ordinances of the City or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.
- B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
- C. All such records and reports shall be public records.

### **SECTION 305.040: TRAFFIC DIVISION TO INVESTIGATE ACCIDENTS**

It shall be the duty of the Traffic Division, assisted by other Police Officers of the Department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

### **SECTION 305.050: TRAFFIC ACCIDENT STUDIES**

Whenever the accidents at any particular location become numerous, the Traffic Division shall cooperate with the City Traffic Engineer in conducting studies of such accidents and determining remedial measures.

### **SECTION 305.060: TRAFFIC ACCIDENT REPORTS**

The Traffic Division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the City Traffic Engineer.

### **SECTION 305.070: DRIVER FILES TO BE MAINTAINED**

The Police Department or the Traffic Division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

### **SECTION 305.080: TRAFFIC DIVISION TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT**

The Traffic Division shall annually prepare a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in the City as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
2. The number of traffic accidents investigated and other pertinent data on the safety activities of the Police.
3. The plans and recommendations of the division for future traffic safety activities.

### **SECTION 305.090: TRAFFIC DIVISION TO DESIGNATE METHOD OF IDENTIFYING FUNERAL PROCESSIONS**

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

### **SECTION 305.100: CITY TRAFFIC ENGINEER**

- A. The office of City Traffic Engineer is established. The Chief of Police shall serve as City Traffic Engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this Title.
- B. The City Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigations of traffic conditions, plan the operation of traffic on the streets and highways of the City, and cooperate with other City Officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of this City, except as hereinafter provided.
- C. The function of the City Traffic Engineer with all the powers, duties and authority given under this Title shall vest in the State Highways and Transportation Commission of Missouri for all controlled access highways, either divided or undivided and other streets or highways, or State highways as

defined in Section 300.020 of this Code, hereinafter called "highway", which are presently in existence and maintained by the State Highways and Transportation Commission and all such highway or highways which are in the future built, constructed or which the State Highways and Transportation Commission of Missouri assumes the responsibility to maintain within the corporate limits or within any area annexed by the City of Buffalo.

- D. The State Highways and Transportation Commission of Missouri shall have exclusive authority to place and maintain traffic control signs, signals and devices on all highways maintained by the State Highways and Transportation Commission as defined in Subsection (C) of this Section. The State Highways and Transportation Commission is given express authority to delegate to the District Engineer any power or authority vested in the State Highways and Transportation Commission by this Chapter. (CC 1984 §76.010)

#### **SECTION 305.110: EMERGENCY AND EXPERIMENTAL REGULATIONS**

- 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 ninety (90) days.
- B. The City Traffic Engineer may test traffic control devices under actual conditions of traffic.

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

**SECTION 310.010: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS**

- A. It shall be the duty of the Officers of the Police Department or such Officers as are assigned by the Chief of Police to enforce all street traffic laws of the City and all of the State vehicle laws applicable to street traffic in the City.
- B. Officers of the Police Department or such Officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, Officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- C. Officers of the Fire Department, when at the scene of a fire, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

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

No person shall 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 RIDING 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 crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinance of the City.

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

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

## **SECTION 310.060: AUTHORIZED EMERGENCY VEHICLES**

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.
- B. The driver of an authorized emergency vehicle may:
  - 1. Park or stand, irrespective of the provisions of this Title.
  - 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - 3. Exceed the maximum speed limits so long as he does not endanger life or property;
  - 4. Disregard regulations governing direction of movement or turning in specified directions.
- C. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.
- 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 for the safety of others.

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

- A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this State, or of a Police vehicle properly and lawfully making use of an audible signal only:
  - 1. The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer;
  - 2. Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer.
- B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**SECTION 310.080: IMMEDIATE NOTICE OF ACCIDENT**

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall immediately by the quickest means of communication give notice of such accident to the Police Department if such accident occurs within the City.

**SECTION 310.090: WRITTEN REPORT OF ACCIDENT**

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

**SECTION 310.100: WHEN DRIVER UNABLE TO REPORT**

- A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.080 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.
- B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.090 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five (5) days after the accident make such report not made by the driver.

**SECTION 310.110: PUBLIC INSPECTION OF REPORTS RELATING TO ACCIDENTS**

- A. All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the Police Department or other Governmental Agencies having use for the records for accident prevention purposes, except that the Police Department or other Governmental Agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.
- B. No written reports forwarded under the provisions of this Section shall be used as evidence in any trial, civil or criminal arising out of an accident except that the Police Department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, and the investigating Officers.

## **SECTION 310.120: LEAVING THE SCENE OF AN ACCIDENT**

A person commits the offense of leaving the scene of a motor vehicle accident, when, being the operator or driver of a vehicle on the streets of the City or any publicly or privately owned parking lot or parking facility with proper parking facilities generally open for use by the public, and knowing that an injury has been caused to a person or damage has been caused to property due to his culpability or to accident, leaves the place of the injury, damage or accident without stopping and giving his name, residence, including City and street number, motor vehicle number and driver's license number, if any, to the injured party or the Police Officer, or if no Police Officer is in the vicinity, then to the nearest Police Station or Judicial Officer. (CC 1984 §76.400)

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

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

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

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

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

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

- A. 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.
- B. The driving of a motor vehicle onto, across, and out of any commercial property on the corner of a street intersection without stopping on the property for the purpose of transacting business solely to avoid a stop sign or traffic signal is prohibited. For the purpose of this section, the "transacting of business" shall mean that the driver or any occupant of the motor vehicle entered the property with the intent of stopping to engage in a transaction with the proprietors, their agents, or employees of the business for which the premises is licensed. (Ord. No. 13-10, §§1-2, 11-25-13).

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

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

### **SECTION 315.050: OFFICIAL TRAFFIC CONTROL DEVICES—PRESUMPTION OF LEGALITY**

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



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

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

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

1. *Green indication.*
  - a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
  - b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;
  - c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
2. *Steady yellow indication.*
  - a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
  - b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070 are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
3. *Steady red indication.*
  - a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in Paragraph (b) of this Subsection;

- b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, than at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof;
  - c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.
4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

#### **SECTION 315.070: PEDESTRIAN CONTROL SIGNALS**

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

1. *"WALK"*: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles;
2. *"WAIT"* or *"DON'T WALK"*: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

#### **SECTION 315.080: FLASHING SIGNALS**

- A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:
  1. Flashing red (stop signal), when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign;
  2. Flashing yellow (caution signal), when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- B. This Section shall not apply at railroad grade crossings.

**SECTION 315.090: LANE DIRECTION CONTROL SIGNALS**

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

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

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

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

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

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

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

**SECTION 315.130: PLAY STREETS**

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

**SECTION 315.140: CITY TRAFFIC ENGINEER TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES**

The City Traffic Engineer is hereby authorized;

1. To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his 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 315.150: TRAFFIC LANES**

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

## **CHAPTER 320: SPEED REGULATIONS**

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

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the City, except that the City may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof, but no City ordinance shall regulate the speed of vehicles upon divided limited access highways. (CC 1984 §76.020)

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

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

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

- A. Every person operating a motor vehicle on the highways, streets, or alleys of this municipality shall exercise the highest degree of care under the conditions then and there existing.
- B. The speed limitations duly posted in speed limit zones, or otherwise, shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof have flashing light in operation or audible signal by bell, siren or exhaust whistle. The provision shall not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons using the highways, streets, or alleys, nor shall it protect the driver of any such vehicle from the consequences of a reckless disregard of the person, property, life and limb of others. Legally authorized emergency vehicles operating in and through this municipality shall be only those stipulated and defined by law under Section 304.022, RSMo. 1959. (CC 1984 §76.100)

### **SECTION 320.040: SLOW SPEED**

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace Officers may enforce the provisions of this Section by directions to drivers. Any person who violates this section or fails to comply with the directions of an officer in accordance herewith, shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment in the City or County Jail for a period not to exceed ninety (90) days, or by both such fine and confinement. (CC 1984 §76.110; Ord. No. 98-31, §1, 10-12-98)

## CHAPTER 325: TURNING MOVEMENTS

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

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

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.
2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half (2) 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.
3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

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

- A. The City Traffic Engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
- B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

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

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

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

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

**SECTION 325.050: LIMITATIONS ON TURNING AROUND**

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

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

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

Whenever any ordinance of the City designates any one (1) way street or alley the City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

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

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

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

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

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

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

Those streets and parts of streets described by ordinances of the City are declared to be through streets for the purposes of Sections 335.010 to 335.090.

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

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

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

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

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

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

### **SECTION 335.050: VEHICLE ENTERING STOP INTERSECTION**

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (B) of



Section 335.040, and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

#### **SECTION 335.060: VEHICLE ENTERING YIELD INTERSECTION**

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

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

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

#### **SECTION 335.080: STOP WHEN TRAFFIC OBSTRUCTED**

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

#### **SECTION 335.090: RIGHT-OF-WAY AT INTERSECTION—SIGNS AT INTERSECTION**

- A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.
- B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.
- C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- D. The State Highways and Transportation Commission with reference to State highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any

intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one (1) or more entrances to such intersection.

- E. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this Section.
  - 1. 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 at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.
  - 2. The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable to the existing conditions and, if required for safety to stop, 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. After slowing or stopping, the driver 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 traffic is moving across or within the intersection.
- F. The driver of a vehicle about to enter or cross a highway from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.
- G. The driver of a vehicle intending to make a left turn into any alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.
- H. The State Highways and Transportation Commission or local authorities with respect to roads under their respective jurisdictions, on any Section where construction or major maintenance operations are being affected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 304.010, RSMo. (CC 1984 §76.270)

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

### **SECTION 340.010: 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 (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

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

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

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

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

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

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

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

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the Traffic Division.

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

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

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

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

**SECTION 340.080: LIMITATIONS ON BACKING**

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

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

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

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

- A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.
- B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

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

- A. No person shall ride a bicycle upon a sidewalk within a business district.
- B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- C. No person shall ride a motorized bicycle upon a sidewalk.

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

- A. No person shall operate an all-terrain vehicle, as defined in Section 300.020, upon the streets and highways of this City, except as follows:
  - 1. All-terrain vehicles owned and operated by a Governmental entity for official use;
  - 2. All-terrain vehicles operated for agricultural purposes or industrial on-premise purposes between the official sunrise and sunset on the day of operation ;

3. All-terrain vehicles whose operators carry a special permit issued by this City pursuant to Section 304.013, RSMo. Licensed drivers may be issued a special permit for special use of all-terrain vehicles on streets within the city limits and to cross state highways. Applications shall be made on a form provided by the City Clerk. The special use permit may be issued with Board of Alderman approval. The fee for application of the permit shall be \$15 and must be renewed annually.
- B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this City, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossing as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
  - C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid driver'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 thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.
  - D. No person shall operate an all-terrain vehicle:
    1. In any careless way so as to endanger the person or property of another;
    2. While under the influence of alcohol or any controlled substance; or
    3. Without a securely fastened safety helmet on the head of an individual who operates an all terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicles, unless the individual is at least eighteen years of age.
  - E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.
  - F. A violation of this Section, upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment in the City or County Jail for a period not to exceed ninety (90) days, or by both such fine and confinement. (Ord. No. 98-32, §1, 10-12-98; Ord. 16-05, §2, 8-8-16)

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

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

**SECTION 340.140: CONTROLLED ACCESS**

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

**SECTION 340.150: DRIVING THROUGH SAFETY ZONE PROHIBITED**

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

**SECTION 340.160: REGULATIONS FOR BICYCLES**

- A. Every person riding a bicycle upon a roadway shall be granted all 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 traffic ordinances of this City applicable to the driver of a vehicle, except as to special regulations in this Chapter and except as to those provisions of laws and ordinances which by their nature can have no application.
- B. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (CC 1984 §76.040)

**SECTION 340.170: OPERATING A MOTOR VEHICLE IN A CARELESS AND IMPRUDENT MANNER**

- A. Every person operating a motor vehicle on the highways, streets and roads of this City shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.
- B. A violation of this Section, upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment in the City or County Jail for a period not to exceed ninety (90) days, or by both such fine and confinement. (Ord. No. 98-33, §1, 10-12-98)
- C. Violation of the provisions of this Section specifying speed limitations shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of an accident or as the defense to a negligence action. (CC 1984 §76.090)

**SECTION 340.180: DRIVE ON RIGHT HALF OF HIGHWAY—TRAFFIC LANES—SIGNS**

- A. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one (1) direction only or parking of motor vehicles is regulated by ordinance.
- B. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the righthalf of the roadway, except as follows:
  - 1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of Sections 304.014 to 304.026, RSMo., or traffic regulations thereunder or of the City.
  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.
- C. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines, or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semi-circular or U-turn on any such divided highway, except in a crossover or intersection.
- D. The authorities in charge of any highway or the State Highway Patrol may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway, and all members of the Missouri Highway Patrol and other Peace Officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.
- E. Whenever any roadway has been divided into three (3) 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 when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation;
  3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo;
  4. Official signs may be erected by the Highways and Transportation Commission or the Highway Patrol may place temporary signs directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign;
  5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

- F. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals. (CC 1984 §76.120)

**SECTION 340.190: PASSING REGULATIONS**

- A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:
  - 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
  - 2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:
  - 1. When the vehicle overtaken is making or about to make a left turn;
  - 2. Upon a City street with unobstructed pavement of sufficient width for two (2) or more lines of vehicles in each direction;
  - 3. Upon a one-way street;
  - 4. Upon any highway outside of a City with unobstructed pavement of sufficient width and clearly marked for four (4) or more lines of traffic.

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

- C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the center line of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
- D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:



1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing.

#### **SECTION 340.200: SCHOOL BUS—STOPS—PASSING WHILE STOPPED—HOW MARKED**

- A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.
- B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop while bus is loading and unloading". Each school bus subject to the provisions of Sections 304.050 to 304.070, RSMo, shall be equipped with a mechanical and electrical signaling device, approved by the State Board of Education, which will display a signal plainly visible from the front and rear and indicating intention to stop.
- C. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall he/she take on or discharge passengers while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least three hundred (300) feet in each direction to drivers of other vehicles upon the highway and then only for such time as is actually necessary to take on and discharge passengers.
- D. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.
- E. The driver of any school bus driving upon the streets and highways 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. (CC 1984 §76.150)

#### **SECTION 340.210: UNATTENDED MOTOR VEHICLE**

No person shall leave a motor vehicle unattended on the streets or highways of this City without first stopping the motor and cutting off the electric current, and no person shall leave a motor vehicle, except a commercial motor vehicle, unattended on the streets or highways unless the mechanism,

starting device or ignition of such motor vehicle shall be locked. The failure to lock such motor vehicle shall not mitigate the offense of stealing the same, nor shall such failure be used to defeat a recovery in any civil action for the theft of such motor vehicle, or the insurance thereon, or have any other bearing in any civil action. (CC 1984 §76.160)

#### **SECTION 340.220: PLACING GLASS ON HIGHWAY PROHIBITED**

Any person who has purposely, accidentally, or by reason of an accident, dropped from his/her person or any vehicle, any tacks, nails, wire, scrap metal, glass, crockery, sharp stones, or other substances injurious to the feet of persons or animals, or to the tires or wheels of vehicles, including motor vehicles, upon any highway shall immediately make all reasonable efforts to clear the highway of the substances. (CC 1984 §76.170)

#### **SECTION 340.230: DISTANCE AT WHICH VEHICLE MUST FOLLOW**

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 340.250, relating to distance between trucks traveling on the highway.

#### **SECTION 340.240: BREAKING TRACTION**

A person shall commit the offense of breaking traction if he/she accelerates a motor vehicle in a manner such as to cause or allow one (1) or more wheel(s) of said vehicle to break traction with the surface of the street, road, or drive upon which the same shall be located, whether paved or gravel, without just cause or excuse. (CC 1984 §76.380)

#### **SECTION 340.250: BUSES AND TRUCKS NOT TO FOLLOW WITHIN THREE HUNDRED FEET—PENALTY**

The following terms as used in this Section shall mean:

*BUS*: Any vehicle or motor car designed and used for the purpose of carrying more than seven (7) persons.

*TRUCK*: Any vehicle, machine, tractor, trailer or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and designed or used in the transportation of property upon the highway.

- A. The driver of any truck or bus, when traveling upon a public highway of this City outside of a business or residential district, shall not follow within three hundred (300) feet of another such vehicle; provided, the provisions of this Section shall not be construed to prevent the overtaking and passing, by any such truck or bus, or another similar vehicle.

- B. Any person who shall violate this Section, upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment in the City or County Jail for a period not to exceed ninety (90) days, or by both such fine and confinement. (CC 1984 §76.220; Ord. No. 98-34, §1, 10-12-98)

#### **SECTION 340.260: HAND AND MECHANICAL SIGNALS**

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

1. An operator or driver when stopping, or when checking the speed of 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 in the rear of his/her vehicle.
2. An operator or driver intending to turn his/her vehicle to the right shall extend his/her arm at an angle above horizontal so that the same may be seen in front of and in the rear of his/her vehicle, and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which he/she is proceeding before turning.
3. An operator or driver intending to turn his/her vehicle to the left shall extend his/her arm in a horizontal position so that the same may be seen in the rear of his/her vehicle, and shall slow down and approach the intersecting highway so that the left side of his/her vehicle shall be as near as practicable to the centerline of the highway along which he/she is proceeding before turning.
4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this subdivision 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; provided further that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954. (CC 1984 §76.230)

#### **SECTION 340.270: DRIVING UPON A PRIVATE PARKING LOT**

It shall be unlawful for any person, without lawful authority, or without the express or implied consent of the owner or his/her agent, to park or drive a car upon a private parking lot during the time said parking lot is closed.

1. For this Section to apply, the parking lot must be posted in a reasonable manner which would ordinarily come to the attention of the person or persons going upon said parking lot; and the posted notice must state the time during which the parking lot will be closed to the public.
2. It shall be unlawful for any person to operate or drive a motor vehicle upon or onto City owned property, except roadways, driveways and parking areas located on said property.
3. It shall be unlawful for any person to present on or drive a motor vehicle upon public property when said property is closed to the public; and when there is posted notice stating the time during which access to the property is prohibited; and when said notice is posted in the manner provided in Subsection (4).
4. For this Section to apply, the property must be posted in a reasonable manner which would ordinarily come to the attention of the person or persons going upon said property. (CC 1984 §76.390)

**SECTION 340.280: "CRUISING" PROHIBITED**

- A. For the purposes of this Section, the terms "*cruise*" or "*cruising*" shall mean the practice of driving a motor vehicle or trailer 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.
- B. It shall be lawful for the owner, tenant, or occupant of any lot, parcel, or tract of land in the City of Buffalo, 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  
 ORDINANCE 78.100 OF THE CITY OF BUFFALO

- C. It shall be unlawful for any person to "cruise" on any premises posted in accordance with Subsection (B) hereof.
- D. The term "*motor vehicle*" shall mean any self-propelled vehicle not operated exclusively upon tracks except farm tractors. The term "*trailer*" shall mean any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle except those running exclusively on tracks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon or is carried by the towing vehicle.
- E. No person shall park a motor vehicle or trailer on any private property without the consent of the owner, lessee, or occupant, or other person having charge of such premises.
- F. No person shall park a motor vehicle or trailer on a privately 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, lessor, occupant, or other person having control of such parking lot or area.

- G. No person shall park a motor vehicle or trailer on a privately owned 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 such parking lot or designated parking area.
- H. The fact that a motor vehicle or trailer which is illegally parked is registered in the name of the person shall be considered prima facie proof that such person is in control of the automobile at the time of such violation. (Ord. No. 78.100 §§1–9, 6-11-90)

**SECTION 340.290: VEHICLE WEIGHT RESTRICTIONS ON LOCUST STREET**

- A. It is hereby declared unlawful and an offense for any motor vehicle, or combination of vehicles, to be moved or operated upon Locust Street in the City of Buffalo, if said vehicle or combination of vehicles have a greater gross weight than twenty thousand (20,000) pounds.
- B. The provisions of this Section shall not apply to any person, firm or corporation operating a vehicle or combination of vehicles in excess of twenty thousand (20,000) pounds when said vehicle is making a local delivery or pick up on property abutting said street between Maple Street and Dallas Street, providing the operator of said vehicle can prove such delivery purpose. (Ord. No. 94-13 §1, 12-12-94; Ord. No. 99-08 §1, 5-10-99)

**SECTION 340.300: TRANSPORTATION OF HAZARDOUS MATERIALS**

- A. Definitions. The following definitions shall apply to the sections of this Ordinance:

*Combustible liquid*- A liquid having a flash point at or above 100° F (37.8° C).

*Corrosive material and substance* - Slow oxidation by chemical reaction of a corrosive material.

*Flammable gas* - Any ignitable gas or vapor.

*Flammable liquid* - A liquid having a flash point below 100° F (37.8° C) and having a vapor pressure not exceeding 50 pounds per square inch (absolute) at 100° F (37.8° C).

- B. Parking prohibited: It shall be unlawful to park for any period longer than twelve (12) hours any vehicle, truck, railroad car, or other conveyance containing, placarded or signed as transporting combustible or flammable liquid, flammable gas, corrosive materials or substances, or explosives for any purpose except in areas of the City of Buffalo which are zoned M-1, Industrial District.
- C. Loading or unloading: The loading or unloading of combustible or flammable liquids, flammable gases, corrosive materials and substances, or explosives shall be supervised and witnessed by a person of lawful age.
- D. Spillage: Persons parking any vehicle or conveyance on any public right-of-way or private property shall prevent spillage or loss of materials. In the event that spillage occurs, the owner of said materials, vehicle or conveyance and the person or persons responsible for such material or goods

spilled and be liable for the cost to restore the public right-of-way or private property to its original condition. Failure to comply with this Section shall be an offense punishable under this Code and each day that said failure continues shall be deemed a separate offense.

- E. Clean-up costs: Persons spilling any combustible or flammable liquid, flammable gas, corrosive material or substance, or explosive shall be responsible to reimburse the City of Buffalo for reasonable clean-up costs and environmental damage. Such payment shall be made within thirty (30) days of receipt of statement of charges.(Ord. 99-01 §1, 2-8-99)

## **CHAPTER 342: ALCOHOL AND DRUG RELATED TRAFFIC OFFENSES**

### **SECTION 342.010: DRIVING WHILE INTOXICATED**

A person commits the offense of driving while intoxicated if he operates a motor vehicle in an intoxicated or drugged condition. (CC 1984 §76.340)

### **SECTION 342.020: DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT**

- A A person commits the offense of "driving with excessive blood alcohol content" if he operates a motor vehicle in this City with eight-hundredths of one percent (.08%) or more by weight of alcohol in his blood.
- B As used in this Section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Section 342.020 and Sections 577.020 to 577.041, RSMo. (Ord. No. 01-19; §2, 8-13-01)

### **SECTION 342.030: CHEMICAL TESTS FOR ALCOHOL CONTENT OF BLOOD—CONSENT IMPLIED—ADMINISTERED, WHEN, HOW**

- A. Any person who operates a motor vehicle upon the public highways of this City shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of his breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of his blood if arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition. The test shall be administered at the direction of the arresting Law Enforcement Officer whenever the person has been arrested for the offense.
- B. The implied consent to submit to the chemical tests listed in Subsection (A) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.

- C. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid under the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.
- D. The State Department of Health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid under the provisions of Sections 577.020 to 577.041, RSMo., and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health.
- E. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing and at his expense administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.
- F. Upon the request of the person who is tested, full information concerning the test shall be made available to him.

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

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

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

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

- A. When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- C. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Section 345.050.
- D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

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

Pedestrians shall move, whenever practicable, upon the right half (1/2) of crosswalks.

**SECTION 345.040: CROSSING AT RIGHT ANGLES**

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

**SECTION 345.050: WHEN PEDESTRIAN SHALL YIELD**

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

**SECTION 345.060: PROHIBITED CROSSING**

- A. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.
- C. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.
- D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

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

- A. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.
- B. No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge when such gate or barrier is closed or is being opened or closed.



**SECTION 345.080: PEDESTRIANS WALKING ALONG ROADWAYS**

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

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

Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

**CHAPTER 350: METHOD OF PARKING**

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

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

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

- A. The City Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the City unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any streetcar tracks.

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

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

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

- A. The City Traffic Engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.
- B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

**SECTION 350.050: LAMPS ON PARKED VEHICLES**

- A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half (1/2) hour after sunset and half (1/2) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway no lights need be displayed upon such parked vehicle.
- B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half (1/2) hour after sunset and a half (1/2) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motordriven cycle.
- C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

**SECTION 350.060: HANDICAPPED PARKING**

It shall be a violation of this Section for any person to park a motor vehicle in any parking area, parking lot, drive-in or private way which is designated by signs for handicapped parking unless said motor vehicle is displaying a distinguishing license plate or card issued pursuant to Section 301.071 or 301.142 of the Revised Statutes of Missouri or is displaying a distinguishing license plate or card issued by any other state to physically disabled persons.

- A. It shall be a violation of this Section for any person to, without authorization, use a distinguishing license plate or card issued pursuant to sections 301.071 or 301.142, RSMo, to park in a parking space reserved under authority of this section.

- B. Any parking spaces designated exclusively for persons who are physically disabled shall be so indicated by a sign upon which shall be inscribed the international symbol of accessibility and shall also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: \$50 to \$300 fine.
- C. Nonconforming signs or spaces otherwise required pursuant to this section which are in use prior to August 28, 1997, shall not be in violation of this section during the useful life of such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs or spaces be extended by means other than those means used to maintain any sign or space on the owner's property which is not used for vehicles displaying a disabled license plate.
- D. Spaces designated for use by vehicles displaying the distinguishing disabled license plate issued pursuant to Section 301.142 or 301.071, RSMo, shall meet the requirements of the federal Americans with Disabilities Act, and any rules or regulations established pursuant thereto. Notwithstanding the other provisions of this section, any such on-street parking spaces designated by the City in residential areas shall have clearly and visibly painted upon it the international symbol of accessibility and any curb adjacent to the space shall be clearly and visibly painted blue.
- E. Definitions. As used in this Section, the following definitions shall be applied:

Physically disabled means a natural person who is a blind person as defined by Section 8.700, RSMo, or a natural person with disabilities which limit or impair the ability to walk, as determined by a licensed physician as follows:

- (1) The person cannot walk fifty feet without stopping to rest; or
- (2) The person cannot walk without the use of; or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
- (3) Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
- (4) Uses portable oxygen; or
- (5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class II or class IV according to standards set by the American Heart Association; or
- (6) Is severely limited in the applicant's ability to walk due to an arthritic, neurological, or orthopedic condition.

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

- F. *Penalty for Violation of this Section.* Any person found guilty of a violation of this Section shall, upon conviction, be subject to a fine of not less than fifty, nor more than three hundred dollars.
- G. The Buffalo Police Department may cause the removal of any vehicle parked in violation of this Section. Any vehicle which has been so removed and which is not properly claimed within thirty days thereafter shall be considered to be an abandoned vehicle.
- H. Officers of the Buffalo Police Department may enter upon private property open to public use to enforce the provisions of this section, including private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to Section 301.071 or Section 301.142, RSMo. (CC 1984 §§76.900–76.930; Ord. No. 00-09 §2, 3-13-00)

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

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

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:
1. Stop, stand or park a vehicle:
    - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
    - b. On a sidewalk;
    - c. Within an intersection;
    - d. On a crosswalk;
    - e. Between a safety zone and adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the City Traffic Engineer indicates a different length by signs or markings;
    - f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
    - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
    - h. On any railroad tracks;
    - i. At any place where official signs prohibit stopping;
  2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
    - a. In front of a public or private driveway;
    - b. Within fifteen (15) feet of a fire hydrant;
    - c. Within twenty (20) feet of a crosswalk at an intersection;
    - d. Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;
    - e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);
    - f. At any place where official signs prohibit standing.
  3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
    - a. Within fifty (50) feet of the nearest rail of a railroad crossing;
    - b. At any place where official signs prohibit parking.
- B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

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

No person shall park any vehicle upon a street, other than an alley, in any manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic; however, this Section shall not apply to any highway included in Section 305.100(C) of this Title. (CC 1984 §76.050)

**SECTION 355.030: PARKING IN ALLEYS**

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

**SECTION 355.040: PARKING FOR CERTAIN PURPOSES PROHIBITED**

No person shall park a vehicle upon a roadway for the principal purpose of:

1. Displaying such vehicle for sale; or
2. Repair such vehicle except repairs necessitated by an emergency.

**SECTION 355.050: PARKING ADJACENT TO SCHOOLS**

- A. The City Traffic Engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

**SECTION 355.060: PARKING PROHIBITED ON NARROW STREETS**

- A. The City Traffic Engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

**SECTION 355.070: STANDING OR PARKING ON ONE-WAY STREETS**

The City Traffic Engineer is authorized to erect signs upon the left-hand side of any one (1) way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

**SECTION 355.080: STANDING OR PARKING ON ONE-WAY ROADWAYS**

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The City Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

**SECTION 355.090: NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES**

- A. The City Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

**SECTION 355.100: PARKING ON STATE MAINTAINED HIGHWAYS**

No person shall park any vehicle in such a manner or under such condition as to leave available less than twenty (20) feet of width of roadway for free movement of vehicular traffic, nor shall any ordinance passed by the City of Buffalo allow parking which leaves available less than twenty (20) feet of width of roadway on any highway as defined in Section 305.100(C) of this Title. (CC 1984 §76.060)

**SECTION 355.110: DEALERS, GARAGE PROPRIETORS, ETC., NOT TO USE STREET FOR STORAGE PURPOSES OF OR FOR HOLDING VEHICLES FOR SALE**

No dealer in new, used or junked automobiles; no dealer in machinery, tractors, farm implements or vehicles of any other kind; and no proprietor of any garage shall use any street or highway or public parking place in this City as a parking or standing place for any automobile, vehicle, stock vehicle, trailer, equipment or part thereof held for sale or repair or kept for storage by him, and no such dealer or proprietor or anyone connected with any such businesses shall cause or permit such use of any street, highway or other public parking place.(Ord. 14-02 §1, 1-13-14)

**SECTION 355.120: VEHICLE OWNER PRESUMED VIOLATOR**

Any and all registered owners of an automobile, vehicle, stock vehicle, or trailer shall be presumed to have parked any such vehicle, stock vehicle, or trailer which may be parked in violation of any provisions of Chapter 350, Chapter 335, or Chapter 365. It shall be a rebuttable presumption that the person in whose name such automobile, vehicle, stock vehicle, or trailer is registered committed the violation. (Ord. 14-02 §2, 1-13-14)

## **SECTION 355.130: SEMI-TRUCK PARKING**

- A. No person shall park a semi-trailer truck, or any portion thereof including a detached semi-trailer, on any public street or right-of-way located within the City, as follows:
1. At any time in a residential zoning district, except where specifically authorized by signage posted at the beginning and end of the segment of the public street or right-of-way permitting the parking of a semi-trailer truck, or any portion thereof including the detached semi-trailer; or
  2. Between the hours of 5:00 p.m. through 8:00 a.m. in all zoning districts except residential zoning districts, except where specifically authorized by signage posted at the beginning and end of the segment of the public street or right-of-way permitting the parking of a semi-trailer truck, or any portion thereof including the detached semi-trailer.

No person shall use any public street or right-of-way for the purpose of repairing or reconditioning any semi-trailer truck, or any portion thereof, except when repairs shall be necessary due to an emergency. This section shall not apply when actively loading or unloading a semi-trailer truck.

- B. The provisions of Paragraph A of Section 355.130 shall not apply to temporary parking for the purposes of loading and unloading a semi tractor-trailer. The provisions of Paragraph A of 355.130 shall not be construed to apply to fifth wheel or bumper pulled trailers designed to be pulled by passenger trucks.
- C. Violations of the provisions of Section 355.130 shall be punishable pursuant to the provisions of Section 100.200 of the City Code. (Ord. No. 24-27 §1, 12-9-2024)



## **CHAPTER 360: STOPPING FOR LOADING OR UNLOADING ONLY**

### **SECTION 360.010: CITY TRAFFIC ENGINEER TO DESIGNATE CURB LOADING ZONES**

The City Traffic Engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

### **SECTION 360.020: PERMITS FOR CURB LOADING ZONES**

The City Traffic Engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The City Traffic Engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the City Treasury a service fee of ten dollars (\$10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the City for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one year.

### **SECTION 360.030: STANDING IN PASSENGER CURB LOADING ZONE**

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

### **SECTION 360.040: STANDING IN FREIGHT CURB LOADING ZONES**

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provision applicable to such zones are in effect.

### **SECTION 360.050: CITY TRAFFIC ENGINEER TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS**

The City Traffic Engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

**SECTION 360.060: STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED**

- A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle, not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

**SECTION 360.070: RESTRICTED USE OF BUS AND TAXICAB STANDS**

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

**CHAPTER 365: STOPPING, STANDING OR PARKING RESTRICTED  
OR PROHIBITED ON CERTAIN STREETS**

**SECTION 365.010: APPLICATION OF CHAPTER**

The provisions of this Chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

**SECTION 365.020: REGULATIONS NOT EXCLUSIVE**

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

**SECTION 365.030: PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS**

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

**SECTION 365.040: PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS**

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

**SECTION 365.050: STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS**

When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified by ordinance on any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

**SECTION 365.060: PARKING SIGNS REQUIRED**

Whenever by this Title or any ordinance of the City any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the City Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

**SECTION 365.070: COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS**

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.

**SECTION 365.080: SOLICITING OF CONTRIBUTIONS OR BUSINESS ON ROADWAYS**

It shall be unlawful for any person to stand in a roadway for the purpose of soliciting contributions or business from the occupant of any vehicle. (Ord. No. 02-30 §1, 10-14-02)

**CHAPTER 370: TRAFFIC VIOLATIONS BUREAU**

**SECTION 370.010: WHEN PERSON CHARGED MAY ELECT TO APPEAR AT BUREAU**

- A. Any person charged with an offense for which payment of a fine may be made to the Traffic Violations Bureau shall have the option of paying such fine within the time specified in the notice of arrest at the Traffic Violations Bureau upon entering a plea of guilty and upon waiving appearance in court; or may have the option of depositing required lawful bail, and upon a plea of not guilty shall be entitled to a trial as authorized by law.
- B. The payment of a fine to the Bureau shall be deemed an acknowledgement of conviction of the alleged offense, and the Bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

**SECTION 370.020: DUTIES OF TRAFFIC VIOLATIONS BUREAU**

The following duties are hereby imposed upon the Traffic Violations Bureau in reference to traffic offenses:

- 1. It shall accept designated fines, issue receipts, and represent in court such violators as are permitted and desire to plead guilty, waive court appearance, and give power of attorney;
- 2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting Officer and witnesses, if any, to be present.

**SECTION 370.030: TRAFFIC VIOLATIONS BUREAU TO KEEP RECORDS**

The Traffic Violations Bureau shall keep records and submit to the Judges hearing violations of City ordinances summarized monthly reports of all notices issued and arrests made for violations of the traffic laws and ordinances in the City and of all the fines collected by the Traffic Violations Bureau

or the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

**SECTION 370.040: ADDITIONAL DUTIES OF TRAFFIC VIOLATIONS BUREAU**

The Traffic Violations Bureau shall follow such procedure as may be prescribed by the traffic ordinances of the City or as may be required by any laws of this State.

**SECTION 370.050: PENALTY FOR PARKING VIOLATIONS**

Except as provided in Section 350.060, the penalty for parking violations shall be five dollars (\$5.00) if the same is paid, either in person or by mail to City Hall, within ninety-six (96) hours of the receipt of a parking violation notice. If said penalty is not so paid, then an information shall be filed with the Municipal Court and the penalty shall be as provided by Section 100.200 of this Code. (CC 1984 §78.070)

**CHAPTER 375: PROCEDURE ON ARREST**

**SECTION 375.010: FORMS AND RECORDS OF TRAFFIC CITATIONS AND ARRESTS**

- A. The City shall provide books containing uniform citation and complaint forms as prescribed by Supreme Court Rule. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by Supreme Court Rule.
- B. Such books shall be issued to the Chief of Police or his duly authorized agent, a record shall be maintained of every book so issued and a written receipt shall be required for every book. The judge or judges hearing City ordinance violation cases may require that a copy of such record and receipts be filed with the court.
- C. The Chief of Police shall be responsible for the issuance of such books to individual members of the Police Department. The Chief of Police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

**SECTION 375.020: PROCEDURE OF POLICE OFFICERS**

Except when authorized or directed under State law to immediately take a person before the Municipal Judge for the violation of any traffic laws, a Police Officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall issue to him a uniform traffic ticket which shall be proceeded upon in accordance with Supreme Court Rule Number 37.

**SECTION 375.030: UNIFORM CITATION AND COMPLAINT FORMS TO BE ISSUED WHEN VEHICLE ILLEGALLY PARKED OR STOPPED**

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the City or by State law, the Officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a uniform citation and complaint forms for the driver to answer to the charge against him within five (5) days during the hours and at a place specified in the uniform citation and complaint forms.

**SECTION 375.040: WARNING OF ARREST SENT UPON FAILURE TO APPEAR**

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a uniform citation and complaint forms affixed to such motor vehicle within a period of five (5) days, the Traffic Violations Bureau shall send to the owner of the motor vehicle to which the uniform citation and complaint forms was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be issued.

**SECTION 375.050: POLICE MAY REMOVE VEHICLE—WHEN**

- A. Members of the Police Department are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Police Department, or otherwise maintained by the City under the circumstances hereinafter enumerated:
1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;
  2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide its custody or removal;
  3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
  4. Any vehicle known or, with probable cause, suspected to have been used in the commission of criminal offense or violation of municipal ordinance, other than traffic offense;
  5. Any vehicle involved in a traffic accident, whereas to leave the vehicle unattended would cause a traffic hazard;
  6. Any vehicle left unattended as a result of the driver's arrest for driving while intoxicated, driving under the influence, or any other such arrest whereas removing the driver from direct control of his/her vehicle may cause risk to the driver's personal property if left unattended;

7. Any vehicle involved, or with probable cause suspected to have been involved, in leaving the scene of a motor vehicle accident;
  8. Any vehicle containing stolen merchandise, unlawful drugs or fruits of a crime, which said evidence must be kept and maintained for the purpose of further prosecution;
  9. Any vehicle being operated upon public streets, City or State maintained highways, without valid registration, current license plates or proof of vehicle ownership;
  10. Any vehicle found to be operating without current registration, license plates, on a second (2nd) offense within a sixty (60) day period;
  11. Any vehicle found to be in violation of the provisions of the Buffalo City Code governing abandonment of motor vehicles;
  12. Any vehicle stolen or reported stolen via a valid theft report filed with a Law Enforcement Agency.
- B. Whenever an Officer removes a vehicle from a street as authorized in this Section and the Officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such Officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- C. Whenever an Officer removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the Officer shall immediately send or cause to be sent a written report of such removal by mail to the State Department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored. (CC 1984 §76.470)

**SECTION 375.060: PROHIBITING ABANDONMENT OF VEHICLES ON CITY-OWNED OR MAINTAINED PROPERTY, STREETS, ALLEYS, OR RIGHT-OF-WAYS AND PROVIDING FOR PENALTY FOR VIOLATION HEREOF**

- A. *Prohibition.* It shall be unlawful to abandon any motorized vehicle, motorcycle, three (3) or four (4) wheel all-terrain vehicles (ATV), truck-tractors, boats, farm tractors, farm equipment, or any other similar device normally used for transportation, upon any street, alleyway, or right-of-way maintained by the City, or any State roadway or right-of-way maintained by the City, or any City property, when:
1. The vehicle has been left unattended for a period exceeding forty-eight (48) hours and the registered owner has knowledge of the violation and fails to move the vehicle upon request from the City Police.

2. The vehicle is not in good operating condition, or does not display a valid license plate and valid inspection sticker, and has been parked or abandoned for a period exceeding forty-eight (48) hours.
  3. The vehicle has been parked or abandoned in such a manner as to cause a traffic hazard.
  4. The vehicle has been parked or abandoned in such manner so as to block the entrance or exit to any private driveway, public driveway or any alleyway.
  5. The vehicle has been parked or abandoned in such manner as to impede any emergency services vehicle, or any emergency services personnel, including any member of Police, Sheriff, Highway Patrol, Ambulance, Fire, or any other department or public service in an emergency situation.
- B. *Penalty.* Any person who shall violate this Section, upon conviction thereof, shall be subject to a fine of not less than twenty dollars (\$20.00) or more than one hundred dollars (\$100.00). Each day on which the violation continues shall constitute a separate offense for purposes of this Section. (CC 1984 §76.450; Ord. No. 98-35, §1, 10-12-98)

**SECTION 375.070: ILLEGALLY PARKED VEHICLE—REGISTRATION**

The fact that a vehicle which is illegally parked is registered in the name of a person shall be construed prima facie proof that such person was in control of the vehicle at the time of such illegal parking. (CC 1984 §78.050)



## **CHAPTER 380: VEHICLE EQUIPMENT REGULATIONS**

### **SECTION 380.010: LOADS WHICH MIGHT BECOME DISLODGED TO BE SECURED—FAILURE—PENALTY**

- A. All motor vehicles and every trailer and semi-trailer operating upon the public highways of this City and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.
- B. Operation of a motor vehicle, trailer, or semi-trailer in violation of this Section, upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment in the City or County Jail for a period not to exceed ninety (90) days, or by both such fine and confinement. (CC 1984 §76.500; Ord. No. 98-36, §1, 10-12-98)

### **SECTION 380.020: WHEN LIGHTS REQUIRED**

No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as this Chapter requires. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower. (CC 1984 §76.510)

### **SECTION 380.030: RESERVED**

### **SECTION 380.040: HEADLAMP ON MOTOR VEHICLES**

Except as in this Chapter provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light on the front. (CC 1984 §76.530)

### **SECTION 380.050: MULTIPLE-BEAM HEADLAMPS—ARRANGEMENT**

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
2. There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver. (CC 1984 §76.540)

**SECTION 380.060: DIMMING OF LIGHTS—WHEN**

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead. (CC 1984 §76.550)

**SECTION 380.070: TAILLAMPS, REFLECTORS**

- A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.
- B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.
- C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway, shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this chapter and shall be mounted

upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.

**SECTION 380.080: AUXILIARY LAMPS—NUMBER—LOCATION**

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. (CC 1984 §76.570)

**SECTION 380.090: COWL, FENDER, RUNNING BOARD AND BACKUP LAMPS**

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp; except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion. (CC 1984 §76.580)

**SECTION 380.100: SPOTLAMPS**

Any motor vehicle may be equipped with not to exceed one (1) spot lamp but every lighted spot lamp shall be so aimed and used so as not to be dazzling or glaring to any person. (CC 1984 §76.590)

**SECTION 380.110: COLORS OF VARIOUS LAMPS—RESTRICTION OF RED LIGHTS**

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowl lamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move a vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof. (CC 1984 §76.600)

**SECTION 380.120: OTHER EQUIPMENT OF MOTOR VEHICLES**

- A. *Signaling Devices.* Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.
- B. *Muffler Cutouts.* Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating level, and shall

be so arranged that it cannot automatically open, or be opened or operated while such vehicle is in motion.

- C. *Brakes.* All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes, kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.
- D. *Mirrors.* All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted so as to reveal the road behind and be visible from the operator's seat.
- E. *Projections on Vehicles.* All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.
- F. *Towlines.* When one (1) vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable, or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection.
- G. The provisions of Subsection (F) of this Section shall not apply to farm implements, or to any vehicle which is not required to be registered.
- H. *Commercial motor vehicles and trailers.* When being operated on any highway of this City shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank, and any other safety equipment required by the State in such condition so as to obtain a certificate of inspection and approval as required by the provisions of Section 307.360, RSMo.
- I. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways of this City. (CC 1984 §76.610)

#### **SECTION 380.125: MOTORCYCLES—HEADGEAR REQUIRED**

Every person operating or riding as a passenger on any motorcycle or motor tricycle, as defined in Section 301.010, RSMo, upon any highway of this City shall wear protective headgear at all times the

vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director.

**SECTION 380.130: VISION-REDUCING MATERIAL APPLIED TO WINDSHIELD OR WINDOWS WITHOUT PERMIT PROHIBITED**

- A. Except as provided in Subsection (B) of this Section, no person shall operate any motor vehicle registered in this State on any public highway or street of this City with any manufactured vision-reducing material applied to any portion of the motor vehicle's windshield, sidewings, or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle. This Section shall not prohibit labels, stickers, decalomania, 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.
- B. A permit to operate a motor vehicle with a front sidewing vent or window that has a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent (3%) may be issued by the Department of Public Safety to a person having a physical disorder requiring the use of such vision-reducing material. If according to the permittee's physician the physical disorder requires the use of a sun screening device which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection, the limits of this Subsection may be altered for that permittee in accordance with the physician's prescription. 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 immediate family members who are husband, wife and sons or daughters who reside in the household.

**SECTION 380.140: SIRENS AND FLASHING LIGHTS EMERGENCY USE, PERSONS AUTHORIZED**

Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this City as an emergency vehicle under the provisions of Section 304.022, RSMo., while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and while using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, or rescue squad and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations.

**SECTION 380.150: SEAT BELTS REQUIRED FOR PASSENGER CARS—PASSENGER CARS DEFINED—EXCEPTIONS—FAILURE TO COMPLY, EFFECT ON EVIDENCE AND DAMAGES—PENALTY**

- A. As used in this Section, the term "*passenger car*" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that, the term "*passenger car*" shall not include motorcycles, motorized bicycles, motor tricycles and trucks.
- B. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal Agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in this State, shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements; except that, a child less than four (4) years of age shall be protected as required in Section 380.155. Each driver of a motor vehicle transporting a child four (4) years of age or more but less than sixteen (16) 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 Subsection. 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/her body.
- C. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this Section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this Section may be admitted to mitigate damages, but only under the following circumstances:
  - 1. Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this Section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff.
  - 2. If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this Section contributed to the plaintiff's claimed injuries, and may reduce the amount of plaintiff's recovery by an amount not to exceed one percent (1%) of the damages awarded after any reductions for comparative negligence.
- D. Each person who violates the provisions of Subsection (B) of this Section after July 1, 1987, shall be guilty of an infraction for which a fine not to exceed ten dollars (\$10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section. (CC 1984 §76.640)

**SECTION 380.155: CHILD PASSENGER RESTRAINT SYSTEM**

- 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 child shall be protected by a child passenger restraint system approved by the Department of Public Safety.

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 twenty-five dollars (\$25.00) and court costs.

C. The provisions of this Section shall not apply to any public carrier for hire.

**SECTION 380.160: REGISTRATION OF MOTOR VEHICLES**

No person shall operate a motor vehicle not duly registered pursuant to the laws of the State of Missouri upon the streets of the City. (CC 1984 §76.670)

**SECTION 380.170: ALL VEHICLE OPERATORS TO POSSESS A LICENSE APPROVED UNDER THE LAWS OF THE STATE**

No person shall operate a motor vehicle upon the streets of the City unless such person shall have a valid driver's license recognized under the laws of the State. (CC 1984 §76.700)

**SECTION 380.180: FINANCIAL RESPONSIBILITY**

No owner of a motor vehicle registered in this state, or required to registered in this state, shall operate the vehicle, or authorize any other person to operate the vehicle, upon the streets of the City of Buffalo, unless the owner maintains financial responsibility as required by Chapter 303 of the Revised Statutes of Missouri, Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. The operator of a motor vehicle shall exhibit proof of such financial responsibility upon the demand of any police officer who lawfully stops or contacts such operator while the officer is engaged in the performance of his duties.

Any person violating these sections shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the City or County Jail for a term not exceeding fifteen (15) days or by both such fine and imprisonment. (Ord. No. 98-06, §1, 2-9-98)

**SECTION 380.190: OPERATION OF MOTOR VEHICLE BY UNLICENSED PERSON**

It shall be unlawful for any person to authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon the streets of the City of Buffalo, by any person who is not licensed or otherwise lawfully authorized to operate such vehicle, under the laws of the State of Missouri. (Ord. No. 98-06, §1, 2-9-98)

**SECTION 380.200: PROHIBITED USE OF LICENSE**

It shall be unlawful for any person to possess, to display or permit to be displayed, to lend to or knowingly permit the use of by another any license issued to the person so lending or permitting use of, any operator's or chauffeur's license, issued by the State of Missouri or any other State, knowing the same to be fictitious or to have been unlawfully altered. (Ord. No. 98-06, §1, 2-9-98)

**SECTION 380.210: ENGINE BRAKING DEVICES**

It shall be unlawful to operate or use engine braking devices, such as Jacobs Engine Brakes, in the City of Buffalo, Missouri, except in emergencies. For the purpose of this section, engine braking devices are devices attached to a diesel engine which, when activated, change the engine exhaust valve operation for the purposes of slowing the vehicle. Signs with the words "No Engine Braking" shall be posted in prominent locations in the City. (Ord. No. 02-17, §1, 5-13-02)



## SCHEDULE I. SPEED LIMITS

No person shall operate or drive a motor vehicle on any public highway, road, street, or alley, in any part of the City at a rate of speed in excess of twenty-five (25) miles per hour, except as otherwise provided for herein.

| <i>Ord. No.</i>   | <i>Location</i>  | <i>Speed Limit</i> |
|---|--|--------------------|
| CC 1984 §76.100;<br>Ord. No. 94-12 §3-4                     | Dallas Street (Rte 32) from Brokenbow Road to West City limits                                   | 55 mph             |
| Ord. No. 95-06 §1<br>Ord. No. 95-14 §1                      | Dallas Street (Rte 32) from Cherry Street to Brokenbow Road                                      | 35 mph             |
| Ord. No. 00-03 §2<br>Ord. No. 01-23 §2<br>Ord. No. 02-06 §2 | Dallas Street (Rte 32) from .12 miles east of Greentown Road (Farm Road 32-59) To Cherry Street  | 45 mph             |
|   | Dallas Street (Rte 32) from East City limits to .12 miles east of Greentown Road (Farm Rd 32-59) | 55 mph             |
|   | Maple Street (Rte 73) from Dallas Street north to Madison Street                                 | 25 mph             |
|   | Maple Street (Rte 73) from Madison Street north to Locust Street                                 | 35 mph             |
|   | Maple Street (Rte 73) from Locust Street to .2 miles north of McKown Street                      | 45 mph             |
|   | Maple Street (Rte 73) from .2 miles north of McKown Street to North City limits                  | 55 mph             |
|   | Ash Street (U.S. Highway 65) from North City limits to .5 miles north of Mill Street             | 60 mph             |
|   | Ash Street (U.S. Highway 65) from .5 miles north of Mill Street to Mill Street                   | 45 mph             |
|   | Ash Street (U.S. Highway 65) from 1000 feet south of Truman Road                                 | 40 mph             |
|   | Ash Street (U.S. Highway 65) from Mill Street to 1000 feet south of Truman Road                  | 60 mph             |
|   | Ash Street (U.S. Highway 65) from 1000 feet south of Truman Road to South City limits            | 15 mph             |

North Hickory Street from the intersection with McKown Street north to the City limits

**SCHEDULE I. SPEED LIMITS (cont.)**

| <i>Ord. No.</i> | <i>Location</i>   | <i>Speed Limit</i> |
|-----------------|---|--------------------|
|                 | McDonald Street west of Hickory Street                  | 15 mph             |
|                 | Cottonwood Street                                       | 15 mph             |
|                 | McDaniel Street between Cottonwood and Chestnut Streets | 15 mph             |
|                 | Chestnut Street between McDaniel and Blaine Streets     | 15 mph             |

## TITLE IV. LAND USE

### CHAPTER 400: PLANNING COMMISSION

#### **SECTION 400.010: PLANNING COMMISSION—MEMBERSHIP—TERMS—VACANCY—REMOVAL**

There shall be, and is hereby created, a Planning Commission which shall consist of the Mayor, one (1) Aldermen selected by the Board of Aldermen, the City Engineer, or similar City Official and five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. All citizen members of the Planning Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing. (CC 1984 §27.010)

#### **SECTION 400.020: PLANNING COMMISSION—OFFICERS—RULES—RECORDS—EMPLOYEES—EXPENDITURES**

The Planning 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. The Planning Commission shall hold regular meetings and special meetings as provided by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records. The City shall provide the City Clerk or other clerical personnel to assist the Secretary in the keeping and preparation of minutes and preparations of other required documents. The Planning Commission shall appoint the employees and staff necessary for its work and may contract with City planners and other professional persons for the services that it requires. 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. (CC 1984 §27.020)

#### **SECTION 400.030: CITY PLANS, CONTENTS—ZONING PLAN**

The Planning Commission shall make and adopt a City Plan for the physical development of the municipality. The City Plan with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Planning Commission's recommendation for the physical development and uses of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; the general character, extent and layout of the replanning of blighted districts and slum areas. The Planning Commission may also prepare a Zoning Plan for the regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises, and a population density, but the adoption, enforcement and administration of the Zoning Plan shall conform to the provisions of law. (CC 1984 §27.030)

**SECTION 400.040: PREPARATION OF THE CITY PLAN**

In the preparation of the City Plan, the Planning Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality. The plan shall be made with the general purpose of guiding and accomplishing a coordinated development of the municipality which will, in accordance with existing and future needs, best promote the general welfare, as well as efficiency and economy in the process of development. (CC 1984 §27.040)

**SECTION 400.050: ADOPTION OF PLAN, PROCEDURE**

The Planning Commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole City Plan progresses, may from time to time adopt a part or parts thereof, any part to correspond generally with one (1) or more of the functional subdivisions of the subject matter of the plan. Before the adoption, amendment or extension of the plan or portion thereof, the Planning Commission shall hold at least one (1) public hearing thereon. Fifteen (15) days notice of the time and place of such hearing shall be published in at least one (1) newspaper having general circulation within the municipality. The hearing may be adjourned from time to time. Adoption of the plan requires the majority vote of the full membership of the Planning Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Planning Commission to form the whole or the part of the plan and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Secretary of the Planning Commission and filed in the office of the Planning Commission, identified properly by file number, and a copy of the plan or part thereof, shall be certified to the Board of Aldermen and the Municipal Clerk, and a copy shall be available in the office of the County Recorder of Deeds and shall be available at the Municipal Clerk's office for public inspection during normal office hours. (CC 1984 §27.050)

**SECTION 400.060: POWERS OF THE COMMISSION—RECOMMENDATIONS**

The Planning Commission may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. It may recommend to the executive or legislative officials of the municipality programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Planning Commission, within a reasonable time, all available information it requires for its work. The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Planning Commission shall have the power necessary to enable it to perform its functions and promote municipal planning. (CC 1984 §27.060)

**SECTION 400.070: PLANNING COMMISSION TO APPROVE IMPROVEMENTS  
—COMMISSION DISAPPROVAL, OVERRULED HOW**

Whenever the Planning Commission adopts the plan of the municipality or any part thereof, no street or other public facility, or no public utility, whether publicly or privately owned, and, the location, extent and character thereof having been included in the recommendations and proposals of the plan or portion thereof, shall be constructed or authorized in the municipality until the location, extent and character thereof has been submitted to and approved by the Planning Commission. In case of disapproval, the Planning Commission shall communicate its reasons to the Board of Aldermen, and

the Board of Aldermen, by a vote of not less than two-thirds (2/3) of its entire membership, may overrule the disapproval and, upon the overruling, the Board of Aldermen or the appropriate Board or Officer may proceed, except that if the public facility or utility is the one the authorization or financing of which does not fall within the province of the Board of Alderman, then the submission to the Planning Commission shall be by the Board having jurisdiction, and the Planning Commission's disapproval may be overruled by that Board by a vote of not less than two-thirds (2/3) of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of any street or public facility is subject to similar submission and approval, and failure to approve may similarly be overruled. The failure of the Commission to act within sixty (60) days after the date of the official submission to it shall be deemed approval. (CC 1984 §27.070)

**SECTION 400.080: PLANNING COMMISSION TO FUNCTION AS ZONING COMMISSION**

The Planning Commission shall have and perform all of the functions of the Zoning Commission. As such it shall recommend the boundaries of the various original zoning districts and recommend appropriate ordinances and regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the Board of Aldermen shall not hold its public hearings or take action until it has received the final report of the Planning Commission. (CC 1984 §27.080)

## CHAPTER 402: ZONING CODE

### ARTICLE I. GENERAL PROVISIONS

#### SECTION 402.010: PURPOSE AND TITLE

- A. This regulation is enacted for the purpose set forth and provided for in Section 89.020, RSMo., that is, among, other things, to promote health, safety, morals, or the general welfare of the community. "Such regulations should be... designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, and other public requirements. Such regulations should be made with... a view of conserving the values of building and encouraging the most appropriate use of land..."
- B. This Chapter shall be known, referred to and cited as the Zoning Code for the city of Buffalo, Missouri. (Ord. No. 96-04 Art. I §1, 1-22-96)

#### SECTION 402.020: DEFINITIONS

For the purpose of this Chapter certain terms are hereby defined. Words used in the present tense should include the future; the singular number should include the plural and the plural the singular; (the word "*building*" should include the word "*structure*" and "*premises*"; the word "*shall*" is mandatory and not directory) the words "*used*" or "*occupied*" include the words intended, designed, or "*arranged to be occupied*", and the (word) "*lot*" includes the word "*plot*" or "*plots*" or "*parcel*". Any word not herein defined should be as defined in any recognized standard English dictionary.

*ACCESSORY BUILDING OR USE:* A detached building or use incidental and subordinate to the main use of the property and which is located on the same lot with the main use.

*ALLEY:* A public or private thoroughfare which affords only a secondary means of access to abutting property.

*APARTMENT:* A series of rooms forming a separate dwelling in a building.

*APARTMENT HOUSE:* See dwelling, multiple.

*BASEMENT:* A story partly or wholly underground. A basement should be counted as a story for the purpose of height measurement where more than one-half (1/2) of its height is above the average level of the adjoining ground.

*BILLBOARD:* Any structure or part thereof on which is lettered, pictured or displayed matter, the chief purpose of which is for advertising or publicity.

*BLOCK:* An area of land bounded by streets, shore lines of streams or other waterways, or other lines of demarcation, or combination thereof.

*BOARD:* The Board of Adjustment of the City of Buffalo, Missouri.

*BOARDING HOUSE:* A building other than a hotel where, for compensation and by arrangement, meals, or lodging and meals are provided for three (3) or more persons.

*BUILDING:* Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels) nor any movable device, such as furniture, machinery or equipment. When any portion of a building is completely separated from any other portion hereof by a division wall without openings or by a fire wall, then each portion shall be deemed to be a separate building.

*BUILDING LINE:* A line parallel to the property line where the land between these two (2) lines is open and unobstructed by improvements.

*BUILDING, HEIGHT OF:* The vertical distance from the grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

*CELLAR:* A story having more than one-half (1/2) of its height below grade.

*CHURCH:* A building(s) primarily used for public religious worship and associated religious functions (education, fellowship, etc.), including but not limited to churches, synagogues and temples.

*CITY:* City of Buffalo, Missouri.

*CLINIC, MEDICAL:* An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a physician or dentist or group of physicians or dentists practicing medicine together.

*CLUB:* Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

*COMMERCIAL FEED LOT:* An area of land devoted to raising and feeding of livestock where the operation is not a part of normal agricultural activity.

*COMMISSION:* The City Planning and Zoning Commission of Buffalo, Missouri.

*DAY CARE CENTER:* A facility other than the provider's permanent residence, or a facility separate from the provider's living quarters, where care is provided for more than four (4) children for any part of the twenty-four (24) hour day.

*DAY CARE HOME:* A family home, occupied as a permanent residence by the care provider, in which family-like care is given to more than four (4) children and no more than ten (10) children, not related to the day care provider, for any part of the twenty-four (24) hour day.

*DISTRICT:* Any section of the City of Buffalo wherein the regulations of this Chapter are uniform.

*DWELLING*: Any building or portion thereof which is designed and used exclusively for residential purposes.

*DWELLING, MULTIPLE*: A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartments.

*DWELLING, SINGLE-FAMILY*: A building designed or occupied exclusively by one (1) family, any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside and which may include two (2) additional persons who act as houseparents, or any private residence licensed by the division of family services or department of mental health to provide foster care for up to seven (7) children.

*DWELLING, TWO-FAMILY*: A building designed or occupied exclusively by two (2) families living independently of each other.

*DWELLING UNIT*: A building or portion thereof which provides complete housekeeping facilities for one (1) family.

*EASEMENT*: A grant by the owner of the use of land to a person or persons, or the general public for a specified purpose.

*ENGINEER*: A registered professional engineer authorized to practice engineering in the State of Missouri.

*ESTABLISHED GRADE*: The elevation of the centerline of the street in front of the center of the lot, as established by the City Engineer.

*FAMILY*: One (1) or more persons related by blood, marriage, or adoption, occupying a dwelling unit as an individual housekeeping organization. A family may include not more than four (4) persons not related by blood, marriage, or adoption.

*FARM*: An area which is used for the growing of the usual farm products, such as vegetables, fruits, trees, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine. "*Farming*" includes the operating of such a farm for one (1) or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce; provided however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided, further, that farming does not include the feeding of collected garbage or offal to swine or other animals.

*FILLING STATION OR SERVICE STATION*: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.

*FLOOR AREA*: The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.



*FRONTAGE:* All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street. If the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.

*GARAGE, PRIVATE:* An accessory building designed or used for the storage of not more than four (4) motor driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) ton capacity.

*GARAGE, PUBLIC:* A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

*GARAGE, STORAGE OR PARKING:* A building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired, or sold.

*GRADE:* The average level of 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 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.

*HOME OCCUPATION:* An occupation for gain or support conducted only by members of a family residing on the premises, provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

*HOTEL OR MOTOR HOTEL (MOTEL):* A building in which lodging is provided to the public, usually on a transient basis.

*JUNKYARD:* A lot, land or structure, or part thereof, used primarily for collecting, storage and sale of waste paper, rags, scrap metal, or discarded material, or the collection, dismantling, storage and salvaging of machinery or vehicles, and for sale of parts thereof.

*KENNEL:* The use of land or buildings for the business of selling, breeding, boarding or training dogs or cats or both.

*LAUNDROMAT:* A business that provides home-type washing, drying, or ironing machines for hire to be used by customers on the premises.

*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, and which abuts upon a street or other appropriate means of access.

*LODGING HOUSE:* A building other than a hotel where lodging only is provided for three (3) or more but not more than twenty (20) persons.

*LOT:* A parcel of land to be separately owned, developed or otherwise used as a unit.

*LOT OF RECORD:* A lot or parcel of land, the deed to which has been recorded in the office of the Recorder of Deeds for Dallas County prior to the adopting of these regulations.

*MANUFACTURED HOME:* A factory-built structure designed to be used as a single-family dwelling unit which is built on a chassis and make so as to be readily movable and which is designed to be used with or without a permanent foundation.

*MANUFACTURING:* Fabrication from raw materials, either by hand or machinery, into a product suitable for use.

*MARIJUANA or MARIHUANA:* Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “marihuana” do not include industrial hemp containing a crop wide average tetrahydrocannabinol concentration that does not exceed threenths of one percent (0.3%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

*MARIJUANA-INFUSED PRODUCTS:* Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.

*MEDICAL MARIJUANA FACILITIES:* Shall refer to collectively as any Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Testing Facility, and/or Medical Marijuana Transportation Facility.

*MEDICAL MARIJUANA CULTIVATION FACILITY:* A facility licensed by the department of health and senior services to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

*MEDICAL MARIJUANA DISPENSARY FACILITY:* A facility licensed by the department of health and senior services to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

*MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY:* A facility licensed by the department of health and senior services to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

*MEDICAL MARIJUANA TESTING FACILITY:* A facility certified by the department of health and senior services to acquire, test, certify, and transport marijuana.

*MEDICAL MARIJUANA TRANSPORTATION FACILITY:* A facility certified by the department of health and senior services to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana-transportation facility.

*MOBILE HOME:* See manufactured home.

*MOBILE HOME PARK:* A parcel of land under single ownership which has been planned and improved for the placement of mobile homes.

*NON-CONFORMING USE:* Any building or land lawfully occupied by a use at the time of passage of these regulations (January 22, 1996) which does not conform with the use of regulations of the district within which it is located.

*NURSERY SCHOOL:* A school operated by a person or organization which is conducted primarily for education of preschool-age children.

*NURSING HOME:* A home for the aged or infirm, in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care, for compensation. "Nursing home" does not include a hospital, clinic, or similar institution.

*PARKING SPACE:* An on-lot space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet, exclusive of space necessary to provide access to a street.

*PERMITTED USE:* A use of which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of the district.

*PERSON:* Individual, State, County, or other political subdivisions, firm, association, organization, partnership, trust, company or corporation.

*PORTABLE CARPORT:* Roofed open shelter for automobiles that is setup so as to be easily moveable and not attached to concrete or similar substances which is fixed to the ground. (Ord. No. 06-19 §1, 07-10-06)

*PREMISES:* A lot, together with all buildings and structures thereon. *PROPERTY LINE:* The line bounding a lot.

*PUBLIC UTILITY:* Any person duly authorized to furnish, and furnishing, under municipal regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water, sewerage, or sewage disposal.

*SCHOOL:* Any public school as defined in section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

*SIGN:* An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

*SPECIAL USE:* A use allowed in a zoning district after a permit is granted by the Board of Adjustment.

*STORM SHELTER:* Underground or mostly underground structure intended to be used for emergency shelter in the case of high winds or tornado. (Ord. No. 08-09, §1, 7-13-08)

*STORY:* The portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, then the space between such floor and ceiling next above it.

*STREET:* Any public or private right-of-way which affords the primary means of access to abutting property.

*STRUCTURAL ALTERATION:* Any change except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

*STRUCTURE:* Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground, not including fences.

*TRAVEL TRAILER (MOTOR HOME, RECREATIONAL VEHICLE):* A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size and weight as not to require highway movement permits when drawn by a motorized vehicle, and with a living area of less than three hundred twenty (320) square feet, including built-in equipment (such as wardrobes, closets, kitchen units or fixtures) and bath and toilet rooms.

*USE:* The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

*YARD:* An open space on the same lot with a building, unoccupied and unobstructed by any portion of the structure from the ground upward.

*YARD, FRONT:* A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

*YARD, REAR:* A yard extending the full width of the lot between a main building and the rear lot line.

*YARD, SIDE:* A yard between the main building and the side line of the lot, and extending from the front yard to the rear yard line. (Ord. No. 96-04 Art. II §1, 1-22-96)

## **SECTION 402.021: CUSTOMARY HOME OCCUPATIONS**

- A. This Section is designed to define what constitutes a home occupation and to enumerate the particular customary home occupations that are permitted. No home occupation shall be permitted if it:
1. Changes the outside appearance of the dwelling or property and is visible from the street;
  2. Generates traffic, parking, sewage or water use in excess of what is normal for surrounding residential uses;
  3. Creates a hazard to person or property, results in electrical interference or becomes a nuisance; or
  4. Results in outside activities, storage or display of anything associated with the home occupation.
- B. *Home Occupations Permitted.* The following home occupations are permitted provided they do not violate any of the provisions of Subsection (A) above:
1. Professional offices including those of an architect, dentist, doctor, engineer, lawyer, planner, scientist, author or composer or similar occupations;

2. Offices or studios of artists, sculptors, photographers, or similar occupations;
3. Computer programming, data processing or similar occupations;
4. Handicrafts such as: dressmaker, seamstress, tailor, millinery, laundry, preserving, home cooking, model making, rug weaving, woodworking, ceramics (with a kiln up to six (6) cubic feet) and similar activities, provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home, including machinery or equipment that would ordinarily be employed in connection with a hobby or a vocation not conducted for gain or profit;
5. Mail order sales of products in the home;
6. Music and art teachers or other tutoring service, provided that instruction shall be limited to two (2) pupils at a time;
7. Telephone answering or similar occupations;
8. "Work at home" activities where employees of a business, located at another location, perform work for the business in their own residence, provided all physical contact between the business and the employee occurs at the place of business and not the residence, other than the initial installation of any equipment or other work facilities. The work activities of the employee shall conform with all other requirements of this Section;
9. One (1) chair or one (1) client hair cutting, styling, manicurist or similar occupations;
10. Day care homes where care is given by a person licensed by the State of Missouri as a family day care home provider for no more than ten (10) persons not related to the caregiver.

C. *Use Limitations.*

1. No person other than someone who resides in the dwelling shall be employed in the home occupation.
2. The home occupation shall be conducted entirely within the principal residential building. Except woodworking may be conducted in an accessory building
3. No manufacturing or processing of any sort whatsoever shall be done, except as permitted by this Section.
4. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
5. The home occupation shall not produce offensive noises, vibration, smoke, electrical interference, dust, odors or heat detectable beyond the property lines or beyond the walls of the dwelling.
6. There shall be no outdoor storage of equipment or materials used in the home occupation.
7. The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery service, or private vehicles with a gross vehicle weight rating of ten thousand (10,000) pounds or less.
8. Not more than one (1) commercial vehicle shall be utilized in the business. Storage of any additional vehicles, stock in trade or materials is prohibited.
9. No customer waiting areas shall be provided.
10. No additional vehicles shall be parked and no equipment or materials shall be stored for trash haulers, homebuilders, home repair contractors and similar occupations.
11. Not more than twenty-five percent (25%) of the total dwelling and accessory floor area(s) shall be devoted to the home occupation, except day care homes as set out in Subsection (C)(12) of this Section.

12. Day care homes may exceed the twenty-five percent (25%) of the floor area of a dwelling unit restriction provided that the day care home meets the floor space requirements of the State of Missouri.
13. An unlighted sign not more than eight (8) square foot area attached against the building is permitted.
14. There shall be no regular and steady visitation or concentrated coming and going of clients or offsite employees to or from the premises. Customers are limited to no more than ten (10) per day and are limited to the hours of 7:00 A.M. to 9:00 P.M.

D. *Particular Home Occupation Prohibited.* The natures of the following occupations have a pronounced tendency to increase beyond the limits of the permitted home occupations or to be offensive to others in a residential neighborhood. The uses specified below shall not be permitted as home occupations:

1. Animal hospitals, stables or kennels.
2. Auto body repair, auto mechanical repair, auto detailing and painting.
3. Barbershops and beauty parlors exceeding one (1) chair.
4. Dancing schools and studios.
5. Funeral services or embalming.
6. Vehicle or equipment sales or rental.
7. Medical clinics for doctors, dentists and veterinarians.
8. Palm reading or fortunetelling.
9. Radio and television repair shops.
10. Restaurants.
11. Welding and/or machine shops.
12. Trash hauler operations other than a home office.
13. Tattoo and body-piercing studios.

E. *Home Occupations Application Procedure.* Applications for a customary home occupation license shall be subject to the business licensing provisions of City Code Chapter 605: Business Licenses. Any proposed home occupation that is not specifically permitted by Subsection (B) or specifically prohibited by Subsection (D) herein, or those persons who believe their use has been improperly classified, shall be considered a conditional use and the applicant may request a conditional use permit under the provisions of Section 402.170 (Ord. No. 06-17 §2, 07-10-06)

## SECTION 402.022: MEDICAL MARIJUANA FACILITIES

- A. All Medical Marijuana Facilities shall display all State of Missouri Licenses and City of Buffalo Business Licenses in a conspicuous place within twenty (20) feet from the main entrance of the facility.
- B. *Use Limitations.*
  1. No Medical Marijuana Facility shall be located in a residential structure in any zoning district.
  2. No Medical Marijuana Facility shall be located within one thousand (1,000) feet of a school, daycare center, or church.

- a. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
  - b. In the case of a facility is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
3. No Medical Marijuana Cultivation Facilities, Medical Marijuana Infused Product Manufacturing Facilities, and/or Medical Marijuana Testing Facilities shall be located within one hundred and fifty (150) feet of a residentially zoned property. (R-1 or R-2).
  4. For purposes of this section, measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
  5. No outdoor cultivation of medical marijuana shall be permitted unless the applicant first applies and receives a Special Use Permit from the Board of Alderman.
  6. No Medical Marijuana Cultivation Facilities, Medical Marijuana Infused Product Manufacturing Facilities, and/or Medical Marijuana Testing Facilities shall be operated unless an odor control plan is developed, implemented, and maintained, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist sufficient to mitigate odors for all odor sources.
  7. No Medical Marijuana Infused Product Manufacturing Facility that uses volatile solvents may be operated unless air-handling systems and other controls are installed and designed to minimize the risks of explosions and fires. These controls should include systems to prevent ignition; plans for safe storage, use, and disposal of solvents; and policies for continuous staff monitoring of all processes involving volatile solvents.
  8. No Medical Marijuana Facility shall permit the consumption of medical marijuana on the premises.
- C. *Medical Marijuana Facility Application Procedure.* Applications for a medical marijuana facility license shall be subject to the business licensing provisions of City Code Chapter 605: Business Licenses. All Medical Marijuana Facilities shall hold a State of Missouri License prior to application for a Business License with the City of Buffalo. The State of Missouri License shall be presented to the City of Buffalo at the time of application for a City of Buffalo Business License. The cost of a Business License shall not exceed the cost of the State of Missouri License. Any proposed medical marijuana facility that is not specifically permitted or is specifically prohibited

within this Section, or persons who believe their use has been improperly classified, shall be considered a conditional use and the applicant may request a conditional use permit under the provisions of Section 402.170 (Ord. No. 19-30 §2, 10-28-19).

**SECTION 402.025: NON-CONFORMING USE**

- A. *Non-Conforming Use.* Any use lawfully occupying a building or land on January 22, 1996, that does not conform to the regulations for the district in which it is located, shall be deemed a nonconforming use and may be continued.
- B. *Non-Conforming Building.* Any building lawfully existing or in the process of construction on January 22, 1996, that is wholly or partially used or designed for use contrary to the regulations for the district in which it is located, shall be deemed a non-conforming building and may be so used or continued in use.
- C. *Non-Conforming Building - Maintenance - Alterations - Enlargements - Restoration.*
  - 1. Maintenance and minor repairs necessary to keep a non-conforming building in sound conditions, or as may be required by law shall be permitted.
  - 2. In no case shall a non-conforming building be structurally altered unless the same will have the effect of, or actually result in, eliminating the non-conforming use.
  - 3. A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use.
  - 4. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such a non-conforming use.
  - 5. When a non-conforming building is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its structural value, it shall only be restored for continuation of the prior non-conforming use unless the use is changed in conformity with the district it is located in.
- D. *Non-Conforming Use - Abandonment.* In the event that a non-conforming use of any building or premises is discontinued, or its normal operations stopped, for a continuous period of ninety (90) days, use of such building or premises shall thereafter conform to the use regulations in the district in which the same is located.
- E. *Non-Conforming Use - Selling or Transferring Ownership of Property.* Multiple family housing units shall be allowed to be sold for the same purpose. All other non-conforming uses shall be discontinued upon the sale or transfer of ownership of the property. (Ord. No. 00-16 §1, 5-8-00)

**SECTION 402.030: COMPLIANCE WITH REGULATIONS**

- A. No building or structure shall be constructed, located, converted, or structurally altered nor shall any building or land be used except for the purposes permitted in the district in which the building



or land is located, except as hereinafter provided. No building shall be erected, enlarged, or altered except in conformity with the regulations for the district in which such building is located.

- B. Except as specified elsewhere in these regulations, no building or structure shall be erected, reconstructed, or enlarged, and no use shall be established unless located on or compromising a lot or lots of acceptable standard.
- C. No part of a yard or other open space required in connection with any building or structure for the purpose of complying with the provisions of these regulations shall be included as part of a yard or other open space similarly required for another building or structure.
- D. All territory which may hereafter be annexed to the City of Buffalo shall be classed as an "R-1" Single-Family District until otherwise changed by ordinance provided, and be so designated on the Zoning Map.
- E. All public facilities must meet ADA requirements. (Ord. No. 96-04 Art. III §1, 1-22-96)

#### **SECTION 402.040: VIOLATION AND PENALTY**

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of the provisions of this Chapter and any other regulations conferred by Sections 89.010 to 89.140, RSMo., the proper local authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
- B. The owner or general agent of a building or premises where a violation of any provision of this Chapter has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder or contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall, upon conviction, be subject to a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, 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 dollars (\$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 fine and imprisonment in the discretion of the Court. (Ord. No. 98-37, §1, 10-12-98)
- C. Any such person who having been served with an order to remove any such violation shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). (Ord. No. 96-04 Art. III §2, 1-22-96)

*State Law Reference—As to similar provisions, see §89.120, RSMo.*

## ARTICLE II. USE REGULATIONS BY ZONING DISTRICT

### SECTION 402.050: ZONING MAP

The districts as enumerated in this Section, shall be bounded and defined as shown on a map entitled "Zoning Map—Buffalo, Missouri". Said "Zoning Map" and all the notations, references and information shown thereon is hereby adopted as part of these regulations and is hereby made a part of this Title as fully as if set forth in full herein. The "Zoning Map" shall be certified to be authentic by the City Clerk of the City of Buffalo, and said zoning map, with all changes, amendments, or additions, shall be kept on file in the office of the City Clerk and shall be available for inspection and examination by members of the public at all reasonable times in the same manner as any other public document. Duplicate copies of the "Zoning Map" shall be kept on file in the office of the Planning and Zoning Commission and the office of the Building Inspector. (Ord. No. 96-04 Art. IV §1, 1-2296; Ord. No. 96-20 §§1-2, 6-10-96; Ord. No. 96-30 §§1-2, 8-12-96)

### SECTION 402.060: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where an uncertainty exists with respect to the boundaries of any of the aforesaid districts on the Zoning Map, the following rules shall apply:

1. Where district boundary lines are indicated as approximately following streets or alleys, highways, such boundaries shall be construed as following the centerlines thereof.
2. Where district boundary lines are indicated as approximately following lot lines, or section lines, such lines shall be construed to be said boundaries.
3. Where a boundary of a district shall follow a stream, lake or other body of water, said boundary line shall be deemed to be the limit or the jurisdiction of the City unless otherwise indicated.
4. Where a district boundary line divides a lot, or unsubdivided property, and the dimensions are not shown on the Zoning Map the location of such boundary shall be as indicated upon the Zoning Map using the scale appearing on such map or as indicated in notations on said map.
5. In any situation not covered by these rules, the boundary line shall be determined by the Building Inspector.
6. District boundaries for the "Highway Business District" shall be as follows for each highway or segment thereof:
  - a. *Highway 65.*
    1. East side of Highway 65 from North City limits 610 feet to the north junction of Highway 73 – 1234 feet from Highway.
    2. (Note - Skip over Industrial Section)
    3. East side of Highway 65 from the 610 feet from the south junction of Highway 73 to Mill Street—three hundred (300) feet from highway.
    4. East side of Highway 65 from Mill Street to Main Street—two hundred twenty (220) feet from highway.

5. East side of Highway 65 from Main Street south 396 feet – two hundred sixty (260) feet from highway.
6. East side of Highway 65 from 396 feet south of Main Street to Arnold Street—two hundred twenty (220) feet from highway
7. East side of Highway 65 from Arnold Street to Blaine Street - four hundred sixty-five (465) feet from highway.
8. East side of Highway 65 from Blaine Street to south City limits - six hundred (600) feet from highway.
9. West side of Highway 65 from north City limits to Wedgewood Dr - one thousand three hundred twenty feet (1320) from highway.
10. West side of Highway 65 from Wedgewood Dr to 660 feet south of Mill Street –three hundred (300) feet from highway.
11. West side of Highway 65 from 660 feet south of Mill Street to Main Street - seven hundred fifty feet (750) feet from highway.
12. West side of Highway 65 from Main Street to intersection of Highway 32—five hundred (500) feet from highway.
13. West side of Highway 65 from intersection of Highway 32 to south City limits—one thousand three hundred twenty feet (1320) from highway (Ord. No. 97-10, §2 & §5, 5-12-97; Ord. No. 0121§4, 09-10-01; Ord. No. 07-08, §3, 6-11-07, Ord. No. 09-09 §3, 08-10-09; Ord. No 14-01, §3, 1-13-14; Ord. No. 02-06, §3, 02-10-20)

b. *Highway 32.*

1. North side of Highway 32 from west City limits to Willow Street—two hundred twenty-five (225) from highway.
2. North side of Highway 32 from Willow Street to Elder Street—three hundred (300) from highway.
3. North side of Highway 32 from Elder Street to intersection of Highway 65—two hundred twenty-five (225) from highway.
4. North side of Highway 32 from intersection of Highway 65 to Elm Street - two hundred (200) feet from highway.
5. North side of Highway 32 from Elm Street to Pine Street - three hundred fifty (350) feet from highway.
6. North side of Highway 32 from Pine Street to east City limits—two hundred (200) feet from highway.
7. South side of Highway 32 from west City limits to intersection of Highway 65—one thousand three hundred twenty (1,320) feet from highway.
8. South side of Highway 32 from intersection of Highway 65 to Hickory Street—six hundred eighty (680) feet from highway.
9. South side of Highway 32 from Hickory Street to Elm Street—one hundred fifty (150) feet from highway.
10. South side of Highway 32 from Elm Street to Locust Street—two hundred (200) feet from highway.
11. South side of Highway 32 from Locust Street to east City limits—three hundred (300) feet from highway. (Ord. No. 08-05, §3, 6-9-08; Ord. No. 13-03, §§1-2, 5-13-13 Ord. No. 02-06, §3, 02-10-20)

c. *Maple Street.*

1. East Side of Maple Street from the North Boundary with Central Business District to 100-foot north – two hundred (200) feet from highway.
2. All Other - One hundred fifty (150) feet from highway. (Ord. No. 18-29 §§1-3,11-13-18)

- d. *Main Street.* Four hundred twenty-five (425) feet from north side of Main Street. (Ord. No. 96-04 Art. IV, §2, 1-22-96)
  - e. *Locust Street.* From the north end of Locust Street to Marsh Street – 150 feet from Locust Street (Ord. No. 04-05, §3, 4-12-04)
7. District Boundaries for the “R-2 Multiple Family Residential District” includes lots 76, 90, 91,92, 94, 95, 96, 97, 100 and 101 in Meadowcrest Subdivision. (Ord. No. 97-10, §4, 5-12-97; Ord. No. 02-21 §4, 7-8-02; Ord. No. 03-30 §2 and §4, 12-8-03; Ord. No 03-31§2, 12-8-03; Ord. No. 04-11, §2 & 4, 5-27-04)

**SECTION 402.070: "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT**

- A. *Use Regulations.* Residential District "R" is intended and designed to provide for low density residential development, together with such public buildings, schools, churches, public recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings.
- B. In the "R-1" District no building or land shall be used and no building shall be erected or structurally altered (unless otherwise provided in the Municipal Code or set forth elsewhere in this Chapter when referred to in this Section) except for one (1) or more of the following uses:
  - 1. *Permitted uses.*
    - a. Single-family dwelling.
    - b. Churches, convents, rectories, or similar religious institutions.
    - c. Public, parochial, and private schools.
    - d. Parks, playgrounds, or public recreation areas not operated or used for commercial purposes, and such public buildings as are necessary for health and safety.
    - e. Accessory buildings, including one (1) private garage, in the yard, but not to include the conduct of business. Accessory buildings must be constructed after the completion of the main building. No accessory building shall be used for dwelling purposes. (Ord. No. 0614 §1, 7-10-06)
    - f. Customary home occupations under conditions enumerated in Section 402.021 (Ord. No. 06-17 §3, 07-10-06).
  - 2. *Conditional use permit.*
    - a. Public utilities and governmental buildings, including substations, regulator stations, pumping stations, radio and television transmitter or tower, transmission lines, water filtration plant and storage reservoir, or other similar public service uses.
    - b. Hospitals and clinics provided they meet all statutory requirements.

- c. Golf courses, (except miniature golf courses), and cemeteries.
- d. Agricultural uses such as field crops, truck gardening, berry or bush crops, tree crops, flower gardening nurseries, orchards, aviaries and apiaries, grazing, breeding, and raising of livestock providing all buildings and enclosures for the feeding, breeding, or milking, but not including pasturing and grazing of such animals unless such animals are fenced a minimum of two hundred (200) feet from any lot line. Greenhouses are permitted however, salesrooms or roadside stands are prohibited.
- e. Day care centers and nursery schools (Ord. No. 06-18 §4, 07-10-06).
- f. Duplexes and Triplexes for multiple family housing of senior citizens when located on or adjacent to a non-conforming property being operated as a nursing home.

C. *Height Regulations.*

- 1. *Single-family dwellings.* No building shall exceed two and one-half (2 1/2) stories, excluding basement, nor shall exceed thirty-five (35) feet in height.
- 2. *Churches, schools and other allowable uses.* Seventy-five (75) feet for towers or steeples and not more than forty-five (45) feet for the principal building.

D. *Minimum Yard Requirements.*

- 1. *Front yard.* There shall be a front yard with a depth of not less than twenty-five (25) feet.
- 2. *Side yard.* There shall be a side yard with a width of not less than eight (8) feet on both sides. Buildings on corner lots shall provide a side yard on the street side of not less than twenty-five feet (25') measured from the side property line abutting the street right of way. (Ord No. 06-15 §2, 7-10-06)
- 3. *Rear yard.* There shall be a rear yard with a depth of not less than twenty-five (25) feet. (Ord. No. 96-04 Art. IV §3, 1-22-96)
- 4. *Exception.* Residential lots in Meadowcrest Subdivision may be permitted to have a rear yard setback of 10 feet when the front yard setback is at least 30 feet. (Ord. No. 97-11, §1, 5-1297)
- 5. *Exception.* A single-family residential house that existed at the adoption of this ordinance that did not meet the required setbacks and had more than four exterior walls on one structure. The property owner may be issued a permit to construct an addition if the owner plans to make the house where there are only four exterior walls and the dimension on the addition will not extend beyond that house's existing setbacks. (Ord. No. 97-12, §1, 5-1297)
- 6. *Storage Buildings.* One portable storage building not larger than 10 feet by 14 feet which is located not closer than 4 feet from the side and/or rear property line shall be allowed. Any other storage building must meet the minimum yard requirements as stated in this section. (Ord. No. 98-03, §1, 2-9-98; Ord. No. 08-06, §3,6-9-08)

7. *Exception.* When a building or structure on a lot being occupied as a single-family residential dwelling is removed or torn down the owner shall be allowed to rebuild the structure or building back on the existing foundation even though it does not meet the front, rear or side requirements of the Section if they rebuild said building or structure within six months from when the original structure was removed. (Ord No. 98-04, §1, 2-9-98)
  8. *Exception.* One portable carport shall be allowed as an accessory building which is located not less than 8 feet from the side yard and/or not less than 4 feet from the rear yard and/or 15 feet from the front yard. All carports using this exception must be no larger than 12 ft wide X 12 ft height x 26 ft long. For this exception the height shall be measured as the length of the side wall of the portable carport. (Ord. No. 06-19 §2, 07-10-06; Ord. No. 09-08 §3, 08-10-09).
  9. *Easements or utilities.* No building can be constructed any closer than two feet from any known easement and/or utility line (Ord. No. 06-16 §2, 07-10-06).
  10. *Exception.* One underground storm shelter shall be allowed which is located not less than 8 feet from the side yard and/or 10 feet from the rear yard. (Ord. No. 08-09 §2, 07-14-08)
- E. *Minimum Lot Area.* A lot developed after January 22, 1996, to be occupied by a single-family dwelling shall contain not less than eight thousand (8,000) square feet and shall have not less than seventy (70) feet frontage. (Ord. No. 96-04 Art. IV §3, 1-22-96)

**SECTION 402.080: "R-2" MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

- A. *Use Regulations.* In the "R-2" District no building or land shall be used and no building should be erected or structurally altered except for one (1) or more of the following uses:
1. *Permitted uses.*
    - a. Any use permitted in the "R-1" District subject to all restrictions specified in said "R-1" District.
    - b. Two-family dwellings.
    - c. Multiple-family dwellings, apartments, and group houses.
    - d. Day care homes, day care centers and nursery schools.
  2. *Conditional use permit.*
    - a. Boarding or lodging houses.
    - b. Fraternity and sorority houses, clubs, or lodges, where the chief activity is not carried on as a business.
    - c. Hospitals and clinics, not including animals.

d. Rest home, nursing home or convalescent home.

B. *Height Regulations.* Same as in "R-1" District.

C. *Minimum Yard Requirements.*

1. *Front yards.* Same as in "R-1" District.

2. *Side yards.* Same as in "R-1" District.

3. *Rear yards.* Same as in "R-1" District.

4. *Lot area, single-family dwellings.* Same as in "R-1" District.

5. *Lot area, two-family dwellings.* Same as multiple-family dwellings.

6. *Lot area, multiple-family dwellings.* Every lot for multiple-family dwelling shall have an area of twelve thousand (12,000) square feet or four thousand (4,000) square feet lot area per dwelling unit, whichever is greater.

7. *Lot area, other uses.* Any use allowed other than a single-family, two-family or multiple family dwelling shall have a minimum lot area equal to or less than a total of the square foot ground level of the structure (square footage) and minimum yard requirements as referenced in Section 402.070(D) plus any off-street parking requirements as referenced in Section 402.100(B). (Ord. No. 96-04 Art. IV §4, 1-22-96; Ord. No. 00-05 §2, 3-13-00; Ord. No. 0224 §2 8-12-02)

D. *Off Street Parking Requirements* – This section applies to all but single-family houses. Any building that is built after May 9, 2005, shall meet one of the following requirements:

1. A two or three family dwelling where all front entrances face the road, may have one driveway per unit that shall fit at least two cars for each unit. Such driveways may be constructed of base rock, asphalt, or concrete.

2. Any housing complexes or multiple family building designed to house 4 or more dwellings or any multiple family dwelling unit where all front entrances do not face the road shall meet the following requirements:

a. At least one central entrance which is at least 28 feet in width. All entrances must be at least 28 feet in width.

b. At least two parking spaces per dwelling unit.

c. Driveway and parking area shall be paved with asphalt, concrete or similar surfacing and shall be free of dust. The surface shall be graded and drained to dispose of all surface water. Parking spaces shall be so arranged and marked to provide orderly parking of vehicles. (Ord. No. 05-02 §1, 5-9-05)



**SECTION 402.090: "B-1" CENTRAL BUSINESS DISTRICT**

- A. *Use Regulations.* The business districts are intended for various types of service uses, including retail sales, service shops and industrial activities to facilitate shopping and to increase employment potential while protecting residents from noise and other inconveniences.
- B. In the "B-1" Central Business District, no building or land shall be used and no building shall be erected or structurally altered unless otherwise provided in these regulations, except for one (1) or more of the following reasons:

1. *Permitted uses.*

- a. Any use permitted in the "R-2" Residential District.
- b. Retail stores, such as general merchandise stores, food stores, hardware, jewelry stores, furniture, antique, apparel, drug stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.
- c. Automobile parking lots.
- d. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing, and bakery with the sale of bakery products on the premises and other uses of similar character.
- e. Farm implements, sale or repair.
- f. Funeral homes, mortuaries, or monument companies.
- g. Offices and office buildings.
- h. Public garage and parking garage.
- i. Outdoor advertising structure or non-flashing sign in excess of forty (40) square feet shall be attached flat against a wall of the building and in no case shall any sign or display project above the roof line except on a lot without a structure. Any sign in this district shall not exceed twenty (20) feet in height and not obstruct traffic. (Ord. No. 09-07 §2, 810-09)
- j. Personal service uses, including beauty and barber shops, photographic or artists' studios, taxicabs, newspaper or media services, restaurants, taverns, and other personal service uses of a similar character.
- k. Self-service laundries and dry-cleaning establishments.
- l. Filling stations.
- m. Theaters and assembly halls.

- n. Game rooms, pool halls, arcades.
  - o. Government facilities and financial institutions.
  - p. Wholesale trade, warehousing, and commercial storage completely within enclosed building or structure.
  - q. Accessory buildings and uses.
- C. *Parking Regulations.* Off-street parking spaces are not required in the "B-1" District.
- D. *Height Regulations.* No building shall exceed five (5) stories nor shall it exceed sixty-five (65) feet in height.
- E. *Minimum Yard Requirements.* No yards are required. (Ord. No. 96-04 Art. IV §5, 1-22-96; Ord. No. 19-30 §2, 10-28-19)

**SECTION 402.095: "B-3" NEIGHBORHOOD BUSINESS DISTRICT**

- A. *Use Regulations.* The neighborhood business district is intended for areas that are mainly residential but have a sparse amount of commercial ventures located within the neighborhood. All business inside this district shall not have normal operating hours later than 10 p.m. or opening prior to 6 a.m.
- B. *Permitted Uses.* In the Neighborhood Residential District, no building or land shall be used and no building shall be erected or structurally altered unless otherwise provided in these regulations, except for one (1) or more of the following reasons:
- 1. Any use permitted in the R-1 Residential District.
  - 2. Barber and Beauty Shops.
  - 3. Bed and breakfast establishments.
  - 4. Lodges and private clubs, where the chief activity is not carried on as a business.
  - 5. Medical, Dental or Health Clinics, not including animals.
  - 6. Funeral homes
  - 7. Flower and gifts shops.
  - 8. Laundromats.
  - 9. Office buildings.
  - 10. Government buildings

11. Rest home, nursing home or convalescent home.
12. Service business offices where most of their work is done off premises.
13. Outdoor advertising structure or non-flashing sign pertaining to a use conducted within the building. Any sign or display in excess of forty (40) square feet in area shall be attached flat against a wall of the building and in no case shall any sign or display project above the roof line. The sign shall not exceed twenty (20) feet in height and not obstruct traffic. (Ord. NO. 08-07, §1, 6-9-08)

F. Height Requirements. Same as R-1 District

G. Minimum Yard Requirements.

1. *Front yard.* There shall be a front yard with a depth of not less than twenty (20) feet.
2. *Side yard.* There shall be a side yard with a width of not less than eight (8) feet on both sides. Buildings on corner lots shall provide a side yard on the street side of not less than twenty-five feet (25') measured from the side property line abutting the street right of way (Ord. No. 06-15 §3, 07-10-06).
3. *Rear yard.* There shall be a rear yard with a depth of not less than twenty (20) feet.
4. *Storage Buildings.* For residential lots only, one portable storage building not larger than ten (10) feet by fourteen (14) feet which is located not closer than four feet from the side and/or rear property line shall be allowed. All other storage buildings must meet the minimum yard requirements as stated in this section. (Ord. No. 08-06, §4, 6-9-08)
5. *Exception.* One portable carport shall be allowed as an accessory building which is located not less than 8 feet from the side yard and/or not less than 4 feet from the rear yard and/or 15 feet from the front yard. All carports using this exception must be no larger than 12 ft wide X 12 ft height x 26 ft long. For this exception the height shall be measured as the length of the side wall of the portable carport. (Ord. No. 06-19 §3, 07-10-06; Ord. No. 09-08 §4, 8-10-09).
6. *Easements or utilities.* No building can be constructed any closer than two feet (2') from any known easement and/or utility line. (Ord. No. 06-16 §2, 07-10-06).
7. *Exception.* One underground storm shelter shall be allowed which is located not less than 8 feet from the side yard and/or 10 feet from the rear yard. (Ord. No. 08-09, §3, 7-14-08)

F. Minimum Lot Area. A lot developed after January 22, 1996, to be occupied as a single-family dwelling shall contain not less than eight thousand (8,000) square feet and shall not have less than seventy (70) feet of road frontage.

**SECTION 402.100: "B-2" HIGHWAY BUSINESS DISTRICT**

A. *Use Regulations.* In the "B-2" Highway Business District, no building or land shall be used and no building shall be erected or structurally altered unless otherwise provided in these regulations, except for one (1) or more of the following reasons:

1. *Permitted uses.*

- a. Any use permitted in the "B-1" Central Business District.
  - b. Bowling alleys, dance halls or skating rinks.
  - c. Hotels and motels.
  - d. Prefabricated house sales.
  - e. Trailer rental and sales.
  - f. Car washes.
  - g. Commercial swimming pools, water slides, golf courses, other amusement enterprises.
  - h. Drive-in theaters.
  - i. Commercial animal kennels.
  - j. Building supply, lumberyard, feed, and garden supplies.
  - k. Mobile home sales and service.
  - l. Auto supply and machine shops.
  - m. One construction office shall be allowed, after a zoning permit has been issued for the new construction, for a period not to exceed six (6) months. Said construction office may be a mobile trailer which is not intended to be used for temporary or permanent living quarters. If the construction is not expected to be completed within the six (6) months allowed herein, a conditional use permit may be granted at the discretion of the Board of Adjustment for an additional six (6) month term. Under no conditions shall the construction office remain on the property for more than twelve (12) months without complying with all other requirements of the Zoning Code.
  - n. Medical Marijuana Dispensary Facilities.
- B. *Off-Street Parking Regulations.* No building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty percent (50%), or changed in use unless there is provided on the

lot, space for the parking of automobiles or trucks in accordance with the following minimum requirements.

1. *Bowling alley.* Four (4) parking spaces for each alley.
2. *Business, professional, or public office building, studio, bank, medical or dental clinic.* Three (3) parking spaces plus one (1) additional parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
3. *Church.* One (1) parking space for each eight (8) seats in the principal worship area.
4. *College or school.* One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
5. *Community center, library, museum, or art gallery.* Ten (10) parking spaces plus one (1) additional place for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
6. *Dwellings.* One (1) parking space for each dwelling unit.
7. *Hospital, sanitarium, home for the aged, or similar rooms or suites.* One (1) parking space per each two (2) patient bed unit or residence contained therein.
8. *Hotel.* One (1) parking space for each unit.
9. *Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment.* With a minimum parking of one (1) parking space for every two (2) employees on the maximum working shift plus any additional space necessary to accommodate all trucks and other vehicles used in connection therewith.
10. *Mortuary or funeral home.* One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors, and individual funeral service rooms.
11. *Private club or lodge.* One (1) parking space for every ten (10) members.
12. *Restaurant, nightclub, cafe, or similar recreation or amusement establishment.* One (1) parking space for each one hundred (100) square feet of gross floor area.
13. *Retail store or personal service establishment.* One (1) parking space for each two hundred (200) square feet of floor area.
14. *Rooming or lodging house.* One (1) parking space for each unit.
15. *Sports arenas, stadium, or gymnasium (except school).* One (1) parking space for each five (5) seats or seating spaces.
16. *Theater or auditorium (except school).* One (1) parking space for each five (5) seats.

C. *Design Standards.*

1. A parking space shall have a minimum width of ten (10) feet and minimum length of twenty (20) feet.
2. A loading space for tractor-trailer type trucks shall mean a minimum width of twelve (12) feet and minimum length of fifty-five (55) feet.
3. A loading space for single-unit type trucks shall mean a minimum width of twelve (12) feet and a minimum length of thirty (30) feet.
4. A vertical clearance of at least fourteen (14) feet shall be provided for each loading space.
5. Aisles and maneuvering space areas of such sizes and dimensions shall be provided as will accommodate the movement and maneuvering of vehicles being loaded and unloaded.
6. Off-street parking and loading shall be designed in such a manner as not to obstruct the freedom of traffic movement on public streets or alleys.
7. Off-street parking and loading areas including access drives and aisles shall be paved with asphalt, concrete, or similar surfacing and should be free of dust. The surface should be so graded and drained to dispose of all surface water accumulated within the area. Parking space shall be so arranged and marked to provide orderly parking of vehicles.
8. All parking and loading areas which are illuminated shall be so designed that light or glare is deflected and directed away from the residential areas.

D. *Height Regulations.* Same as "B-1" Central Business District.

E. *Minimum Yard Requirements.*

1. *Yards.*
  - a. The front and rear yard regulations are the same as those in the "R-2" Residential District.
  - b. The side yard regulations for dwellings are the same as those in the "R-2" Residential District.
2. *Minimum lot area.* The minimum lot area requirements are the same as those in the "R-2" Residential District. (Ord. No. 96-04 Art. IV §6, 1-22-96, Ord. No. 03-12, §§1-2, 7-14-03 )

**SECTION 402.110: "M-1" INDUSTRIAL DISTRICT**

A. *Use Regulations.* The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Section, are the regulations in the "M-1" Industrial District.

1. *Permitted uses.* A building or premises shall be used only for the following purposes:

- a. Any non-residential use permitted in the "B-2" Highway Business District.
  - b. Truck terminals.
  - c. Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.
  - d. Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
  - e. Manufacture or assembly of boats, bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical appliances, tools, dyes, machinery and hardware products, sheet metal products and vitreous enameled metal products.
  - f. Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packaging, and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
  - g. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
  - h. Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.
  - i. Generally, those light manufacturing uses similar to those listed in Subsections 1(a–h) above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
  - j. Accessory buildings and uses, including accessory signs and advertising structures related to the activity conducted on the premises but with total sign area not to exceed two hundred (200) square feet.
  - k. Medical Marijuana Cultivation Facilities.
  - l. Medical Marijuana Infused Product Manufacturing Facilities.
  - m. Medical Marijuana Testing Facilities.
  - n. Medical Marijuana Transportation Facilities
2. *Conditional use permit.* Any other use not in conflict with the enactment laws of the State or the City regulating nuisances provided that no use emitting or likely to emit substantial amounts of dust, odor, gas, smoke, or noise and none of the following specific uses shall be permitted unless approved by the Board of Aldermen after a review and report of the Board of Adjustment subject to such requirements as it may deem necessary to protect adjacent property and prevent objectionable or offensive conditions such as:

- a. Acid manufacture.
- b. Distillation of bones.
- c. Explosives, manufacture, or storage.
- d. Fat rendering.
- e. Fertilizer manufacture.
- f. Garbage, offal, or dead animal reduction dumping.
- g. Stockyards or slaughter of animals.
- h. Wholesale storage of gasoline.
- i. Any similar use that would be hazardous to the public health, safety, or welfare.

In authorizing any of the above uses, there may be imposed such reasonable requirements as to landscaping, screening and other features of the development as are deemed necessary to protect adjacent property and prevent objectionable or hazardous conditions.

- B. *Parking Regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in Section 402.100.
- C. *Height Regulations.* The height regulations are the same as those in the "B-2" Highway Business District.
- D. *Minimum Yard Requirements.* The area regulations are the same as those in the "B-2" Highway Business District. (Ord. No. 96-04 Art. IV §7, 1-22-96; Ord. No. 19-30 §2, 10-28-19)

### **ARTICLE III. ADMINISTRATION**

#### **SECTION 402.120: ADMINISTRATION OF ZONING CODE**

Appointment – the Mayor with the consent of the Board of Alderman shall designate a City Employee as the Zoning Code Administrator and another city employee as Zoning Code Inspector.

- A. Zoning Code Administrator
  - 1. Shall be responsible for accepting applications and fees as required by this Chapter.
  - 2. Denying applications that don't meet the zoning requirements.



3. Maintain permanent and current records of this regulations, including, but not limited to, all maps, amendments, variances, appeals and applications.
4. Setting up appointments with the Zoning Code Inspector to meet with the applicant if there is a question regarding setbacks that require a site inspection.
5. Forward to the Board of Adjustment, applications for appeals, variances, or other matters on which the Board of Adjustment is required to pass under this Chapter.
6. Forward to the Planning Commission all applications for amendments to this Chapter.
7. Develop and maintain all forms necessary for the administration of this chapter.

B. Zoning Code Inspector

1. Conduct inspections of buildings, structures, and the use of land to determine compliance with this Chapter.
2. Issue building permits and certificate of occupancies.
3. Require that all construction or work of any type be stopped when such work is not in compliance with this Chapter.
4. Revoke any permit which was unlawfully issued or any permit wherein defective work has been performed, and when such work has not been corrected within ninety (90) days of notification.
5. Issue permits regulating the erection and use of tents for periods not to exceed fourteen (14) days for specific purposes such as: Temporary carnivals, bazaars, churches, charities, or charitable uses, and revival meetings, such uses not being detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided however, that said tenants or operations are in conformance with all other ordinances of the City.
6. Completing and returning all forms as developed by the Zoning Code Administrator related to the inspections and actions taken under this section. (Ord. No. 96-04 Art. V §1, 1-22-96; Ord. No. 06-17 §2, 07-10-06)

**SECTION 402.130: BUILDING PERMIT REQUIRED**

- A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Administrative Official.
- B. No building permit for alteration, repair, or construction of any building or structure shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with provisions of the Zoning Code.
- C. A temporary building permit may be issued by the Administrative Official for a period not exceeding six (6) months during alteration or construction for partial occupancy of a building

pending its completion. Such temporary permit shall require such conditions and safeguards as will protect the safety of the occupants and the public.

- D. The failure to obtain the necessary building permit shall be punishable under this Section.
- E. Building permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and specifications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this regulation and shall be punishable as provided by this Section. (Ord. No. 96-04 Art. V §2, 1-22-96)

**SECTION 402.140: BUILDING PERMIT APPLICATION**

- A. Applications for building permits for a structure shall be accompanied by a duplicate set of plans drawn to scale with the following information indicated in order to determine compliance with this Chapter.
  - 1. A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected, or moved, and the size arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.
  - 2. The location of the said lot with respect to existing rights-of-way and adjacent lots.
  - 3. Any other information which the Administrative Official may deem necessary for consideration in enforcing the provisions of this Chapter.
  - 4. Any of the above requirements may be waived by the Administrative Officer to allow for the alteration of the interior of any existing structure.
  - 5. Construction of new residential houses and all non-residential uses require a survey of the land to determine compliance with setbacks. Further if the boundary is questionable and the required setbacks cannot be verified the Zoning Code Inspector can require a survey to determine compliance (Ord. No. 06-17 §3, 07-10-06)
- B. If the building permit is denied on the basis of this Chapter, the applicant may appeal the action of the Administrative Official to the Board of Adjustment.
- C. No building permit for alteration, repair, or construction of any building or structure shall be issued unless the plans and specifications, show that the building or structure and its proposed use, will be in compliance with provisions of the Zoning Code.
- D. Zoning application review fee shall be five dollars (\$5.00) payable when submitting the zoning application. This fee shall be waived on applicants that pay the building code fee as set by the Board of Alderman (Ord. No. 06-17 §4, 7-10-06).

- E. Any building permit, under which no construction work has been commenced within six (6) months after the date of issuance of the permit or under which the proposed construction has not been completed within one (1) year of the date of issue shall expire by limitation; no work or operation shall take place under such permit after such expiration. Upon payment of one-dollar (\$1.00), a building permit may be once extended for a period not exceeding six (6) months by the Administrative Officer.
- F. On the issuance of a permit, one (1) set of said plans shall be retained by the Administrative Officer as a permanent record and one (1) set shall be marked with an appropriate seal of approval, which shall include date, time, and signature of the Administrative Officer. (Ord. No. 96-04 Art. V §3, 1-22-96; Ord. No. 02-04 §2, 2-11-02)

#### **SECTION 402.150: OCCUPANCY PERMITS**

- A. Charge for occupancy permits shall be five dollars (\$5.00) payable when submitting the zoning application. This fee shall be waived on applicants that pay the building code fee as set by the Board of Alderman (Ord. No. 06-17 §5, 07-10-06)
- B. After December 11, 1995, no change in the use of occupancy of land, nor any change of use or occupancy in an existing building other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Administrative Officer.
- C. Occupancy permits may be applied for coincidentally with the application for a building permit; an occupancy inspection shall be conducted within two (2) working days after request is made. The occupancy permit shall be issued when it is verified that lawful erection, reconstruction or alteration of the building is completed. Occupancy permits shall also be applied for when:
  - 1. A proposed use of the premises is a special use permissible only under a special use permit;
  - 2. The use of the premises is proposed to be changed; or
  - 3. Before re-occupancy of a premises where the Building Inspector has declared that said building may be a dangerous building; and such occupancy permit shall be issued when the building authority has become satisfied that the proposed occupancy complies with all ordinances of the City of Buffalo and Statutes of the State of Missouri. A record of all building and occupancy permits shall be kept on file in the office of the Administrative Official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- D. Upon proper application and compliance with other City ordinances and State Statutes, an occupancy permit shall be issued for non-conforming uses if the proposed use is less restricted under the Zoning Code than the prior non-conforming use.
- E. No occupancy permit shall be issued for any building being constructed or renovated unless the building has been erected or renovated in conformity with the Building Code of this City and other applicable laws and regulations. Evidence of this conformity shall be retained and recorded by the Administrative Official. (Ord. No. 96-04 Art. V §4, 1-22-96)

## SECTION 402.160: BOARD OF ADJUSTMENT

- A. The Board of Adjustment, as created by the Board of Aldermen of the City of Buffalo, in conformity with the Statutes of this State, and is hereby authorized to determine and vary the regulations and restrictions herein provided for harmony with their general purpose and intent and in accordance with the general or specific rules herein contained.
- B. *Membership And Creation.*
1. The Board of Adjustment shall consist of five (5) members, and be appointed by the Board of Aldermen in conformance with the Statutes of this State. The membership of the first Board shall serve respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. The Board shall elect its own officers who shall serve on a one (1) year basis. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members.
  2. All members are subject to removal for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant by the Board of Aldermen.
- C. *Procedure.* The Board shall adopt rules in accordance with the provisions of this Chapter. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his/her absence, the Acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and such findings filed in the office of the City Clerk and be a public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.
- D. *Appeals.*
1. An appeal from any final order or decision of the Administrative Officer may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Administrative Officer and the Board of Adjustment a written notice of appeal specifying the grounds therefore. A notice of appeal shall be considered filed with the Administrative Officer and Board of Adjustment when delivered to the City Clerk, and the date and time of the filing shall be entered on the notice by the City Clerk.
  2. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time.
  3. An appeal must be taken within thirty (30) days after the date of the decision or order appealed from.

4. Whenever an appeal is filed, the City Clerk and the Administrative Officer shall forthwith transmit to the Board of Adjustment all the paper constituting the record relating to the action appealed from.
  5. An appeal stays all action by the Administrative Officer seeking enforcement of or compliance with the order or decision appealed from, unless the Administrative Officer certifies to the Board of Adjustment that (because of facts stated in the certificate) a stay would, in his/her opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Administrative Officer.
  6. The Board of Adjustment may reverse or affirm (wholly or partly) or may the order, requirement, decision, or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have powers of the officer from whom the appeal is taken. The filing fees for appeals shall be twenty-five dollars (\$25.00) to cover administrative costs.
- E. The Board of Adjustment shall have the following powers:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an Administrative Official in the enforcement of Section 89.010, et. seq., RSMo., of the Zoning Code of the City of Buffalo.
  2. To hear and decide all matters referred to it or upon which it is required to pass judgment under such ordinance.
  3. In passing judgment upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out of the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
  4. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this Code and Section 89.010, et. seq., RSMo., reverse or affirm wholly or partially, or may modify the order, requirement, decision, or determination of the appeal. This Board may make such order, requirement, decision, or determinations as ought to be made, to reverse any order, requirement, decision, or determination of any such Administrative Official.
  5. To regulate, interpret, administer, and enforce Chapter 410 of the Buffalo Missouri City Code pertaining to Mobile Home and Mobile Home Parks. (Ord. No. 06-26 §1, 9-11-06)
- F. Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any Officer, Department, Board or Bureau of the City, may present to the Circuit Court of the County in which the property affected is located a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe

therein the same time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten (10) days but may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application or notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it. It shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decisions appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter. The Court may take additional evidence or appoint a referee to make such evidence as it may direct and report the same to the Court within his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought for review. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision.

- G. Any cost deposits required by the Board of Adjustment under its rules and regulations for any hearing held by it may be increased by special order of the Board of Adjustment when it shall determine that the questions or matters presented are complex or involved and will require extended hearings and incur expenditures. The applicant presenting the matter or questions shall make the required deposit for cost prior to any action by the Board of Adjustment. Any increase ordered hereunder shall be commensurate with the minimum deposit hereinafter provided for. Costs shall be assessed for the purpose of meeting the City's expenses in furnishing heat, light, stationery, for counsel fees and other expenses, and shall not be assessed or increased for the purpose of producing revenue. (Ord. No. 96-04 Art. V §5, 1-22-96)

*State Law Reference—Board of Adjustment, §89.080, et seq., RSMo.*

#### **SECTION 402.170:    CONDITIONAL USE PERMITS**

The Board of Adjustment may approve a conditional use, if permitted in the district, only if the following requirements have been met:

1. The location of the proposed use is compatible to other land uses in the general neighborhood and does not place an undue burden on existing transportation and service facilities in the vicinity.
2. The Board may also determine that the proposed use is such that it is necessary to require greater standards than listed in the district, in order to correlate the proposed use to other property and uses in the vicinity.
3. The site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use.
4. The proposed use, if it complies with all conditions upon which the approval is made contingent, will not adversely affect the property in the vicinity.
5. The Commission may provide that approval be contingent upon acceptance and observance of specified conditions, including but not limited to:

- a. Conformity to plans and drawings submitted with the application.
  - b. Special yards, open space, buffer strips, walls, fences, hedges, landscaping.
  - c. Performance standards relative to emission of noise, vibration, or other potentially dangerous or objectionable elements.
  - d. Limits on the time of day for conduct of specified activities.
  - e. A period in which the approval shall be exercised, or otherwise shall lapse.
  - f. Guarantees as to compliance with the terms of approval.
6. An application for conditional use shall be filed with the Board of Adjustment, on approved forms, at least twenty-five (25) days prior to any regular meeting of the Board of Adjustment.
  7. The filing fee shall be twenty-five dollars (\$25.00), which covers the cost of publication and printing.
  8. After public hearing, the Board of Adjustment may approve or deny said application. The decision of the Board of Adjustment shall be final unless appealed to the Board of Aldermen within fourteen (14) days of the date of the decision of the Board of Adjustment. (Ord. No. 9604 Art. V §6, 1-22-96)

#### **SECTION 402.175: VARIANCES**

The Board of Adjustment may approve a variance in situations where it is determined that such variance is necessary to avoid an undue and unavoidable hardship and when the approval of such variance can be done without violating the spirit of the ordinance, and while preserving the public safety and welfare.

1. In determined whether a variance should be approved, the Board shall consider all relevant factors, including but not limited to, the following criteria:
  - a. The location of the proposed variance and whether it is compatible with other land uses in general neighborhood.
  - b. Whether the variance will create an undue burden on existing services or utilities.
  - c. Whether the variance will have an adverse impact on the daily operation of the city, or will create an additional burden on the city or its citizens.
  - d. Whether the variance will create a risk of injury or danger to pedestrians, a nuisance or encroachment upon adjoining landowners, or will be an obstacle to the safe operation of motor vehicles in the vicinity or an impediment to the flow of traffic.

- e. Whether the variance will have any other negative or adverse effect on the property in the vicinity.
2. An application for a variance shall be filed with the Board of Adjustment at least twenty-five (25) days prior to any regular meeting of the Board of Adjustment.
3. The filing fee shall be \$50.00, which shall be used to cover the costs of publication and printing. In addition, the Board may impose such conditions or require such security as it deems appropriate to ensure compliance with its directives in the event a variance is approved.
4. A public hearing upon the issue of whether the Board should approve the application for a variance shall be had, after which the Board of Adjustment may approve or deny said application. The decision of the Board of Adjustment shall be final unless appealed to the Board of Aldermen within fourteen (14) days of the date of the decision of the Board of Adjustment. (Ord. No. 06-25 §1, 9-11-06)

#### **SECTION 402.180: AMENDMENTS**

- A. The Board of Aldermen may, from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations or restrictions herein established. Any proposed amendment shall be submitted to the Planning Commission. This Commission shall hold a public hearing in relation thereto, giving at least fifteen (15) days' notice of the time and place of such hearing. This notice shall first be published in a newspaper having general circulation in the City of Buffalo giving the time and place of such hearing. When the hearing before the Planning Commission is completed, the proceeding shall be continued for further hearing before the Board of Aldermen and be heard before the Board acts upon the report of the Planning Commission.
- B. In the event of a negative report by the Planning Commission or if a protest against such proposed amendment shall be presented in writing to the City Clerk, duly signed and acknowledged by the owners of ten percent (10%) or more, either of the areas of the land (exclusive of streets, places, and alleys) included within such proposed amendment, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed. Such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of three-fourths (  $\frac{3}{4}$  ) of all the members of the Board of Aldermen. (Ord. No. 96-04 Art. V §7, 1-22-96)

#### **SECTION 402.190: VIOLATION AND PENALTY**

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted, or any building or structure or land is used in violation of this Chapter or other regulation or resolution made by the Board of Aldermen, the Administrative Official of the City of Buffalo may take action to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use. The Administrative Officer may also restrain, correct or abate such violation, to prevent the occupancy of said building or land to prevent any illegal act, conduct of business, or use of such premises.



- B. The owner or general agent of a building or premises where a violation of any provision of this Chapter and regulations adopted thereunder, has been committed or shall exist, or the lessee or tenant of any part of the building in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation, or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) 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 fine and imprisonment in the discretion of the Court.
  
- C. Any such person served with an order to remove any violation and fails to comply with said order within ten (10) days after being served, or shall continue to violate any provision of the regulations made under authority of this Chapter in the respect named in such order shall be subject to a civil penalty of an additional two hundred fifty dollars (\$250.00). (Ord. No. 96-04 Art. V §8, 1-22-96)

## CHAPTER 405: RESIDENTIAL SUBDIVISIONS

### SECTION 405.010: PROCEDURE

- A. Subdivider has a preliminary plat and infrastructure plans prepared.
- B. Superintendents over the water and wastewater distribution systems and the streets review the infrastructure plans. The superintendents submit recommendations to the Board of Alderman.
- C. Subdivider meets with planning commission to review preliminary plat. The Planning Commission makes recommendations to the Board of Alderman.
- D. Subdivider meets with Board of Alderman to review preliminary plat and infrastructure plans. The Board of Alderman shall either give the developer approval to proceed with the development or shall make recommendations of changes and send the preliminary plat back to the Planning Commission for further consideration.
- E. Subdivider has all infrastructure installed in compliance with City Code, the Department of Natural Resources Rules and Regulations, and all of applicable federal and state regulations.
- F. Final plat approval received
- G. Final plat recorded with the Dallas County Recorder of Deeds (CC 1984 §43.010, Ord. No. 0308, §§1-2, 4-14-03)

### SECTION 405.020: PLAT REQUIREMENTS

Before the City Planning Commission shall approve a plat for record, the subdivider shall show the following information on his/her plat or plats:

- 1. Name of subdivision.
- 2. Boundary of subdivision with description of enclosed property.
- 3. Name and address of owner or owners.
- 4. Acreage in subdivision tract.
- 5. Date, map, scale, and north arrow.
- 6. Dimensions of street rights-of-way, block, parcel and lot lines and subtended angles.
- 7. Bearings of all lines not parallel or perpendicular to lines of known bearings. Interior angles of lots may be shown in lieu of bearings. All bearings shall be referred to true north.
- 8. Location of monuments.

9. Location of building lines.
10. Legal description, lot, and block.
11. Certification of registered land surveyor.
12. Dedication of streets, alleys, and easements for public use.
13. Certificate of approval of the City Planning Commission.
14. All subdivision plats submitted to the City Planning Commission for approval shall be subject to the requirements of Section 415 of the Buffalo, Missouri City Code related to Floodplain Management and in addition thereto, shall contain a plan for the management, drainage and control of storm water run-off which complies with all applicable City Codes, and Federal and State laws then in effect, and which is determined by the City Planning Commission, or by an employee designated by the City for such purposes, to afford adequate protection to neighboring properties against excessive or chronic exposure to storm water run-off(CC 1984 §43.020; Ord. No. 06-24 §1, 9-11-06)

**SECTION 405.030: SCALE**

Plats shall be prepared on sheets no larger than 24 x 36 inches and no smaller than 12 x 18 inches at a scale of not more than one (1) inch equals two hundred (200) feet on linen or other suitable drafting medium. When more than one (1) sheet is needed, an index or a key sheet shall be provided. (CC 1984 §43.030)

**SECTION 405.040: MONUMENTS**

Steel rods five-eighths (5/8) inch in diameter and twenty-four inches (24”) long, shall be placed with top flush to ground at all points of boundary intersecting streets. The location of all monuments shall be indicated on the plat filed for record. Steel rods one-half inch (1/2”) in diameter will be placed at all lot corners, flush to the ground at a depth of not less than eighteen inches (18”) and having a plastic or aluminum cap. (CC 1984 §43.040; Ord. No. 06-07, §2, 3-13-06)

**SECTION 405.050: CONFORMANCE WITH OFFICIAL PLANS**

- A. The subdivision plat shall conform to all official plans currently in effect.
- B. For a period of twelve (12) months after the subdivider indicates his/her intent to subdivide, the City Planning Commission may require the subdivider to reserve sites for public use indicated on an officially adopted plan to permit the public board, commission or body having jurisdiction or financial responsibility the opportunity to acquire said sites either through purchase, taking of option, or the filing of condemnation proceedings under the power of eminent domain. (CC 1984 §43.050)

## **SECTION 405.060: STREETS**

- A. The character and location of all streets shall conform with official plans including minimum width of rights-of-way, fifty (50) feet. The City Planning Commission may permit adjustments in the location of major streets due to topographical conditions and public convenience and safety.
- B. For streets not indicated on official plans, the arrangement of streets in the subdivision may provide for the continuation of appropriate projection of existing principal streets in the surrounding area except where topographical or other conditions make continuance or conformance to existing streets impractical.
- C. The location and alignment of local service streets should be such that their use by through traffic will be discouraged. All alleys (if any) shall be dedicated to the City. All alleys shall have a minimum width of twenty (20) feet right-of-way.
- D. Street intersections should be, insofar as practical, at right angles.
- E. Street jogs and centerline offsets of less than one hundred twenty-five (125) feet should be avoided.
- F. Storm and surface water into natural or man-made ditches. (CC 1984 §43.060)

## **SECTION 405.070: WATER**

- A. Where public water is available to the subdivision, each lot in the subdivision shall be provided water at subdivider's expense. Each lot shall be served by a three-quarter (¾) inch line. The water main shall be a minimum of six (6) inches. No three-quarter (¾) inch line shall serve more than one (1) lot.
- B. All water lines shall be a minimum of thirty-six (36) inches deep, preferably forty (40) inches deep.
- C. No water main shall be installed or approved by the Board of Aldermen that results in a dead end. All water mains shall be looped to ensure that all parts of all water lines have constant movement of water.
- D. Water Main extensions, upgrades and related looping required by the City shall be done so at the expense of the developer and in accordance with the Missouri Department of Natural Resources requirements. (CC 1984 §43.070; Ord. No. 43.070 §1, 3-11-91; Ord. No. 01-16 §2, 8-13-01; Ord. No. 06-23 §1, 9-11-06)

## **SECTION 405.080: SANITARY SEWERS**

- A. Where sanitary sewers are available to the subdivision, each lot in the subdivision shall be provided sanitary sewers, at subdivider expense. Each lot shall be served by a four (4) inch line. The sewer main shall be a minimum of eight (8) inches. No four (4) inch line shall serve more than one (1) lot.

- B. When the subdivision cannot be served by an existing sanitary sewer, the disposal of sewage shall be provided in accordance with the policies and standards established by the City.
- C. Sewer main extensions and upgrades required by the City shall be done so at the expense of the developer and in accordance with the Missouri Department of Natural Resources requirements (CC 1984 §43.080; Ord. No. 06-23 §2, 9-11-06)

**SECTION 405.090: STREET IMPROVEMENTS**

Streets shall be provided by the subdivider as follows:

- 1. Minimum width of pavement: Twenty-eight (28) feet including two (2) feet of curbing on both right of ways.
  - a. Asphalt streets:
    - (1) Dirt or base below street shall have a two (2) inch crown.
    - (2) Base shall consist of four (4) inches clean base.
    - (3) Subsurface shall consist of four (4) inches bituminous base (black base).
    - (4) Surface shall consist of two (2) inches bituminous surface material (asphalt).
  - b. Concrete streets:
    - (1) Dirt or base below street shall have a two (2) inch crown.
    - (2) Base shall consist of two (2) inches clean base. A roll test shall be done with a loaded dump truck to ensure proper compaction
    - (3) Surface shall consist of six (6) inches Class A Concrete Surface material made from a five and a half (5 2) bag mix.
    - (4) Expansion joints shall be one and a half (1 1/2) inch thick for six (6) inch concrete and shall be located not more than twenty-five (25) feet apart. Expansion joints shall be filled with joint sealer.
  - c. Curbing and guttering shall be made out of a concrete aggregate and shall have a six (6) inch level course of three-quarters (3/4) inch cleaned crushed limestone underneath them. Curbing must be at least twelve (12) inches in height from the top of the limestone base to the peak and the peak must be at least four (4) inches in width. The thinnest section of guttering must be six inches from the top of the limestone base. Depressed curbs shall be provided at all driveway entrances and sidewalks shown on the plans. Expansion joints shall be located every twenty-five (25) feet and shall be one and a half (1 1/2) inch deep. Concrete shall be a five and a half (5 1/2) bag mix.

- d. Driveway cuts should have a fall of one-quarter (1/4) inch per foot. The rise of the driveway should start nine inches from the edge of where the curbing should end and the guttering should continue on with the rise of the one-quarter (1/4) inch slope towards the curb.
  - e. If cul-da-sac are included in the subdivision they shall have a minimum radius of forty (40) feet.
2. Notice of construction shall be given from the subdivider to City Hall twenty-four (24) hours prior to any work beginning or moving to the next stage of construction so that an adequate inspection schedule can be made.
  3. The thickness of the pavement and base surfaces will be measured, and where any pavement or base is found deficient in thickness, in excess of one (1) inch, it shall be removed and replaced.

The thickness of the pavement will be determined by average caliper measurement of cores. For the purpose of determining the construction thickness of the pavement, ten (10) cores per mile will be taken at random intervals in each traffic lane. In addition, cores may be taken at other locations as may be determined by the Engineer. If the measurement of any core is deficient in excess of one (1) inch from the plan thickness, additional cores will be taken at twenty-five (25) foot intervals parallel to center line ahead and back of the affected location until the extent of the deficiency has been determined.

Core test on concrete shall be at least 3000 psi or better.

It will be assumed that each core is representative of the pavement thickness for a distance extending one-half the distance to the next core, measured along center line, or in the case of a beginning or ending core, the distance will extend to the end of the pavement section.

All samples collected for testing purposes shall be obtained in the presence of an authorized City of Buffalo employee. Any sample tested that have not been obtained in the presence of an appointed City of Buffalo employee shall be considered invalid. All costs associated with testing shall be borne by the subdivider. The City of Buffalo reserves the right to request testing at its discretion. (CC1984 §43.090; Ord. No. 98-43 §1, 12-14-98, Ord. 99-23 §1, 11-8-99; Ord. No. 00-07 §1, 3-1300, Ord. No. 01-29 §1, 10-8-01)

#### **SECTION 405.100 – FINAL PLAT APPROVAL –**

Prior to receiving final plat approval from the Board of Alderman said developer shall complete the following:

1. Provide evidence of satisfactory installation of improvements which shall include an endorsement by the superintendent of the water and wastewater distribution system and the streets or enter a development contract approved by ordinance with the city that either provides for a bond payable to the city or a cash deposit equal to the estimated cost of incomplete infrastructure as required by Section 405.060, 405.070, 405.080 and 405.090 of the City Code.
2. Receive approval from the city planning commission. Prior to giving their approval the planning commission shall insure that the final plat is materially equivalent to the preliminary

plat which the Board of Alderman approved and that the developer has conformed to all provisions of this chapter. (*Ord. No. 03-08, §1, 4-14-03*)

**SECTION 405.110:      REQUIREMENTS FOR PLAT APPROVAL Deleted (*Ord. No. 03-08, §1, 4-14-03*)**

**SECTION 405.120:      PLAT, HOW DRAWN—SHALL SHOW WHAT**

Every plat hereafter constructed, which is authorized or required by law to be recorded, or intended to form part of any proceedings for the partition of real estate, shall be drawn to a scale, the scale to be noted on the plat, have written on its face as its title, and show the block, section, United States survey or part thereof, it purports to represent. If the land platted be less than a whole block, section, or United States survey, the plat shall be corrected in such manner as to show the position of such land relatively to the remainder of the block, section, or United States survey, as the case may be; and if such land be intersected by a quarter-section, section, or United States survey line, such line shall be indicated on the plat and distinguished by suitable words and figures, and shall be done in such manner that the precise location of the land purported to be platted can be determined on inspecting the plat; provided, however, that the provisions of this Section shall not apply to any plat issued by authority of the United States, or the State of Missouri.

**SECTION 405.130:      PLAT TO BE ACKNOWLEDGED AND RECORDED—ACCEPTANCE BY CITY - Deleted (*Ord. No. 03-08, §1, 4-14-03*)**

**SECTION 405.140 - PROHIBITIONS**

- A. No final plat shall be recorded for any land within the city limits of Buffalo without going through procedures outlined in section 405.010 and without receiving final plat approval as required by section 405.100.
- B. No zoning permits shall be issued or any lots sold from a subdivision that has not received final plat approval as required by this chapter. (CC 1984 §43.010, Ord. No. 03-08, §1-2, 4-14-03)

## CHAPTER 407: RVS AND CAMPGROUNDS

### SECTION 407.010: PURPOSE AND INTENT

- A. This Chapter shall set forth the minimum requirements for the application, development, operation and maintenance of RV parks and campgrounds in the City.
- B. The Board of Alderman finds that RV parks can contribute to the City's long-term economic and social well-being if they are properly located, designed, and maintained to protect the health, safety, and general welfare of the RV park users, abutting properties, and the City as a whole. (*Ord. No. 22-10, §1, 11-14-22*)

### SECTION 407.020: DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings set forth in this Section:

*ALTERNATIVE WATER SYSTEM:* Any system whereby water is provided to a parcel, which source and components are not connected to City water lines in accordance with the standards established in the City comprehensive water plan and policy.

*ALTERNATIVE SEWAGE DISPOSAL:* Any system for the disposal of sewage which components are not connected to City sewer lines in accordance with the standards established in the City comprehensive sewer plan and policy.

*ACCESSORY STRUCTURE:* Structures maintained within RV parks or campgrounds which serve the principal camping unit. Accessory structures are not attached to the camping unit (see "ADD-ON STRUCTURES") and contain no plumbing or electrical fixtures.

*ADD-ON STRUCTURES:* Structures attached to the principal camping unit which provide additional space or service.

*CAMPSITE:* A space or area within an RV park designated for temporary occupancy by RV or tent campers. Also referred to as "site."

*OPEN SPACE:* Any area within an RV park that is primarily intended for the common enjoyment and recreational use of RV park occupants. Open space is not to include park buffers, interior roads, parking areas, service buildings or park offices. Recreational structures and buildings shall be included as open space.

*PARK BUFFER:* A designated space inside and along RV park boundaries, in which no structures, parking areas, campsites or recreational equipment shall be constructed.

*PARK OFFICE:* Any structure for the purpose of keeping and maintaining all records pertinent to the use, operation, and maintenance of an RV park. This shall be the office of the park attendant.



*RECREATIONAL VEHICLE:* Any vehicular-type unit, designed for temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle.

*RV PARK:* A parcel of land in which two (2) or more campsites are designated primarily for temporary occupancy by recreational vehicles for travel, recreational or vacation uses. Such parks shall be construed to include those parks having sites for tent camping as well as for RV campers. Also referred to as "campground" and "park."

*SERVICE BUILDING:* Any structure within an RV park which contains toilets, lavatories, and bathing facilities. It may also include laundry facilities, a vending area or other service type facilities for park occupant use. (*Ord. No. 22-10, §1, 11-14-22*)

#### **SECTION 407.030: PERMITTED LOCATIONS**

RV parks and campgrounds shall be enumerated as conditional uses unless otherwise specifically authorized as a permitted use under the Buffalo Municipal Code(*Ord. No. 22-10, §1, 11-14-22*).

#### **SECTION 407.040: REVIEW AND APPROVAL PROCEDURES**

Application for binding site plan approval for the development of RV parks and campgrounds, if applicable, shall be made with the Planning and Zoning Commission. The information listed and required under Subsection (A) of this Section shall be included with any application. The applicant is bound by the design and specifications shown on the final approved drawings.

A. Required information to the Planning and Zoning Commission:

1. Copies of drawings to a readable scale, showing the following:
  - a. The area and dimensions of the subject tract or parcel;
  - b. Topography, including runoff/retention areas if needed; Plans shall be provided to City by engineer/architect.
  - c. Number, location, design, and layout of all campsites;
  - d. Layout of interior roads and parking areas;
  - e. Location and size of all structures to be included in the park;
  - f. Type and placement of screening;
  - g. Buffer zones;
  - h. Landscaping;
  - i. Placement of refuse containers and waste disposal sites;
  - j. Plan for park lighting;
  - k. Hydrants a maximum every 400'
2. Copies of the detailed specifications for the following:
  - a. Water supply and system;
  - b. Sewage disposal system;

- c. Stormwater plans must abide by the City Codes along with any State or Federal regulations;
  - d. Construction and design features of interior roads, parking areas and building;
  - e. Existing vegetation and vegetation proposed to be retained;
- 3. Area map showing the subject property in relation to adjacent parcels of land;
  - 4. Lease agreement, if land is to be leased for RV park development;
  - 5. Other information as determined necessary by the Planning and Zoning Commission.
- B. Application Process. Applications for site plan approval shall be processed in the same manner as a conditional use permit (*Ord. No. 22-10*, §1, 11-14-22).

**SECTION 407.050: GENERAL OPERATION AND MAINTENANCE REQUIREMENTS**

- A. A park attendant must be on reachable at all times.
- B. Register of guests. The owner/operator shall create and maintain a register of guests that shall be available for inspection and retained for three (3) years showing the following:
- 1. The date of arrival and departure;
  - 2. The number or letter of the designated space rented;
  - 3. Photocopy of the driver's license of the primary tenant;
  - 4. Automobile and recreational vehicle license plate number and the State in which each is registered;
  - 5. Full address of permanent residence; and
  - 6. The names of persons staying in the RV park and which lot they are located on.
- C. Inspections.
- 1. A City inspection and occupancy permit shall be required prior to the opening of any RV park and/or campground.
  - 2. City officials are authorized to make quarterly inspections of any RV park and any additional inspections as are reasonably necessary, without prior notice, to determine compliance with this Section.
  - 3. Entry on premises. The Code Official shall have the power to enter, during normal operating hours, upon any public or private property, excluding recreational vehicles, with the purpose of inspecting and investigating conditions relating to the enforcement of this Section.
  - 4. Suspensions.
    - a. Notice. Whenever, upon inspection of any RV park, the Code Official finds that conditions or practices exist which are in violation of any provision of this Section applicable to such park, the Code Official shall provide notice in writing to the owner/operator, and if such conditions or practices have not been corrected in the timeframe set forth in the notice, the Code Official will suspend the RV park license and give notice of such suspension.
    - b. Cessation Of Operations. Upon suspension of the RV park license, the owner/operator shall cease operation of the RV park and all recreational vehicles shall vacate the RV park within five (5) days.

- c. Appeal. The suspension of the license may be appealed to the City Board of Aldermen.
- D. Owners Responsibility —Site Maintenance. It shall be the duty of the owner/operator to maintain all grounds in the RV park to:
1. Ensure proper and adequate measures are taken for insect and rodent control, including, but not limited to, the following:
    - a. The grounds, buildings, and structures shall be maintained free from insects and rodents harborage and infestation.
    - b. The entire RV park shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
    - c. Storage areas shall be so maintained as to prevent insect and rodent harborage; lumber, pipe, and other building material shall be stored at least one (1) foot above the ground.
    - d. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and insects.
    - e. Open areas shall be maintained free of heavy undergrowth of any description. This does not apply to the required buffer yard, which should be allowed to fill in with natural vegetation.
    - f. Only RV skirting that is approved by RV manufacturers.
  2. Ensure that no person shall keep, store, or allow any motor vehicle to remain on the premises of an RV park if such motor vehicle is incapable of being operated under its own power or has exceeded the maximum allowable duration of stay as set out in Section 407.050, Duration of Stay.
  3. Ensure that each RV space is clearly marked with 4” reflective letters visible and perpendicular from the internal roadway.
  4. Provide for regular inspection of public and private utilities.
  5. Prohibit the placement or storage of unsightly material or vehicles of any kind.
  6. Cap all sewer taps not in use.
  7. Maintain safe and sanitary public and private utility connections to each RV space.
  8. Maintain a neat, clean, sanitary, and safe park.
  9. Refuse collection areas shall be adequately maintained to prevent the attraction of insects and the generation of offensive odors (*Ord. No. 22-10, §1, 11-14-22*).

**SECTION 407.060: DURATION OF STAY**

- A. Recreational vehicles may be parked within a designated space in an RV park for a period of time not to exceed one hundred eighty (180) days within any consecutive 12-month period, and may be used for recreational purposes and not as a permanent residence during the time that it is so placed in the park if:

1. It is self-contained;
  2. It has a minimum of one hundred twenty (120) square feet of floor space;
  3. The park in which it is placed is approved by the City as a RV park; and
  4. It is placed on a numbered lot in the park which is shown on the park's application and approved by the City for use of the specific type of recreational vehicle being placed thereon.
  5. Any person that wishes to stay longer than 180 consecutive days will need to fill out a permit for an annual stay. An inspection from the City prior to approval and pay an annual permit fee of \$300.
- B. As regulated by the Missouri State Emergency Management Agency (SEMA), in flood zones, RVs must:
1. Be licensed and titled as an RV or park trailer (not as a permanent residence).
  2. Be built on a single chassis.
  3. Must measure four hundred (400) square feet or less (measured at largest horizontal projection).
  4. Have inflated tires and be self-propelled or towable by a light-duty truck.
  5. Have no attached deck, porch, shed, or utilities.
  6. Be used for temporary recreational, camping, travel, or seasonal use (no more than one hundred eighty (180) consecutive days).
  7. Have a quick-disconnect sewage, water, and electrical connectors (*Ord. No. 22-10, §1, 11-1422*).

#### **SECTION 407.070 RULES AND REGULATIONS**

- A. Interior roads shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and shall be graded to drain and surfaced with gravel, asphalt or concrete, the design of which shall be approved by the City Engineer, to maintain proper drainage and minimize dust.
- B. Park areas shall be kept free of litter and debris at all times.
- C. Service buildings shall be maintained in a sanitary condition at all times.
- D. Animals located in the RV Park shall be kept on a leash or tethered within their campsite at all times.
- E. RV parks or campgrounds shall be subject to the rules and regulations of the City of Buffalo.

- F. The developer, to whom approval was initially granted, or an approved subsequent developer, or owner, shall be responsible to the City for compliance with these regulations.
- G. The operator shall provide for continued maintenance of landscaping and buildings.
- H. All fire rings and other forms of outdoor cooking shall be located in designated areas and shall be constructed, maintained, and used as to minimize fire hazards and smoke nuisances. Fires shall be allowed only in safe and convenient locations where they will not constitute fire hazards to vegetation, undergrowth, trees and RVs. No open fires are allowed during red flag events (*Ord. No. 22-10, §1, 11-14-22*).

**SECTION 407.080 ACCESSORY USES, RVS AND CAMPGROUNDS**

- A. Accessory Structures. Individual RV spaces may have a canopy that is of a constructed wood frame with metal roofs. Canopies shall not extend past the RV site pad. Decks and patios are permitted as long as they stay within the perimeter of the canopy. All canopy and deck structures shall be consistent in shape, appearance and meet existing City codes. The color must be of an earth tone, so to compliment the natural surroundings.
- B. RV spaces are not allowed to have the following accessory structures, e.g., separate awnings, cabanas, carports, garages, storage sheds, etc.
- C. A service building and park office shall be provided in all RV parks and campgrounds.
- D. All structures to be used in the design and development of RV parks and campgrounds shall be of permanent structures, meeting International Building Code requirements (*Ord. No. 22-10, §1, 11-14-22*).

**SECTION 407.090: BUFFERS, SCREENING AND SETBACKS**

- A. Buffers
  - 1. RV Parks and Campgrounds shall require a 50-foot buffer along any property boundary that is adjacent to any public street right-of-way and a 10-foot buffer along all other property boundaries.
- B. Screening and Setbacks
  - 1. View screening shall be required along any property boundary adjacent to a public street right-of-way. Such screening shall be set back a minimum of twenty (20) feet from such rights-of-way (*Ord. No. 22-10, §1, 11-14-22*).

**SECTION 407.100: WATER SUPPLY – SEWAGE DISPOSAL**

- A. Any RV Park or campground having City sewer and or water lines available shall be required to hook up to the available systems.
- B. Fire flow requirements must be met, including a minimum 6” supply line.

- C. The applicant will be charged a single connection fee consistent with the Codes of the City of Buffalo for the RV sites. The City shall require the applicant to pay base fee for water and sewer for each permanent structure that has water/sewer, plus the applicant will be charged for usage consistent with the Codes of the City of Buffalo (*Ord. No. 22-10, §1, 11-14-22*).

**SECTION 407.110: REFUSE DISPOSAL**

- A. No campsite shall be located in excess of one hundred (100) feet from any refuse container.
- B. Such containers shall be made of heavy and durable material with lids.
- C. Refuse containers shall be stored on platforms which are elevated at least six (6) inches from the ground and are well drained.
- D. Such containers shall have a holding capacity of not less than thirty (30) gallons.
- E. Each RV Park shall provide adequate facilities for the collection and removal of waste and garbage. At least one (1) two (2) yard dumpster shall be placed where it is convenient for the disposal company to access. Storage, collection and handling shall be conducted so as to not create any health hazards, rodent harborage, insect breeding areas or fire hazards. All large refuse containers shall be screened by a minimum six (6) foot opaque fence on three (3) sides(*Ord. No. 22-10, §1, 11-14-22*).

**SECTION 407.120: OPERATIONAL REQUIREMENTS**

Prior to operation of an RV park or campground area, an applicant shall annually provide proof of adequate insurance. No RV Park or campground shall be allowed to operate unless all required improvements are in place (*Ord. No. 22-10, §1, 11-14-22*).

**SECTION 407.130: MISCELLANEOUS PROVISIONS**

- A. Campgrounds shall not open until each and every requirement contained in this Chapter is approved by City.
- B. Interior all-weather pathways are to be provided to accessory areas(*Ord. No. 22-10, §1, 11-14-22*).

## CHAPTER 410: MOBILE HOMES AND MOBILE HOME PARKS

### SECTION 410.010: DEFINITIONS

Unless clearly indicated otherwise in the context, the following words and terms as used in this Chapter shall have the following meanings:

*LICENSE*: A written license issued by the City Clerk allowing a person to operate and maintain a mobile home park.

*MANUFACTURED HOME*: A factory-built structure designed to be used as a single-family dwelling unit which is built on a chassis and made so as to be readily movable and which is designed to be used with or without a permanent foundation.

*MOBILE HOME*: See manufactured home.

*MOBILE HOME PARK*: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes.

*MODULAR UNITS*: A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.

*PRIVATE MOBILE HOME LOT*: A parcel of land for the placement of a single mobile home for the exclusive use of its occupants and which is not in an authorized mobile home park.

*RECREATIONAL VEHICLE*: A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require highway movement permits when drawn by a motorized vehicle, and with a living area of less than three hundred twenty (320) square feet, including built-in equipment (such as wardrobes, closets, kitchen units or fixtures) and bath and toilet rooms. (CC 1984 §44.030)

### SECTION 410.020: REGULATIONS FOR PRIVATE MOBILE HOME LOTS

Any mobile home not situated in and operated as a mobile home park as defined in this Chapter must be architecturally compatible with the neighborhood while meeting the following requirements:

1. The mobile home shall set on a lot that contains not less than eight thousand (8,000) square feet.
2. The mobile home shall have a minimum of one thousand two hundred (1,200) square feet of floor space.
3. The mobile home shall have a 3 - 12 pitch roof with shingle composition or better.
4. The mobile home shall have vinyl, wood, or brick siding.

5. The mobile home shall meet all additional requirements in the “Zoning Code” specifically but not limited to setbacks and all other applicable ordinances of the City of Buffalo.
6. The mobile home shall sit on a permanent foundation, which is defined as follows:
  - a. The exterior footing must be at least sixteen inches (16”) wide by six inches thick (6’) of continuous poured concrete around the perimeter of the mobile home/manufactured home, with two (2) continuous number four (4), half-inch (1/2”) rebar. The base of all footings must be below the maximum frost penetration depth for this area.
  - b. Supporting piers or jacks must be no more than six feet (6’) between centers, and must be installed in compliance with State regulations related to the installation of mobile home interior. Footings must be constructed of:
    - i. Continuous runners constructed of poured-in-place concrete, not less than sixteen inches (16”) wide by six inches (6”) thick, with two (2) number four(4), half-inch (1/2”) rebar.
    - ii. Perimeter enclosure must be constructed of concrete or masonry grouted solid with one number four horizontal rebar, continuous tied to number four rebar verticals placed in the footing four feet (4’) on center, or other system of equal or better standard as approved by the Building Inspector.
  - c. The tie-down anchors and cable security must be no more than ten feet (10’) between centers on the outside footings, and one must be installed at each end of the inside footings.
  - d. The foundation must support all load points recommended by the manufacturer of the mobile home/manufactured home.
  - e. All wood used in the crawlspace for blocking must be decay resistant.
  - f. A crawlspace between the bottom floor structure of the mobile home/manufactured home and the footing pad must be at least twenty-four inches (24”) in height. Access to the crawlspace must be an opening which is a minimum of eighteen inches (18”) by twenty-four inches (24”). The opening may have a cover provided and may be closed when not in use. Pipes, ducts and other obstructions, other than structural materials, must not interfere with access to the space below the floor. Crawlspaces and other spaces below floors must be ventilated by an approved mechanical means or by openings in the exterior foundation walls, which are sufficient size and in proper locations to comply with all applicable codes.
  - g. In addition to the requirements of this section, the foundation plan and perimeter enclosure of a new mobile home must be approved by the manufacturer’s warranty (CC 1984 §44.040; Ord. No. 02-22 §1, 7-8-02; Ord. No. 06-02 §2, 2-13-06)

#### **SECTION 410.025: MOBILE HOME COURT**

- A. *Definition - Mobile Home Court.* An area of land, under one ownership, in existence at the effective date of this regulation, equipped as required to support mobile homes, upon which three



or more mobile home spaces are in existence and can readily be utilized for harboring mobile homes and is licensed under this section as a mobile home court. To be considered a mobile home space under this section, the pad must be either concrete or gravel.

- B. *Annual License.* An existing mobile home court must meet the following regulations and show evidence of same by acquiring an annual license for each mobile home park and renewing it each year. Annual license fee shall be \$20.00. Renewal shall be annually on March 1<sup>st</sup>. The number and type of spaces shall not be increased from the original approved application.
- C. *Initial License.* The initial applications shall be approved by the Board of Alderman. Renewal licenses shall be approved by the Mayor after determination that they are in compliance with City Ordinance. Each application shall have sixty days from the passage of this ordinance to apply for a license. Each applicant shall include the following information as of January 1, 2002:
1. The number of mobile home spaces
  2. The number of spaces occupied
  3. A description of each mobile home including size and manufacturing information
  4. Number of leased spaces including the name of the owner of the mobile home and occupant for each leased space.
  5. The number of spaces for temporary parking of recreational vehicles.
- D. *Replacement of Mobile Homes.* In order to replace a mobile home, the following conditions must be met:
1. Pictures of both the existing and proposed replacement mobile home must be submitted with an application.
  2. Proposed replacement mobile home shall be a newer model mobile home.
  3. Floor space in proposed replacement mobile home shall be equivalent or greater than in the existing mobile home.
  4. Proposed replacement mobile home shall be in equivalent or better condition than existing mobile home.
  5. Proposed replacement mobile home shall be structurally sound and in good physical condition.
  6. After approval, replacement mobile home must be skirted and properly tied down with five business days after the exchange.
  7. Replacement mobile home must be at least sixteen feet from other mobile homes or permanent structures.
  8. Any mobile home that is removed from the property must have an application on file before the mobile home is removed from the property in order to be replaced under this section.

Any mobile home destroyed by fire or act of god must be replaced within six months of the event. (Ord. No. 10-07 §1, 07-12-10)

- E. *Leased spaces.* In order to rent out a space that is designated as a leased spaced an application must be completed. Pictures of the inside and outside of the mobile home must be included with the application. The mobile home must be structurally sound and in good physical condition. After approval the mobile home must be skirted and properly tied down with five business days of moving of the mobile home onto the lot.
- F. *Recreational Vehicles.* Temporary parking of recreational vehicles is limited to three months per visit.
- G. *Parking.* At least one off street parking space shall be provided for each mobile home.
- H. *Utilities.* An electrical outlet, water and sanitary sewer shall be provided for each mobile home space. (Ord. No. 02-06 §1, 2-11-02)

**SECTION 410.030: MOBILE HOME PARKS - Deleted (Ord. No 02-24 §1, 8-12-02)**

**SECTION 410.040: ANNUAL LICENSE - Deleted (Ord. No 02-24 §1, 8-12-02)**

**SECTION 410.050: INSPECTIONS - Deleted (Ord. No 02-24 §1, 8-12-02)**

**SECTION 410.060: NOTICES, HEARINGS, AND ORDERS - Deleted (Ord. No 02-24 §1, 8-12-02)**

#### **SECTION 410.070 EXEMPTION FOR EXISTING MOBILE HOMES**

The provisions of this Chapter shall not apply to any mobile home existing in the City limits of Buffalo, Missouri, on July 11, 1994, provided that such mobile home has been issued a sewer permit by the City Clerk (CC 1984 §44.090)

#### **SECTION 410.080 PENALTIES**

Any person who violates any provisions of this Chapter shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and each day's failure of compliance with any such provisions shall constitute a separate violation.

#### **SECTION 410.090 EXCEPTION**

Any mobile home already in existence and a sewer permit issued to being used as a single family residence on July 11, 1994 shall be allowed to be replaced with a newer model mobile home. Provided that the floor space shall not be less than in the existing mobile home and pictures of both the existing mobile home and the new mobile home shows it is in equivalent or better physical condition than the mobile home that is being replaced. Said new mobile home must be structurally sound and in good physical condition. Said replacement mobile home shall be put on either a concrete slab or foundation. Said pictures to be included in the Zoning Permit Application and subject to approval of the Administrative Officer of the Zoning Code. Said replacement must be completed within six months of removal of the original mobile home. (Ord. No. 98-02, §1, 2-9-98)

## CHAPTER 415: FLOODPLAIN MANAGEMENT

### ARTICLE I: STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

#### SECTION 415.010: STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in RsMo 89.020 and RsMo 79.110 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare of the public. (Ord. No. 06-30, §1, 11-13-06)

#### SECTION 415.020. FINDINGS OF FACT

##### A. *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of Buffalo, 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.

##### 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. (Ord. No. 06-30, §1, 11-1306)

#### SECTION 415.030. STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety, and general welfare; to minimize those losses described in Section 415.020(B); 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 Chapter 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. (Ord. No. 06-30, §1, 11-13-06)

## ARTICLE II: DEFINITIONS

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

*100-YEAR FLOOD:* See *base flood*.

*ACCESSORY STRUCTURE:* A structure detached from the principal building located on the same lot and customarily incidental and subordinate to the principal building or use; the same as *appurtenant structure*.

*ACTUARIAL RATES:* See *risk premium rates*.

*ADMINISTRATOR:* The Federal Insurance Administrator.

*AGENCY:* The Federal Emergency Management Agency (FEMA).

*AGRICULTURAL COMMODITIES:* Agricultural products and livestock.

*AGRICULTURAL STRUCTURE:* Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

*APPEAL:* A request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

*APPURTENANT STRUCTURE:* Means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

*AREA OF SPECIAL FLOOD HAZARD:* The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

*BASE FLOOD:* The flood having a one percent chance of being equaled or exceeded in any given year.

*BASEMENT:* 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:* The Mayor of the City of Buffalo, Missouri, or his/her duly appointed designee.

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

*ELEVATED BUILDING:* 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:* A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

*EXISTING CONSTRUCTION:* (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:* 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:* 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:* 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):* 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):* 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:* Any land area susceptible to being inundated by water from any source (see "flooding").

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

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

**FUNCTIONALLY DEPENDENT USE:** 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:** 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.

**LOWEST FLOOR:** 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 Chapter.

**MANUFACTURED HOME:** 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:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MAP:** 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:* An estimate of what is fair, economic, just and equitable value under normal local market conditions.

*MEAN SEA LEVEL:* 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:* 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:* 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.

*PARTICIPATING COMMUNITY:* 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:* At least 51 percent (51%) of the actual cash value of the structure, less land value, is above ground.

*RECREATIONAL VEHICLE:* A vehicle which is

1. Built on a single chassis;
2. Four hundred (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.

*REMEDY A VIOLATION:* 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:* 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:* 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:* 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:* 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:* 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 (50%) of the market value of the structure before the damage occurred.

*SUBSTANTIAL-IMPROVEMENT:* 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:* 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:* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided. (Ord. No. 06-30, §1, 11-13-06)

## **ARTICLE III. GENERAL PROVISIONS**

### **SECTION 415.050: LANDS TO WHICH CHAPTER APPLIES**

This chapter shall apply to all lands within the jurisdiction of the City of Buffalo identified as unnumbered A zones, on the Flood Insurance Rate Map (FIRM) for Dallas County dated April 19, 2010 on parcel number 29059C0240B as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of floodplain development permit, granted by the Board of Alderman, or its duly designated representative under such safeguards and restrictions as the Board of Alderman or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article V. (Ord. No. 06-30, §1, 11-13-06; Ord. No. 10-1, §2, 03-29-10)

### **SECTION 415.060: FLOODPLAIN ADMINISTRATOR**

The Zoning Code Inspector is hereby designated as the Floodplain Administrator under this Chapter. (Ord. No. 06-30, §1, 11-13-06)

### **SECTION 415.070: COMPLIANCE**

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations. (Ord. No. 06-30, §1, 11-13-06)

### **SECTION 415.080: ABROGATION AND GREATER RESTRICTIONS**

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only. (Ord. No. 06-30, §1, 11-13-06)

### **SECTION 415.090: INTERPRETATION**

In their interpretation and application, the provisions of this Chapter 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. (Ord. No. 06-30, §1, 11-13-06)

### **SECTION 415.100: WARNING AND DISCLAIMER OF LIABILITY**

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

any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made there under. (Ord. No. 06-30, §1, 11-13-06)

**SECTION 415.110: SEVERABILITY**

If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected there (Ord. No. 06-30, §1, 11-13-06) by.

**ARTICLE IV. ADMINISTRATION**

**SECTION 415.120: 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 Section 415.050. 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. (Ord. No. 06-30 §1, 11-13-06)

**SECTION 415.130: DESIGNATION OF FLOODPLAIN ADMINISTRATOR**

The Fire Chief hereby appointed to administer and implement the provisions of this Chapter. (Ord. No. 06-30 §1, 11-13-06; Ord. No. 09-05 §3, 06-08-09)

**SECTION 415.140: DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR**

Duties of the Floodplain Administrator 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 Chapter 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 SEMA 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 floodproofing techniques are utilized for a particular non-residential structure, require certification from a registered professional engineer or architect. (Ord. No. 06-30 §1, 11-13-06)

**SECTION 415.150: 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 Floodplain Administrator;
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. (Ord. No. 06-30 §1, 11-13-06)

## ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

### SECTION 415.160: GENERAL STANDARDS

- A. 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.
- B. 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 Chapter. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
- C. All new construction, subdivision proposals, substantial-improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:
  - 1. 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;
  - 2. Construction with materials resistant to flood damage;
  - 3. Utilize of methods and practices that minimize flood damages;
  - 4. 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;
  - 5. 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
  - 6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
    - a. All such proposals are consistent with the need to minimize flood damage;
    - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
    - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and

- d. 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.
- D. Agricultural Structures - Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, 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; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this Chapter; and a floodplain development permit has been issued.
- E. 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.
- F. 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 Chapter; and a floodplain development permit has been issued. (Ord. No. 06-30 §1, 11-13-06)

**SECTION 415.170: SPECIFIC STANDARDS**

- A. In all areas of special flood hazard, once base flood elevation data is obtained, as set forth in Section 415.160(B), 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.
  - 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 subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 415.140 (7)(c).

3. Require, for all new construction and substantial-improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two (2) openings having a total net area of not less than one (1) 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 (1) 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 o floodwaters.
- B. In all areas of special flood hazard, once floodway data is obtained, as set forth in Section 415.160 (B), the following provisions are required:
  1. 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 (1) foot at any point; and
  2. 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. (Ord. No. 06-30, §1, 11-13-06; Ord. No. 07-20, §2, 10-8-07)

#### **SECTION 415.180: MANUFACTURED HOMES**

- 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.
- B. Require manufactured homes that are placed or substantially improved 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 or above 1 foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- 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 Subsection B of this Section, 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. (Ord. No. 06-30, §1, 11-13-06 Ord. No. 07-20, §3, 10-8-07)

#### **SECTION 415.190: RECREATIONAL VEHICLES**

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 and be fully licensed and ready for highway use (which means it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions) or
2. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Chapter. (Ord. No. 06-30, §1, 11-13-06)

### **ARTICLE VI. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**

#### **SECTION 415.210: ESTABLISHMENT OF APPEAL BOARD**

The Board of Adjustment shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter. (Ord. No. 06-30, §1, 11-13-06)

#### **SECTION 415.220: 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 Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Board of Adjustment, as defined in Section 415.210.

The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter. (Ord. No. 06-30, §1, 11-13-06; Ord. No. 09-05, §4, 06-08-09)



**SECTION 415.230: FURTHER APPEALS**

Any person aggrieved by the decision of the Board of Adjustment in the manner provided by State Statute. (Ord. No. 06-30, §1, 11-13-06)

**SECTION 415.240: FLOODPLAIN MANAGEMENT VARIANCE CRITERIA**

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

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. (Ord. No. 06-30, §1, 11-13-06)

**SECTION 415.250: CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES**

- A. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items B through F below have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

- B. 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.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
  - 1. A showing of good and sufficient cause,
  - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - 3. 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.
- F. A community shall notify the applicant in writing over the signature of a community official that:
  - 1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and
  - 2. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter. (Ord. No. 06-30, §1, 11-13-06)

**SECTION 415.260: CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES**

Any variance granted for an agricultural 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 415.240 and 415.250 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 agricultural structures that are constructed at-grade and wet-flood proofed.

- 1. All agricultural structures considered for a variance from the floodplain management regulations of this Chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
- 2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

3. For any new or substantially damaged agricultural 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 415.110 (C)(2) of this Chapter.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 415.160(C)(1) 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.
5. 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 415.160(C)(4) of this Chapter.
6. The agricultural 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 415.170 (A)(3) of this Chapter.
7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Section 415.170 (B)(2) of this Chapter. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
8. Major equipment, machinery, or other contents must be protected from any flood damage.
9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
10. The Floodplain Administrator shall notify the applicant in writing 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 twenty-five dollars (\$25.00) for one hundred (\$100.00) 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 by this Chapter.
11. Wet-flood proofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. (Ord. No. 06-30, §1, 11-13-06)

## **SECTION 415.270. 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 415.240 and Section 415.250 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 415.160(C)(2) 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 415.160(C)(1) 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 415.160(C)(4) 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 415.170(A)(3) of this Chapter.
6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Section 415.170(B)(2) 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. The Floodplain Administrator shall notify the applicant in writing 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 twenty-five dollars (\$25.00) for one hundred (\$100.00) of insurance coverage and Such construction below the

base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

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. (Ord. No. 06-30, §1, 11-13-06)

#### **SECTION 415.280: PENALTIES FOR VIOLATION**

Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Buffalo or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 06-30, §1, 11-13-06)

#### **SECTION 415.290: AMENDMENTS**

The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or repealed 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 Buffalo. 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 Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations. (Ord. No. 06-30, §1, 11-13-06)



## TITLE V. BUILDING AND CONSTRUCTION

### CHAPTER 500: DANGEROUS BUILDINGS

#### SECTION 500.010: PURPOSE AND SCOPE

It is the purpose of this Chapter 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 Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Buffalo, Missouri.

#### SECTION 500.020: DANGEROUS BUILDINGS DEFINED

All buildings or structures that are detrimental to the health, safety, or welfare of the residents of the City and that have any or all of the following defects shall be deemed "*dangerous buildings*":

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members, or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.

9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

**SECTION 500.030: DANGEROUS BUILDINGS DECLARED NUISANCE**

All dangerous buildings or structures, as defined by Section 500.020 of this Chapter are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as provided herein.

**SECTION 500.040: 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 can reasonably be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants and it can reasonably be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this City or Statute of the State of Missouri, it shall be repaired or demolished. (Ord. No. 96-27 §§1–2, 8-12-96)

**SECTION 500.050: BUILDING INSPECTOR**

The Building Inspector(s) shall be appointed by the Mayor. (Ord. No. 96-27 §3, 8-12-96)

**SECTION 500.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE**

The Building Inspector(s) shall have the duty under this Chapter to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.



4. Notify in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Dallas County, of any building found by him/her to be a dangerous building within the standards set forth in Section 500.020.

The notice required shall state that:

- a. The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.
  - b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and may 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 Dallas County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done; provided, that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property, shall be given such reasonable time not exceeding thirty (30) days, to commence the required work.
5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building, said building or structure constitutes a nuisance and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
  6. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
  7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
  8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Dallas County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein. (Ord. No. 96-27 §§4-5, 8-12-96)

**SECTION 500.070: BUILDING COMMISSIONER**

The Mayor shall act as Building Commissioner under this Chapter.

**SECTION 500.080: DUTIES OF THE BUILDING COMMISSIONER**

The Building Commissioner shall have the power pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter, and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source, that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City Department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having interest in said building to commence work of reconditioning or demolition within the time specified by the Notice 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 of said hearing shall be given, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service then, by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Dallas County, to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein.

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

3. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 500.020 of this Chapter.
4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, and a nuisance and detrimental to the health, safety or welfare of the residents of the City, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons(s) having an interest in said building as shown by the land records of Dallas County to repair, vacate or demolish

any building found to be a dangerous building and to clean up the property, provided that any person so notified, shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City or the owner or any person having an interest in said building as shown by the land records of Dallas County, may vacate and demolish said dangerous building at his/her 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, or a nuisance or detrimental to the health, safety or welfare of the residents of the City, 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 clean 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, RSMo. Except as provided in Subsection (6) of this Section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of eight percent (8%) 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 Subsection (5) of this Section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in Subdivisions (a) and (b) of this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:
  - a. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment, and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.
  - b. The City shall release the proceeds and any interest that has accrued on such proceeds received under subdivision (a) of this Subsection to the insured or as the terms of the

policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of this Section. If the City has proceeded under the provisions of Subsection (5) of this Section, all monies in excess of that necessary to comply with the provisions of Subsection (5) of this Section for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

7. If there are no proceeds of any insurance policy as set forth in Subsection (6) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
8. Subsection (6) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
9. Subsection (6) of this Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
10. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (6) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (6) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection. (Ord. No. 96-27 §§6-7, 8-12-96)

#### **SECTION 500.090: 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 Dallas County, may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of Dallas County, pursuant to the procedure established in Chapter 536, RSMo.

#### **SECTION 500.100: 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. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 500.080, Subsection (5) et seq.

**SECTION 500.110: 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 or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall, upon conviction for such violation, be sentenced to a term of not more than ninety (90) days incarceration in the City or County Jail or fined not more than five hundred dollars (\$500.00) or both such fine and confinement. Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense. (Ord. No. 96-27 §8, 8-12-96)

## **CHAPTER 505: BUILDING IMPROVEMENTS**

### **ARTICLE I. IN GENERAL**

#### **SECTION 505.010: ADVERTISEMENT FOR BIDS**

The City Administrator shall advertise for all public works, according to plans and specifications therefore, by publication in some weekly newspaper printed in the City for three (3) consecutive issues. Such advertisement shall state the improvement(s) to be made, the time and place of receiving bids, how the improvement is to be paid for, the amount of the indemnity bond to be required and the right of the Board of Aldermen to reject all bids or to award the contract to the lowest responsible bidder. (CC 1984 §45.010)

#### **SECTION 505.020: CERTIFIED CHECK OR BOND REQUIRED WITH BID**

Every bidder for a public work or improvement costing over fifty dollars (\$50.00) shall submit with his bid a certified check, payable to the City, in the sum of five percent (5%) of the amount of his bid, or a bond with good and sufficient surety, in the sum fifty percent (50%) of the amount of such bid, conditioned that if his bid is accepted he will, within ten (10) days, enter into a contract and bond therefore as required by this Chapter. The checks or bonds of unsuccessful bidders shall be returned to them. The checks or bonds of contractors whose bids have been accepted shall be held until they have entered into a contract and bond in accordance with their bids, at which time such checks or bonds shall be returned to them. (CC 1984 §45.020)

#### **SECTION 505.030: FORFEITURE OF CHECK OR BOND**

If any person whose bid for any public work or improvement has been accepted shall fail to enter into the contract and bond required by this Chapter, the certified check or bond required by Section 505.020 shall be forfeited to the City. The City Administrator shall immediately take the necessary steps to collect the amount of such check or bond and the proceeds thereof shall be turned into the City Treasury, to the credit of the general fund. Failure to enter into such contract and bond may, at the option of the City, render the acceptance of such bid null and void, whereupon the Board of Aldermen shall direct the City Administrator to re-advertise for bids. (CC 1984 §45.030)

#### **SECTION 505.040: PERFORMANCE BOND**

When a successful bidder enters into contract with the City he shall, in all cases where the amount of the contract exceeds fifty dollars (\$50.00), enter a bond in the sum of the full amount of such contract, with a surety company authorized to do business in the state as surety, conditioned upon the faithful performance of the contract and for the payment of all labor done or materials used in such improvements, as required by State law. Such contracts and bonds shall be made in duplicate, the original to be filed in the office of the City Clerk and the duplicate to be for the contractor. (CC 1984 §45.040)

**SECTION 505.050: ACCEPTANCE OF IMPROVEMENTS—ISSUANCE OF SPECIAL TAX BILLS**

When a public work or improvement is completed in accordance with the contract, the City Administrator shall, in writing, so report to the Board of Aldermen. The Board of Aldermen shall, by ordinance, accept the improvement and, for that part to be paid for by special assessment, levy and assess a special tax and may proceed to order the issuance of special tax bills in payment of the same. (CC 1984 §45.050)

**SECTION 505.060: PAYMENT OF TAX BILLS**

- A. *Manner of Payment.* The owner of property described in a special tax bill may pay such tax bill at the time and in the amounts therein specified to either the legal holder of such special tax bill or, if the owner of any property shall make representation that the legal holder cannot be found or refuses to accept tender of payment, then payment may be made to the City Clerk. The City Clerk shall be deemed the lawful agent in such cases to accept payment on behalf of the legal holder of the special tax bill.
- B. *Procedure Upon Payment.* When payment of a special tax bill in full, with interest, shall be made directly to the legal holder of such bill, such holder shall endorse on the back thereof a receipt for the amount paid and deliver the same to the party making such payment, together with a certificate addressed to the City Clerk, stating that such tax bill has been paid and that the owner of the property therein described is entitled to have satisfaction thereof entered on the register of special assessments for improvements. The City Clerk shall file such certificate upon receipt of the same and shall certify on the back of such bill that such satisfaction has been properly entered on such register. When payment of a special tax bill in full, with interest, shall be made directly to the City Clerk he shall prepare a certificate, a copy of which shall serve as a receipt, indicating that such payment has been made and that the owner of the property described in the tax bill is entitled to have satisfaction thereof entered on the register of special assessments for improvements, which certificate shall be filed with the certificates hereinbefore required, and the City Clerk shall at the time enter satisfaction of such tax bill on the register of special assessments for improvements. The City Clerk shall then secure the tax bill from the legal holder thereof, certifying on the back of such tax bill that satisfaction has been properly entered on the record, and endorsing a receipt on the back of the bill for the amount paid; thereafter surrendering the tax bill to the person having paid such bill.
- C. *Lost Tax Bill Prior to Satisfaction.* If any tax bill shall be lost before satisfaction thereof has been entered on the record of special assessments, the City Clerk shall, upon the affidavit of the person entitled to such bill that the same has been lost, together with the affidavit of the contractor or his assignee that the same has been paid, if payment shall be made to the legal holder thereof, enter satisfaction of such bill on the register of special assessments. (CC 1984 §45.060)

**SECTION 505.070: LIEN AGAINST PROPERTY**

Every special tax bill issued by the City in payment of public works constructed shall be a lien against the property therein described, from the date of its issuance, which lien shall continue for a period of six (6) years thereafter, unless otherwise provided by special ordinance, but if suit is brought on any such tax bill within the time herein limited, the lien shall continue until the termination of the legal

proceedings to collect the same, including any sale of the property charged. Every such special tax bill and lien thereof shall be assignable, and any such tax bill, with the interest therein provided, may be collected by suit by the owner thereof, in the name of such owner, in any court of competent jurisdiction. In the institution of such suit, it shall be sufficient for the plaintiff to plead the making and issuance of the tax bill sued on, giving date and contents thereof, and assignment thereof, in case of assignment, and alleging that the party or parties made defendant, own or claim to own the land charged or some estate or interest therein, as the case may be. (CC 1984 §45.070)

**SECTION 505.080: PARTIAL RELEASE OF TAX BILL LIEN**

- A. The holder of a special tax bill may release from the lien of said bill a portion of the property against which the tax bill was issued by producing the tax bill before the City Clerk and by presenting to the City Clerk a signed statement substantially in the following form:

**PARTIAL RELEASE**

The undersigned, holder of special tax bill No. \_\_ issued by the City of Buffalo, Missouri, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, hereby releases the following described property from the lien of said special tax bill, to-wit: (description of property released) said property being a portion of the entire tract against which said special tax bill was issued. Dated:

- B. Upon receipt of a statement of partial release, the City Clerk shall stamp or otherwise note upon the tax bill the words "partially released," and shall certify upon the statement that the tax bill described therein was produced before him, giving the date thereof, and reciting that he marked the words "partially released" upon the tax bill.
- C. The City Clerk shall cause to be kept all statements of partial release of special tax bills in one (1) or more books kept for that purpose, and whenever the lien of any special tax bill has been partially released the City Clerk shall enter in the register of special assessments, in the place where said special tax bill is recorded, the words "partially released." (CC 1984 §45.080)

**SECTION 505.090: PRIORITY OF TAX BILLS FOR LIEN PURPOSES**

Priority for lien purposes between special tax bills issued by the City after June 1, 1988, shall be determined in accordance with the date of issuance of the tax bill with the tax bill that is issued first in time having the first priority. (CC 1984 §45.090)

**SECTION 505.100: PRIMA FACIE EVIDENCE OF CERTAIN FACTS—ACTIONS AND JUDGMENTS ON SAME**

A special tax bill shall, in any action thereon, be prima facie evidence of the validity of the bill, of the doing of the work, of the furnishing of material charged for and of the liability of the property to the charge stated in the bill; provided, that any defendant may plead in reduction of the bill any mistake or error in the amount thereof, or that the work was not done according to the provisions of the contract. No suit on any tax bill shall be affected by any irregularity affecting the other tax bills or rendering any other tax bill invalid in whole or in part. If the plaintiff recovers in his suit, the judgment shall be special and the plaintiff shall recover the amount found due which shall include interest and costs with a reasonable attorney's fee to be levied on the land described in the tax bill and shall be satisfied on



special execution issued to sell the land in payment of such judgment, interest and costs. Such judgment shall bear interest at the same rate as the tax bill. (CC 1984 §45.100)

**SECTION 505.110: PROCEDURE WHEN WORK PERFORMED BY CITY**

Notwithstanding any other provisions of this Chapter to the contrary, whenever the City Administrator shall deem it advisable that a public improvement, to be paid for in whole or in part by special tax bills or special assessments, shall be constructed in whole or in part by the City's own departments and employees, then the following procedure shall be followed:

1. The report of the City Administrator submitted under this Chapter shall set forth in fact that the City Administrator deems it advisable to construct all or part of the improvements by the City's own departments and employees and shall suggest the part thereof to be so constructed.
2. Whenever the special assessment will be levied for the cost of the improvements against the square footage or running footage of property within a district, the Board of Aldermen shall by an ordinance establish and define the district or joint district.
3. The City Administrator shall cause to be prepared, filed with the City Clerk and submitted to the Board of Aldermen, plans, specifications and estimate of cost for the proposed improvement.
4. The Board of Aldermen shall by resolution declare the work or improvement necessary, state the nature thereof, and the method of payment therefore, refer to the parts thereof to be constructed by the City's own departments and employees, and refer to the plans, specifications and estimate of cost filed in the office of the City Clerk. In addition, the resolution shall call for and establish a time and place for a public hearing to be held upon the proposed improvement before the Board of Aldermen where all persons to be affected by the improvement shall have the right to appear present their views as to the necessity for the proposed improvement, the location and the extent of the district boundaries, and the proposed method of construction and payment therefore. The resolution shall thereupon be published in some weekly newspaper printed in the City for three (3) consecutive issues and at the same time the resolution shall be posted in not less than three (3) conspicuous places within the limits of the improvement, district or joint district. The public hearing shall be held not less than seven (7) days from the date of the last newspaper publication of the resolution of necessity.
5. After the Board of Aldermen shall have held the public hearing referred to in Subsection (4) and if it determines to proceed with the improvement, it shall by ordinance confirm the previous actions taken in the establishment of the boundaries of the district or joint district, if so, and in the passage of the resolution of necessity; adopt the plans and specifications filed with the City Clerk; provide for the improvement; and specify the interest rate and manner of payment of special tax bills to be issued for payment in whole or part of the improvement provided for in the resolution of necessity.
6. Thereafter, if only a part of the work is to be performed by City departments and employees and a part is to be performed by a contractor, the City Administrator shall advertise for bids for such part to be performed by a contractor according to the plans and specifications provided by publication in some weekly newspaper printed in the City for three (3) consecutive issues. On receipt of such bids, the City Administrator shall, in his office or other place set at the time designated by him in the advertisement for bids, publicly open and read them and shall thereafter in writing report to the

Board of Aldermen the name and bid of the lowest responsible bidder. Whereupon, the Board of Aldermen may by ordinance authorize the City Administrator to approve a bond for the constructor for the payment by the contractor for all labor done or materials used in such improvement by him and for his performance of the work. The contract and bond need not be confirmed by ordinance. Where no bids are received or all bids are ineligible for any reason, the City Administrator may re-advertise as often as he shall deem it expedient.

7. After the Board of Aldermen shall have authorized the contract for the portion of the work to be performed by a contractor, if so, and if there is no such contract, then immediately after the passage of the ordinance referred to in Subsection (5) of this Section, the City Administrator shall be authorized to cause the work to be done by the City-owned departments and City employees as called for by the resolution of necessity. All work shall be performed by the appropriate department under the direction of the supervisor of such department(s) and the City Administrator. The City Administrator shall cause and assist the supervisor or other person in charge of the work to be performed by the City to keep an accurate record of all the costs of the City for the construction of such work including the actual costs of labor and materials, insurance premiums, rental of equipment, and other costs directly related to the performance of the work. At the completion of all of the work in accordance with plans and specifications, the supervisor of the department performing the work or the other person in charge thereof shall certify to the City Administrator the actual costs to the City as aforesaid for the performance of such work which shall include the cost to the City for acquisition of rights-of-ways, easements, abstracting, engineering and publications.
8. After the cost of the work performed by the City shall have been certified to the City Administrator and after the work to be performed by a contractor, if any, shall have been completed in accordance with the plans and specifications, the City Administrator shall in writing so report to the Board of Aldermen. The Board of Aldermen shall then by ordinance accept the improvement and for that part to be paid by special assessment, levy and assess a special tax and may order the issuance of special tax bills in payment of the same. If only a portion of the work was performed by the City, then special tax bills shall be issued to the City in the amount of the cost to the City certified as aforesaid to the City Administrator for so much thereof as was by the resolution of necessity to be assessed, and for that portion of the work performed by a contractor, if so, tax bills shall be issued to the contractor in the amount owing to the contractor for such work, save any amount authorized by the resolution of necessity to be paid to the contractor in cash from the funds of the City. (CC 1984 §45.110)

#### **SECTION 505.120: ACCEPTANCE OF EASEMENTS**

The City Administrator may accept easements on behalf of the City under the following conditions:

1. When the easement is offered at no cost to the City; or
2. The easement is adjacent to or any extension of an existing easement or improvement owned by or dedicated to the City;
3. The easement is necessary for the construction or maintenance of a public improvement or storm water drainage area; or

4. The easement is necessary or expedient:
  - a. As part of a project approved by the Board of Aldermen; or
  - b. To follow a maintenance directive of the Board of Aldermen; or
  - c. To improve storm water drainage to a natural or public waterway; or
  - d. To obtain additional right-of-way up as needed by the City. (CC 1984 §45.120)

**SECTION 505.130: AUTHORITY TO SUSPEND OR DEBAR**

The Board of Aldermen shall have authority to suspend or debar a person from consideration for bid awards involving any public works improvement project of the City, including boards and agencies. A suspension may be for up to six (6) months. A debarment may be from six (6) months to two (2) years in length. (CC 1984 §45.130)

**SECTION 505.140: SUSPENSION AND DEBARMENT PROCEDURES**

- A. Notice of suspension or debarment shall be given by certified mail from the City Administrator at least fourteen (14) days prior to the effective date of the suspension or debarment.
- B. The person to be suspended or debarred has a right to a hearing, if requested, within fourteen (14) days after mailing of notice.
- C. The hearing shall be held promptly thereafter before the Hearing Officer. A Hearing Officer will be appointed by the City Administrator for this purpose. The Hearing Officer shall have all powers necessary to conduct the hearing.
- D. The City Attorney, on behalf of the City, or any party to the proceeding may request that the Hearing Officer issue subpoenas for witnesses or subpoenas duces tecum. The Hearing Officer shall cause a record of the case to be kept, and copies shall be made available to any interested person upon the payment of a fee. The hearing need not be conducted according to the rules of evidence. Any relevant matter may be admitted and considered by the Hearing Officer if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. Objections to evidence shall be noted, and the Hearing Officer may rule on such objections.
- E. The decision of the Hearing Officer shall be in writing and shall be subject to appeal under Chapter 536, RSMo. All decisions of the Hearing Officer shall be final decisions thirty (30) days after the mailing of personal service of the decision.
- F. Suspension or debarment will not be stayed during the pendency of any hearing or appeal except by an order of the Circuit Court. (CC 1984 §45.140)

**SECTION 505.150: CAUSES FOR SUSPENSION OR DEBARMENT**

The causes for suspension or debarment include the following:

1. Conviction within the last ten (10) years for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
2. Conviction within the last ten (10) years under State or Federal Statutes for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a contractor.
3. Conviction within the last ten (10) years under State or Federal Statutes arising out of the submission of bids or proposals.
4. Violation within the last two (2) years of contract provisions, as set forth below, of a character which is regarded by the Director of the Contracting Department or Board to be so serious as to justify debarment action:
  - a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
  - b. A record of failure to perform or of unsatisfactory performance in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;
5. Violation of general ethical standards in relation to gratuities or kickbacks involving City contracts;
6. Any other cause the Director of the Contracting Department, Board or agency determines to be so serious and compelling as to affect responsibility as a contractor. (CC 1984 §45.150)

**ARTICLE II. MISCELLANEOUS PROVISIONS**

**SECTION 505.160: ISSUANCE OF PERMITS FOR PRIVATE CONSTRUCTION OF STREETS AND OTHER PUBLIC IMPROVEMENTS**

- A. *Paving Streets.* Whenever there shall be any existing street right-of-way within the City which is not paved upon the roadway portion thereof to the usual standards of the City, and there shall be persons abutting thereon or the developers of land thereby who shall desire to pave at no cost to the City and roadway to the grade established therefore, and to the width established by the master thoroughfare plan or so much thereof as is then usually required of a subdivider of land for a new street, then if the person or persons desiring to pave said roadway shall:

1. Agree to pave the same in accordance with the usual standards of the City to the grade and width aforesaid either with concrete or with asphaltic concrete; and
  2. Shall pay to the City the appropriate engineering fees therefore as provided from time to time by resolution of the Board of Aldermen in accordance with the estimate of costs for the construction thereof made by the City Administrator; and
  3. Shall provide plans for said improvement suitable to the City Administrator, and
  4. Shall file with the City Clerk a suitable policy of public liability insurance indemnifying and defending the City against claims growing out to the construction for injuries to persons or property in such limits as are customarily required by the City at that time for the pavement of streets by special assessment; and
  5. If the applicant shall also provide a bond guaranteeing the completion of the improvement in accordance with the plans therefore, and the City's specifications and guaranteeing the payment of all labor and materials used therein and in all other ways complying with the requirements for bonds on public works projects.
- B. *Other Improvements.* Whenever any person or his contractor shall desire to construct at not cost to the City any public improvement upon public right-of-way or easements in order to comply with the subdivision regulations of the City and that person or his contractor shall:
1. Agree to construct the work in accordance with the usual standards of the City; and
  2. Pay to the City the appropriate engineering fees therefore as provided from time to time by resolution of the Board of Aldermen of the City in accordance with the estimate of costs for the construction thereof made by the Director of Public Works; and
  3. Provide plans for said improvement suitable to the City Administrator; and
  4. File with the City Administrator a suitable policy of public liability insurance naming the City of Buffalo as an additional insured against claims growing out of the construction for injuries to persons, including death and injuries to property in such limits as are customarily required by the City at that time for similar public improvements constructed under public contract; and
  5. Also provide a bond guaranteeing the completion of the improvement in accordance with the plans and the City specifications therefore and guaranteeing the payment of all labor and materials used therein, and in all other ways complying with the requirement for bonds on public works projects.
  6. In lieu of providing the bond described in Subsection (5) above, the person may submit an escrow agreement, letter of credit, or other appropriate security agreement approved by the City Attorney and the City Administrator;
- C. In that event the City Administrator is hereby authorized to issue a permit for such construction upon application therefore by such person or his contractor.

- D. *Default.* In the event the bond, escrow agreement, letter of credit, or other security document is placed in default, or the insurance is terminated or not maintained at a satisfactory level, then no further permits or approvals, including building permits, shall be issued for the property for which the security was given, until the improvements are completed to the satisfaction of the City. (CC 1984 §45.600)

## **CHAPTER 510: STREETS, SIDEWALKS AND DRIVEWAYS**

### **ARTICLE I. STREET PAVING**

#### **SECTION 510.010: APPLICATION FOR PROJECT—PREPARATION OF PRELIMINARY REPORT BY CITY ADMINISTRATOR**

Upon the application of any person for the paving of any street, or upon his own recommendation, the City Administrator shall prepare and submit to the Board of Aldermen a preliminary report setting out substantially the paving proposed, together with such other information and date when the Street Department may be available to perform any such proposed improvement. (CC 1984 §45.210)

#### **SECTION 510.020: AUTHORIZATION OF WORK BY BOARD OF ALDERMEN**

Any proposed paving project improvement shall be initiated by a resolution of the Board of Aldermen authorizing the City Administrator to proceed with the engineering or such proposed improvement. Such resolution may be submitted by the City Administrator at the same meeting that the preliminary report set forth in Section 510.010 of this Chapter is submitted, or at any subsequent meeting of the Board of Aldermen, at the discretion of the City Administrator. (CC 1984 §45.220)

#### **SECTION 510.030: PROCEDURE RELATIVE TO APPROVAL AND PAYMENT OF COSTS**

In the improvement of public highways, including streets, avenues, alleys and squares, to be paid for in whole or in part by special tax bills upon real property or by use of the General Fund, reimbursed by the collection of such tax bills, the following procedure shall be used:

1. The City Administrator shall cause to be prepared, filed with the City Clerk, subject to inspection of the public, and submitted to the Board of Aldermen, plans, specifications and estimates of cost of the proposed improvement.
2. The Board of Aldermen shall, by resolution, declare the work or improvement necessary, state the nature thereof and the method of payment and refer to the plan, specifications and estimates of cost filed in the office of the City Clerk. The Board of Aldermen shall cause the resolution to be published in some weekly newspaper printed in the City for three (3) consecutive issues, and, at the same time, shall cause not less than three (3) copies of the resolution to be posted in conspicuous places within the limit of the proposed improvement. If a majority of the resident owners of the property liable to taxation therefore, at the date of the passage of the resolution authorizing engineering as provided by Section 510.020 of this Chapter, who shall own a majority of the front feet abutting on the highway or part thereof proposed to be improved do not, within ten (10) days after the completion of such publication, file with the City Clerk their protest against such improvement, the Board of Aldermen may, by ordinance, adopt the plans and specifications filed with the City Clerk, establish or re-establish the grade and curb line, provide for the improvement and specify the interest rate and manner of payment of special tax bills issued pursuant thereto, and the City Administrator shall advertise for bids therefore, according to the plans and specifications provided, by publication in some daily

newspaper published in the City for three (3) consecutive issues. On receipt of such bids, the City Administrator shall, at the time and place designated by him in the advertisement for bids, publicly open them and in writing report to the Board of Aldermen the name and bid of the lowest responsible bidder. No bid may be considered which is above the estimate of cost previously filed. Thereafter, the Board of Aldermen may, by ordinance, authorize the City Administrator to enter into a contract with such bidder for the work on behalf of the City, and require and authorize the City Administrator to approve a bond from the contractor for faithful performance of the contract and for the payment by the contractor for all labor done or materials used in the improvement. The contract and bond need not be confirmed by ordinance. Where the bids are above the estimate or no bids are received or for any reason a legally enforceable contract cannot be let, re-advertisement for bids by the City Administrator may be had as often as may be deemed expedient. (CC 1984 §45.230)

## **ARTICLE II. SIDEWALK REPAIRS**

### **SECTION 510.040: SIDEWALKS - GENERAL**

- A. *General Maintenance.* The owners and/or occupants of all premises shall keep the sidewalks in front of and adjoining the property owned, controlled or occupies by them swept, clean and free from any type of obstruction. No person owning, controlling or occupying or any property in the city shall permit trees or shrubs on such property to hang over so as to obstruct or interfere with the safe use of sidewalks, streets or alleys. The City shall have the right to trim any and all trees or shrubs and to remove any and all limbs or branches as necessary for the safe use of sidewalks.
- B. *No Goods for Sale on Sidewalk.* No goods or wares shall be placed on any public sidewalk within the City.
- C. *Repairs.* It shall be the duty of every property owner to keep the sidewalks, curb and gutter and driveway entrances adjacent to his/her property in good repair at all times and free from irregularities and offsets in the surface thereof which may render the same unsafe for use. (CC 1984 §45.300; Ord. No 17-05; §2, 4-10-17)

### **SECTION 510.050: SIDEWALK REPAIRS AND REPLACEMENT**

- A. *Repair of Defective Sidewalks.* The Mayor or Board of Alderman may order the repair, removal and/or replacement of sidewalks, where such sidewalks are located upon public right-of-way. The City shall have no duty to repair or replace sidewalks where located upon private property.
- B. *Shared Cost.* When requested by property owner and agreed to by the Board of Alderman, repair or replacement of sidewalks may be done with the expense being borne equally between the property owner and the City of Buffalo. When the work is done by City employees the expense shared with the property owner shall be limited to cost of supplies. When work done by contractor the bidding process shall comply with Chapter 146 of this Code. (CC 1984 §45.310; Ord. No 17-05; §2, 4-10-17)



## **ARTICLE III. DRIVEWAYS**

### **SECTION 510.060: PERMIT REQUIRED**

No person, firm or corporation shall hereafter construct, build, establish or maintain any driveway over, across or upon any portion of the public sidewalk, public street, or public parkway without first having obtained a written permit to do so from the Superintendent of the Street Department. Application for permit must be made in writing upon forms furnished by the City. The cost of the permit shall be ten dollars (\$10.00). (CC 1984 §63.010)

### **SECTION 510.070: METHOD OF CONSTRUCTION**

All persons, firms or corporations obtaining a permit under Section 510.060 of this Chapter must choose one (1) of the two (2) following methods for construction of the driveway entrance:

1. Request the City to provide all labor and machinery for the construction of the driveway entrance for a charge to be set by the Board of Aldermen.
2. Place a one hundred dollar (\$100.00) cash bond with the City Collector which will be returned upon approval of the driveway entrance by the Superintendent of the Street Department. (CC 1984 §63.020)

### **SECTION 510.080: MATERIALS**

Regardless of which method of constructing the driveway entrance is selected, the person, firm or corporation must furnish all materials which are to be used in the construction or repair of said driveway entrance and these materials must be approved in writing by the Superintendent of the Street Department. (CC 1984 §63.030)

### **SECTION 510.090: WIDTH**

All driveway entrances constructed in the City of Buffalo; hereafter must be a minimum of twenty (20) feet in width. (CC 1984 §63.040)

### **SECTION 510.100: NOTICE TO REPAIR**

In instances where the Superintendent of the Street Department determines that entrances to private driveways are in an unsafe condition, dangerous condition, or impeding the flow of water in the drainage ditch over which they are constructed, the Superintendent shall notify by the U.S. mail addressed to the last known address, the owner of the property abutting said driveway entrance as shown on the tax roll of the City or by posting the notice on the property abutting the driveway entrance stating that said driveway entrance is in need of repair and that said owner of the real estate must repair said driveway entrance. (CC 1984 §63.050)

**SECTION 510.110: WHEN CITY TO DO WORK**

In the event that the owner of the real estate abutting a driveway entrance does not repair said driveway entrance as required by the Superintendent of the Street Department within ninety (90) days after receiving notice as described in Section 510.100 of this Chapter, the Board of Aldermen may order the Superintendent of the Street Department to cause the work to be done and the necessary material furnished, and the cost of same shall be billed to the owner and in the event of non-payment of said bill then such costs shall be assessed as a special tax against the property and shall be a lien upon the property and shall bear interest at the rate of ten percent (10%) per annum until paid. (CC 1984 §63.060)

**CHAPTER 515: SEWER AND WATER**

**ARTICLE I. SEWER DISTRICTS**

**SECTION 515.010: APPLICATION FOR ESTABLISHMENT OF SEWER DISTRICT—  
PRELIMINARY REPORT BY CITY ADMINISTRATOR**

Upon the application of any person for the establishment of a sewer district, or upon his own recommendation, the City Administrator shall prepare and submit to the Board of Aldermen a preliminary report setting out substantially the district proposed, together with such other information and data as may be available from the Sewer Department concerning any such proposed improvement. (CC 1984 §45.400)

**SECTION 515.020: AUTHORIZATION BY BOARD OF ALDERMEN**

Any proposed sewer district shall be initiated by resolution of the Board of Aldermen authorizing the City Administrator to proceed with the engineering for such proposed improvement. Such resolution may be submitted by the City Administrator at the same meeting that the preliminary reports set forth in Section 515.010 of this Chapter are submitted, or at any subsequent meeting of the Board of Aldermen, at the discretion of the City Administrator. (CC 1984 §45.410)

**SECTION 515.030: EXCLUSION OF PROPERTY FROM SANITARY SEWER DISTRICTS**

- A. *Conditions.* A property owner may request that the Board of Aldermen exclude certain property from a sanitary sewer district subject to a finding by the Board of Aldermen that the following conditions have been satisfied:
  - 1. Upon a finding by the Board of Aldermen prior to the formation of the sewer district that the property cannot be developed because building permits cannot be issued on the property to be excluded, because the property is located in the floodplain of the City or in a sinkhole or other similar area that cannot be reasonably developed under the ordinances of the City.

2. Upon condition that the property owner agrees that he will not develop the property or use the property in conjunction with development for a minimum period of fifteen (15) years. The property owner shall sign an agreement with the City to forego development rights on the property under consideration, which agreement shall be recorded in the Dallas County Land Records and shall run with the land.
  3. The property owner agrees that the land excluded from the sewer district may be used only for open space, park area, agricultural land if permitted under the City ordinances, or other similar uses.
  4. In the event the property is developed after the fifteen (15) year moratorium, the property owner agrees to forfeit to the City a penalty to be established as a condition of the exclusion.
  5. The property owner foregoes his right to connect to City sewers for fifteen (15) years.
- B. *Findings Prerequisite to Formation of District—Effect of Exclusion.* The Board of Aldermen shall make the above-described findings before the Board of Aldermen forms a sanitary sewer district as a condition of excluding said property from the sewer district. Nothing contained herein shall be construed to prohibit the Board of Aldermen from excluding land from a sewer district when the request for exclusion is initiated by the Sewer Department, the City Administrator or Board of Aldermen. By excluding the property from the sewer district, the City does not waive its right to tax said property in the future for such purposes, provided in the event the property is included in a sewer district, limitations on the use of said property shall be terminated. (CC 1984 §45.420)

**SECTION 515.040: FINDINGS RELATIVE TO LIFT STATIONS OR FORCE MAINS—WHEN TO BE INCLUDED IN CONSTRUCTION**

The Board of Aldermen finds that lift stations and force mains designed to lift sewage which has flowed by gravity to a low area having no outlet from such area to places from which it can continue to flow by gravity to an outlet or treatment facility are a vital and necessary part of any sewer system; therefore, whenever the preliminary report referred to in Section 515.050 shall note that any district or joint district is required for the property drainage of the area that a sewer lift station and force main be constructed, and the Board of Aldermen shall authorize engineering for the proposed sewer district as provided in Section 515.020 of this Code, then under those events the proceedings relative to construction of facilities in said district or joint district shall be the same proceedings as provided in Section 515.050 of this Code, except that the resolution required in Subsection (3) of Section 515.050 shall note that the construction proposed includes a lift station and a force main. The cost of the construction of such lift station and force main shall be assessable against the lands located in the district or joint district in the same manner as provided for district and joint district sewers. (CC 1984 §45.430)

**SECTION 515.050: CONSTRUCTION OF SEWERS TO BE FINANCED BY MEANS OF SPECIAL TAX BILLS OR FROM GENERAL FUND**

In the construction of sewers, sanitary and storm, to be paid for in whole or in part by special tax bills upon real property or use of the general funds, reimbursed by the collection of special tax bills, the following procedure shall be followed.

1. The Board of Aldermen shall, by ordinance, establish and define the district or joint district in which sewers are to be constructed.
2. The City Administrator shall cause to be prepared, filed with the City Clerk and submitted to the Board of Aldermen the plans, specifications, and an estimate of cost of the proposed improvement.
3. The Board of Aldermen shall, by resolution, declare the work or improvement necessary, state the nature thereof and the method of payment therefore and refer to the plans, specifications and estimate of cost filed in the office of the City Clerk. The Board of Aldermen shall cause the resolution to be published in some weekly newspaper printed in the City for three (3) consecutive issues, and at the same time shall cause not less than three (3) copies of the resolution to be posted in conspicuous places within the limits of the district. The Board of Aldermen shall take no further action upon the proposed improvement until at least seven (7) days shall have passed from the date of the last newspaper publication.
4. Thereafter, the Board of Aldermen may, by ordinance, adopt the plans and specifications filed with the City Clerk, provide for the improvement and specify the interest rate and manner of payment of special tax bills issued pursuant thereto, and the City Administrator shall advertise for bids thereafter, according to the plans and specifications provided by publication in some weekly newspaper reprinted in the City for three (3) consecutive issues. On receipt of such bids, the City Administrator shall, at the time and place designated by him in the advertisement for bids, publicly open them and in writing report to the Board of Aldermen the name and bid of the lowest responsible bidder. No bid may be considered which is above the estimate of cost previously filed. Thereafter, the Board of Aldermen may, by ordinance, authorize the City Administrator to enter into a contract with such bidder for such work on behalf of the City, and require and authorize the City Administrator to approve a bond from the contractor for the payment by the contractor for all labor done or materials used in such improvement. When the bids are above the estimate or no bids are received or for any reason a legally enforceable contract cannot be let, re-advertisement for bids by the City Administrator may be had as often as may be deemed expedient. (CC 1984 §45.440)

**SECTION 515.060: CONSTRUCTION OF SEWERS TO BE FINANCED BY SPECIAL ASSESSMENT THROUGH ISSUANCE OF SPECIAL TAX BILLS**

Notwithstanding any other provisions of the ordinances of the City to the contrary, the City may proceed with the construction of sanitary sewers or storm sewers to be paid for in whole or in part by special assessment against benefited properties by the issuance of special tax bills against such properties in accordance with the following procedure:

1. The Board of Aldermen shall by ordinance establish and define the district or joint district in which the sewers are to be construed.
2. The City Administrator shall cause to be prepared and filed with the City Clerk and submitted to the Board of Aldermen, plans, specifications, and a sealed estimate of cost for the proposed improvement.
3. Thereupon, the Board of Aldermen shall by ordinance adopt the plans and specifications aforesaid, provide for the improvement and authorize the City Administrator to advertise for sealed bids,

therefore, according to the plans and specifications, by publication in some daily newspaper printed in the City for three (3) consecutive issues. On receipt of the bids the City Administrator shall at the time and place designated by him in the advertisement cause them to be publicly opened and in writing report to the Board of Aldermen the name and bid of the lowest responsible bidder. All bidders shall be required to agree that their bids may not be withdrawn for a period of thirty (30) days from the date of the bid opening specified in the bid notice. The City Administrator shall announce the engineer's estimate by filing a copy of the estimate with the City Clerk after bids are opened.

4. At the first meeting of the Board of Aldermen following the receipt of bids, the Board of Aldermen shall adopt a resolution describing the work to be done, referring to the plans and specifications for the work, declaring the work to be necessary, specifying the manner of issuance and manner of payment of special assessments and special tax bills in payment therefore and providing for the same to be issued to the City at an interest rate to be determined by sealed bids taken for the sale of said tax bills, and setting forth the amount of the bid for the work and the amount of engineer's estimate. At the same meeting at which this resolution is presented to the Board of Aldermen for passage, the City Clerk shall publicly open the sealed estimate of cost prepared by the City Administrator and the amount thereof shall be spread upon the public record of the meeting. The resolution aforesaid shall authorize the City Administrator to offer for sale without recourse to the lowest responsible bidder, based upon the lowest overall interest rate proposed, the special tax bills to be issued against the benefited property. As soon as the resolution shall have been passed, it shall be published in some weekly newspaper printed in the City for three (3) consecutive issues and at the same time not less than three (3) copies of the notice shall be posted in conspicuous places within the limits of the district or joint district.
5. Upon the passage of the resolution, the City Administrator shall proceed to solicit sealed bids from interested persons or corporations for the sale of said special tax bills. The City Administrator shall prepare an appropriate notice of sale which shall be published in some weekly newspaper printed in the City for at least three (3) consecutive issues and the date of sale shall not be sooner than five (5) days from the date of the publication of the notice. The bid notice may require a surety or guarantee by the bidders that the successful bidder will purchase the special tax bills at the time the same shall be issued upon demand by the City. On the day and at the time and place set forth in the notice for the receipt of bids, the City Administrator shall open all bids received and the same shall be read aloud and immediately reported to the Board of Aldermen at the next Board meeting with the name and bid of the apparent lowest bidder.
6. At the meeting at which the City Administrator shall report the name of the lowest responsible bidder for the sale of the special tax bills the Board of Aldermen may adopt an ordinance authorizing the City Administrator on behalf of the City to enter into a contract with the lowest responsible bidder for the construction of the work and require and authorize the City Administrator to approve a bond from the contractor for the payment by the contractor for all labor done and materials used in the improvement and for the performance thereof, which contract and bond need not be confirmed by ordinance, and the Board of Aldermen shall in the same ordinance authorize a contract for the sale of the special tax bills to the lowest responsible bidder, which contract likewise need not be confirmed by ordinance and shall be executed on behalf of the City by the City Administrator. Both the contract for the improvement and the contract for the sale of the special tax bills shall be contingent upon the execution of the other. The same ordinance shall

appropriate the proceeds to be derived from the sale of the special tax bills for the payment to the contractor for the construction of the project.

7. Whenever during the proceedings afore-described no bids shall be received or when the bids received do not comply with the bid notice or the terms of the ordinances or resolutions authorizing the improvement, the City Administrator is authorized to reject the bids on behalf of the city and if he believes bids may be received in accordance with the terms of the ordinances or resolutions providing for the improvement, he may thereafter call for new bids to be received.
8. Upon completion of the improvement and issuance of the special tax bills to the City as provided in the ordinances and resolutions relating to the improvement, the City Administrator shall immediately assign the said special tax bills without recourse in the name of the City to the purchaser thereof in accordance with the purchase agreement and the proceeds of the sale shall be dispensed to the contractor in payment for the work without further Board action being necessary. (CC 1984 §45.450)

#### **SECTION 515.070: SEWER REFUND FEE—PRIVATE CONTRACT**

- A. Whenever a person is constructing a sanitary sewer by private contract, which sewer is not otherwise required to be constructed by City ordinance, the City Administrator may enter into a contract with the approval of the Board of Aldermen whereby the City agrees with the person constructing the sanitary sewer that the City will refund to such person a sum of money called a refund fee which shall be computed and paid in the following manner.
- B. The refund fee shall be computed by subtracting the total pro rata contribution of all persons paying or agreeing to pay for the sewer prior to commencement of construction from the total cost of the project. The total pro rata contribution shall be computed by multiplying the cost per square foot of the project times the number of square feet owned by citizens who have paid or agreed to pay at least their proportionate share of the project cost. (CC 1984 §45.460)

#### **SECTION 515.080: ACQUIRING PRIVATE SEWERS**

Notwithstanding any other provision of the ordinances of the City to the contrary, the City may acquire any private sewer by condemnation or purchase. When acquiring private sewers the procedure shall be as follows:

1. The City Administrator shall present in writing to the Board of Aldermen his recommendation that the City acquire the private sewer, the proposed boundaries of the sewer district and his reasons for such recommendation.
2. The City Administrator shall cause to be published in not less than three (3) consecutive issues of a newspaper having a general circulation in the City, a public notice stating the fact that the City proposes to purchase a private sewer, setting forth the boundaries of the district, the estimated cost of the proposed purchase of the private sewer and stating the date and time of the public hearing to be held by the Board of Aldermen before considering the ordinance for passage. At the same time at least three (3) copies of such notice may be posted in conspicuous places within the confines of the district; except failure to make such posting shall in no way invalidate any tax bill proceedings.

3. The Board of Aldermen shall consider the City Administrator's recommendation and shall if it approves the acquisition of the private sewer, pass an ordinance authorizing acquisition of the private sewer, establishing the boundaries of the sewer district and setting forth the means by which the private sewer may be acquired and the amount and means of payment therefore.
4. Acquisition of a private sewer may be paid for in whole or in part by general funds or any other funds under the control of the City, by special assessments, or by special tax bills.
5. When any private sewer to be acquired is to be paid for by special tax bills, the ordinance authorizing acquisition of the private sewer shall authorize the City Administrator to offer the tax bills for sale without recourse to the lowest responsible bidder, based upon the lowest overall interest rate proposed, the special tax bills to be issued against the benefited property.
6. Upon the passage of the ordinance, the City Administrator shall proceed to solicit sealed bids from interested persons or corporations for the sale of said special tax bills. The City Administrator shall prepare an appropriate notice of sale which shall be published in some weekly newspaper printed in the City for at least three (3) consecutive issues and the date of sale shall not be sooner than five (5) days from the date of the first publication of the notice. The bid notice may require a surety or guarantee by the bidders that the successful bidder will purchase the special tax bills at the time the same shall be issued upon demand by the City.

On the day and at the time and place set forth in the notice for the receipt of bids, the City Administrator shall open all bids received and the same shall be read aloud and immediately reported to the Board of Aldermen at the next Board meeting with the name and bid of the apparent lowest bidder.

7. At the meeting of the Board of Aldermen at which the bids are read, the Board of Aldermen shall consider all bids submitted and at that time or a later meeting may pass a resolution authorizing the City Administrator to enter into a contract with the owner of a private sewer for the purchase thereof, and to enter into a contract with the lowest responsible bidder for the sale to such bidder of the tax bills; provided, however, that the Board of Aldermen reserves the right to reject any and all bids.
8. Whenever during the proceedings afore-described no bids shall be received or when the bids received do not comply with the bid notice or the terms of the ordinances or resolutions authorizing the improvement, the City Administrator is authorized to reject any and all bids on behalf of the City and if he believes bids may be received in accordance with the terms of the ordinances or resolutions providing for the improvement, he may thereafter call for new bids to be received.
9. Upon completion of the purchase of the private sewer, the City Administrator shall immediately assign said special tax bills without recourse in the name of the City to the purchaser thereof in accordance with the purchase agreement and the proceeds of the sale shall be dispensed to the contractor in payment for the work without further Board action being necessary. (CC 1984 §45.470)

**SECTION 515.090: OPERATION OF SEWERS OUTSIDE CITY**

- A. *Review Of Application By Planning And Zoning Commission; Terms And Conditions For Acceptance.* Upon the person petitioning the City Administrator requesting that the City own, operate and maintain sanitary sewers or sewage facilities outside the City limits, the City Administrator shall forward said application to the Planning and Zoning Commission for its consideration as to whether or not the City should own, operate and maintain said sewers or sewerage system. Upon the Commission finding that the applicant has satisfied the following conditions or has given assurances that he will satisfy the following conditions, the Commission may authorize the City Administrator to accept the dedication of said facilities upon such terms and conditions. Said conditions are as follows:
1. The sanitary sewers or sewerage system is located in a drainage area which is being served or will be served by the trunk sewers of the City;
  2. The sanitary sewers or sewerage system shall be inspected by the City and constructed in accordance with City standards and specifications, with the developer paying all costs incurred by the City for such inspection;
  3. The developer obtain all necessary approvals from the Department of Natural Resources of the State of Missouri or other agency;
  4. The developer agrees that upon the construction of the system in accordance with the specifications of the City that he will dedicate said system to the City for its use, operation and maintenance;
  5. The developer shall be required to enter into an agreement with the City to protect the City from any and all liabilities incurred during the developer's construction and ownership of said facility;
  6. The developer agrees to inform property owners of the City's use, operation and maintenance of such sewers and that the City will charge for the use, operation and maintenance of such sewers;
  7. The developer agrees to establish or provide assurances that there will be a mechanism available to the City for the collection of sewer bills.
- B. *Right To Appeal Decisions; Acceptance Upon Approval.* In the event the applicant or the City Administrator disagrees with a decision of the Planning and Zoning Commission, an appeal may be made to the Board of Aldermen. Upon approval by the Planning and Zoning Commission or Board of Aldermen, the City Administrator shall be authorized to enter into a contract to accept the dedication of the sewers upon terms and conditions set forth in this Section and upon such other terms as the City Administrator deems necessary to protect the City and the public health, safety and welfare. (CC 1984 §45.480)



**SECTION 515.100: APPLICABILITY OF OTHER CHAPTERS OF CODE**

Persons using or owning property connected to sewers which are accepted by the City pursuant to provisions set forth in Section 515.090 shall be subject to the sewer service charges set forth in Chapter 705 of this Code and all other provisions of said Chapter which are applicable to sanitary sewers. (CC 1984 §45.490)

## ARTICLE II. WATER MAIN EXTENSIONS

### SECTION 515.110: PETITIONS FOR EXTENSION BY SPECIAL ASSESSMENT

Petitions submitted seeking to initiate the extension of a water main to be paid for in whole or in part by special assessment against properties abutting the extension shall be signed by at least all of the owners having an ownership interest in at least one (1) tract or parcel of land assessable for the proposed extension. Petitions for such extensions shall be on forms approved by the City Administrator of the City and no such petition shall be filed with the City Clerk unless it shall first be exhibited to the Supervisor of the Water Department. After having been so exhibited, it shall, without alteration, be thereupon filed in duplicate with the City Clerk who then shall, on behalf of the petitioner, file one (1) copy thereof with the Board of Aldermen. (CC 1984 §45.500)

### SECTION 515.120: REPORT TO BOARD OF ALDERMEN ON PETITIONS

- A. After a petition shall have been filed with the City Clerk and Board of Public Utilities for the extension of the water main as provided in Section 515.110 of this Chapter, the petition, together with a report from the City Administrator on the feasibility of the proposed extension and the payment of all or part of the cost of extension thereof by special assessment, and a statement as to whether the City Administrator consents to proceeding further with the proposed project shall be submitted to the Board of Aldermen. Upon receipt of such report, if the City Administrator has consented to proceed further with the project, the Board of Aldermen may, by resolution, direct said City Administrator to perform the necessary engineering, prepare plans and specifications, and make an estimate of cost of the proposed extension. When complete, this information shall be transmitted to the Board of Aldermen together with a report as to what part, if any, of the cost of the proposed extension is to be paid from funds available to pay part or all of the cost of such extension. The report shall indicate the source and amount of such funds. The report shall further set forth whether the City Administrator:
1. Deems it advisable that the water main extension be constructed with employees of the City; and
  2. Consents to proceeding further with the project.
- B. A complete copy of the plans, specifications, estimate of cost and report shall be maintained on file in the City Clerk's office, subject to inspection by the public.
- C. The Board of Aldermen, when it has received the information directed to be prepared by this Section, shall, if it determines to proceed further and the City Administrator has indicated his consent in such report, pass a resolution of necessity, referring to the plans and specifications, the estimate of cost, and whether or not the whole or part of the extension is to be paid for by special assessments and the method of payment of such assessment, and cause the same to be published (and posted if it deems posting advisable). The action of the Board of Aldermen in so declaring the project necessary shall be subject to protest and determination. If no protest is filed, or is filed and determined to be insufficient, the City may, by ordinance, adopt the plans and specifications as on file in the Water Department of the City Utilities, provide for the water main extension, specify

the interest rate and manner of payment of special tax bills issued pursuant thereto, and authorize the work to be let by contract. (CC 1984 §45.510)

**SECTION 515.130: ADVERTISEMENT FOR BIDS AND ENTRY INTO CONTRACT**

Upon the Board of Aldermen, by ordinance, authorizing the extension of such water mains to be done by contract, the City Administrator shall advertise for bids therefore, according to the plans and specifications adopted, by publication in some daily newspaper published in the City for three (3) consecutive issues. On receipt of such bids, the City Administrator shall in his office, at the time designated by him in the advertisement for bids, publicly open them and in writing report to Board of Aldermen the name and bid of the lowest responsible bidder. No bid may be considered which is above the estimate of cost previously filed. Thereafter, the Board of Aldermen may, by ordinance, authorize the City Administrator to enter into a contract with such bidder for the work on behalf of the City, and require and authorize the City Administrator to approve a bond from the contractor for faithful performance of the contract and for payment by the contractor for all labor done or materials used in the project. The contract and bond need not be confirmed by ordinance. Where the bids are above the estimate or no bids are received or for any reason a legally enforceable contract cannot be let, re-advertisement for bids by the City Administrator may be had as often as expedient. (CC 1984 §45.520)

## CHAPTER 520: ADOPTION OF INTERNATIONAL CODES

### SECTION 520.010: PURPOSE

This Chapter establishes minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance and use of all buildings and structures; providing for the issuance of permits, collection of fees, making of inspections; providing for penalties for the violation thereof; known as the “Building Code”.

### SECTION 520.020: ADOPTION OF BUILDING CODES

The following Building Codes, three (3) copies of which are on file at City Hall, are adopted by the City of Buffalo, Missouri, for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said international codes are hereby referred to, adopted and made part of, as if fully set out in the Chapter, with the additions, insertions, deletions and changes, if any prescribed in Section 520.030 of this Chapter:

1. International Building Code 2018 including Appendixes A, B, C, D, E, F, G, H, I and K (Ord. No. 06-31 §1, 12-28-06; Ord. No. 19-18 §2, 7-8-19)
2. International Residential Building Code 2018 including Appendixes A, B, C, E, F, G, H, I, M, N, O, P, Q, R and S (Ord. No. 06-32 §1, 12-28-06; Ord. No. 19-18 §2, 7-8-19)
3. International Fire Code 2018 including Appendixes A, B, C, D, E, F, G, H, I, J, K, L, M and N (Ord. No. 07-02 §1, 3-15-07; Ord. No. 19-18 §2, 7-8-19)
4. National Electric Code 2017 (Ord. No. 06-33 §1, 12-28-06; Ord. No. 19-18 §2, 7-8-19)

### SECTION 520.030: ADDITIONS, INSERTIONS, CHANGES AND DELETIONS

- A. International Building Code 2018 is hereby revised:
  - Section 101.1 Insert: City of Buffalo.
  
  - Section 1612.3: City of Buffalo
  
  - Section 1612.3 Insert: September 15, 1983.
- B. International Residential Code 2018 is hereby revised:
  - i. Section R101.1 Insert: City of Buffalo
  
  - ii. Table R301.2 (1) Insert: not applicable
  
  - iii. Section P2603.5.1 Insert: 12 inches; 12 inches
- C. International Fire Code 2018 is hereby revised:
  - i. Section 101.1 Insert: City of Buffalo.

D. National Electric Code 2017 is hereby revised:

- i. Section 210.012 (A) delete “unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, sunrooms, recreation rooms, closets, hallways, laundry rooms, or similar rooms or areas”(Ord. No. 07-02 §2-3, 3-15-07; Ord. No. 19-18, §2, 7-8-19)

**SECTION 520.035: FENCES.**

1. All chain length fencing 48 inches or less and wooden fencing 36 inches or less are exempt from permitting requirement under this section.
2. Privacy fencing in front yard may not exceed 36 inches in height.
3. All other fencing must submit a permit fee of \$10 and a plan for installation. Construction of fencing shall not be started until plan is approved by the Building Inspector.
4. Building Inspector shall discuss the utility location with public works department and shall consider location of utilities prior to authorizing the construction to take place. (Ord. No. 19-18, §1, 7-29-19)

**SECTION 520.040: BUILDING FEES**

- A. Residential Structures – Limited to single family houses and duplexes.
  - a. All new construction above ground level \$.20 per square foot.
  - b. Basement with walls at least 8’ (eight feet) below ground level - \$.15 per square foot.
  - c. Solar permit fee \$60.
  - d. Roof, Electrical Only \$40.
  - e. Portable Building \$20.
  - f. Remodeling \$70.
  - g. Minimum fee for any residential construction is \$30.
- B. Commercial Structures – All uses other than single family houses and duplexes.
  - a. All new Construction - \$.35 per square foot.
  - b. Plan review fee \$30.
  - c. Minimum fee for any commercial construction is \$100.
- C. Other Fees
  - a. Re-Inspection Fee – There shall be a re-inspection fee for second and subsequent trips to perform re-inspections past the first scheduled inspection in each defined inspection phase, subject to the following. New construction shall be allowed two reinspection’s without fee for the entire permit, all additional re-inspections, including new construction re-inspections over

two shall be charged a \$15 re-inspection fee for each re-inspection. All re-inspection fees shall be paid prior to issuance of a certificate of occupancy.

- b. Mobile Home Placement Fee – There shall be a mobile home placement fee of \$150 for any mobile home placed on real estate located within the city limits.
- c. Carnivals - There shall be a fee of \$150 for any carnival operating within the city limits in addition to the business license fee.
- d. Penalty. There shall be a penalty of double the fee calculated under Paragraph A or B of this section for failure of an individual to obtain a permit prior to initiating or beginning construction.
- e. Contractor Penalty. Any person, including but not limited to a limited liability company or corporation, hired by a property owner or resident of Buffalo to perform work that fails to obtain a building permit or obtain an inspection prior to proceeding to perform additional work in the next phase of construction shall pay a penalty of \$100 for the first infraction, \$250 for the second infraction and \$500 for the third infraction. Any contractor that has failed to pay any penalty shall not be permitted to perform work within the city limits of Buffalo, and will not be issued additional building permits or inspection certification within the city limits of Buffalo until the penalty has been paid. (Ord. No. 07-03 §1, 3-15-07; Ord. No. 09-02 §2, 02-09-09, Ord. No. 15-01 §2, 1-12-15; Ord. No. 17-01 §2, 01-30-17; Ord. No. 22-05 §2, 09-12-22; Ord. No. 24-04 §2, 01-8-24)

**SECTION 520.050: ANNUAL FIRE SAFETY INSPECTION** – Deleted (Ord. No. 07-14 §1, 08-13-07; Ord. No. 07-17 §1, 09-10-07)

**SECTION 521.010: CONTINUOUS FOUNDATIONS**

All houses, buildings, tiny homes, manufactured homes, mobile homes, and prefabricated structures with the intended purpose for use as a residential property shall have a continuous foundation around the perimeter of said structure with the exception of decks. Piers for support inside the continuous foundation are permitted; however, all piers and foundations must meet current building code adopted by the City. (Ord. 21-06 §2, 6-14-21)

## **CHAPTER 525: RENTAL HOUSING OCCUPANCY CODE INSPECTIONS AND CERTIFICATES**

### **SECTION 525.010: PURPOSE AND SCOPE**

The general purpose of this Chapter is to protect the public health, safety, comfort, morals, and the general welfare of the people of the city. These general objectives include among other, the following specific purposes:

1. To protect the character and stability of residential areas within the city.
2. To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of buildings.
3. To provide facilities for light and ventilation, necessary to health and safety.
4. To prevent additions or alterations to existing dwellings that would be injurious to the life, health, safety, or general welfare of the occupants of such dwellings or neighboring properties.
5. To prevent overcrowding of dwellings by providing minimum space standards per occupant of each dwelling unit.
6. To provide minimum standards for the maintenance of existing residential buildings and to prohibit the spread of slums and blight.
7. To preserve the taxable value of land and buildings throughout the city.

### **SECTION 525.020: CONFLICTING PROVISIONS**

This Chapter establishes minimum standards for dwelling units and accessory buildings and does not replace or modify standards otherwise established for the construction, replacement, or repair of buildings except such as are in conflict with the provisions of this Chapter.

Any inconsistency or conflict between the provisions of this article or any existing ordinance shall not repeal such provision or ordinance; but the provisions of this Chapter shall be cumulative thereto.

### **SECTION 525.030: CONFORMANCE TO PROPERTY MAINTENANCE CODE REQUIRED**

Every building or its premises used in whole or in part as a home or residence or as an accessory structure thereof, of a single-family or person, and every building used in whole or in part as a home or residence of two or more persons or families, living in separate apartments, shall conform to the requirements of the Building Code, as adopted by the city, irrespective of when such buildings may have been constructed, altered, or repaired.

### **SECTION 525.040: INSPECTION AUTHORIZED; ACCESS**

The Building Inspector(s) or his designee is authorized and directed to make inspections and determine whether dwellings, dwelling units, rooming units, accessory structures, and premises located within the city conform to the requirements of the city. For the purpose of making such inspections, the Building Inspector(s) or his designee is authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, accessory structures, and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit, accessory structure, and its premises shall give the

Building Inspector(s) or his designee free access thereto at all reasonable times for the purpose of such inspection, examination, and survey.

#### **SECTION 525.050: OCCUPANCY PERMIT REQUIRED; FEES**

1. It shall be unlawful for any person to occupy or for any owner or agent thereof to permit the occupation of any building, or addition thereto, or part thereof, for any purpose until a certificate of occupancy has been issued by the Building Inspector(s) or his designee. Every owner, agent or manager of any building, or addition thereto, shall inform the Building Inspector or his designee whenever any portion of such building or any dwelling unit therein becomes vacant and request an inspection thereof under the provisions of this Chapter. The certificate of occupancy so issued shall state that the occupancy complies with all the provisions of this Article. This section shall not apply to any occupancy in existence on September 1, 2023, until vacancy of the rental unit occurs. If a rental unit is occupied before a "certificate of occupancy" is issued, an inspection fee in the amount established by ordinance will be required. If a landlord allows more than one violation, a summons to appear in municipal court will be issued.
2. The occupancy permit will be issued for each dwelling unit or building or portion thereof, occupied. It shall be unlawful for any person to knowingly make any false statement in his application for an occupancy permit as to the names, ages, relationship, or number of occupants who will occupy the premises.

#### **SECTION 525.060: INSPECTIONS AND CERTIFICATES OF COMPLIANCE**

If the inspected premises meets city standards, a certificate of occupancy shall be issued. The certificate of occupancy shall be valid as long as the unit is occupied by the current tenant. The tenant must bring the certificate of occupancy to sign up for utilities. Two copies of the occupancy permit and the inspection list are left at the site by the Building Inspector. Utilities will not be transferred into a tenant's name unless the certificate of occupancy accompanies the request.

#### **SECTION 525.070: INSPECTION FEES**

1. A fee in the amount established by ordinance shall be paid to the city and shall accompany each request for inspection of a single-family dwelling. For the purpose of this section, a dwelling unit occupied as a condominium shall be considered a single-family dwelling.
2. Except as otherwise provided, a fee in the amount established by ordinance for each inspection shall be paid to the city and shall accompany each request for inspection of a dwelling unit in a multifamily dwelling.
3. A penalty fee in the amount established by ordinance will be charged for each rescheduled inspection if an appointment is scheduled and the inspector is unable to get into the unit as scheduled by the applicant. This fee will be charged even if it is the second or subsequent inspection of the year, which does not require the payment.
4. Fees as set forth in this Section shall be as follows:
  - a. Rental Inspection Fee - \$25
  - b. Rental Inspection Fee if property is occupied before a certificate of occupancy is issued - \$50
  - c. Unavailability Fee - \$50



- d. Re-inspection Fee - \$25

**SECTION 525.080: NOTICE OF VIOLATION**

Whenever the Building Inspector(s) or his designate determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, he shall give notice of such alleged violation to the person responsible therefor which shall:

1. Be in writing.
2. Contain a statement of the reason why it is being issued. Allow a reasonable time for the performance of any act it requires (30 day maximum)
3. Contain an outline of the remedial actions which, if taken, will affect compliance with the provisions of this Chapter.
4. Be served upon the owner or his agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or on any such occupant, if a copy thereof is:
  - a. Served upon him personally;
  - b. Sent by certified mail to his last known address; or
  - c. Posted in a conspicuous place in or about the dwelling affected by the notice.

**SECTION 525.090: DESIGNATION OF DWELLINGS UNFIT FOR HABITATION**

The following may be designated as dwellings or dwelling units unfit for human habitation:

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public;
2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
3. One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public; or
4. One which does not substantially conform to this Article.

**SECTION 525.100: PLACARDING**

Any dwelling or dwelling unit which shall be found to have any of the defects set out in this Chapter shall be declared unfit for human habitation and shall be so designated and placarded by the Building Inspector(s) or his designate when the person responsible has failed to correct the condition set forth in a notice issued.

**SECTION 525.110: REMOVAL OF PLACARDS**

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as may be provided.

### **SECTION 525.120: RIGHT OF APPEAL**

Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may, within thirty (30) days from the receipt of the order of the Building Inspector, request and shall be granted a hearing on the matter before the Board of Adjustment.

### **SECTION 525.130: VACATION OF BUILDING**

1. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Building Inspector(s) or his designate, shall be vacated within a reasonable time as ordered by the Building Inspector(s) or his designate.
2. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the Building Inspector(s) or his designate. The Building Inspector(s) or his designate shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated.

### **SECTION 525.140: VACATED STRUCTURES TO BE MADE SECURE**

If a structure or part thereof is vacant or unfit for human habitation, occupancy, or use and is not in danger of structural collapse, the Building Inspector(s) or his designate may post a placard of condemnation on the premises and may order the structure closed up with plywood so as to prevent that structure from becoming a public nuisance. Upon failure of the owner to close up the condemned structure within the time specified in the order, the Building Inspector(s) or his designee shall cause those premises to be closed up with plywood through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the condemned structure is located and shall thereafter become a lien upon that real estate. In addition, any structure, which is ordered to be closed up, shall have at least one No-Trespassing sign posted in a prominent place on each of its outside walls. All closing up with plywood shall be done in accordance with regulations for such work kept on file in the office of the Building Inspector or his designate.

### **SECTION 525.150: REMEDY OF DEFECTS**

1. The owner of any building shall have thirty (30) days from the issuance of the notice to remedy the condition therein specified; provided, however, that the Building Inspector(s) or his designate may, at his discretion, extend the time for compliance with any such notice; and provided further, that no owner shall be held responsible for any condition that is not specifically described in such notice.
2. The failure of any owner to comply with any order of the Building Inspector(s) or his designate contained in the notice prescribed by section 525.080 within the time specified shall make such owner subject to the penalties provided for such offense.

## **SECTION 525.160: TRANSFER OF OWNERSHIP**

1. It shall be unlawful for the owner of any dwelling or dwelling unit upon whom a notice of violation or compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose of the dwelling to another until the provisions of the notice of violation or compliance order have been complied with, or until such owner shall first furnish to the grantee, lessee or mortgagee a true copy of any notice of violation or compliance order issued by the city administrator or his designate. A transferee, lessee, or mortgagee who has received actual or constructive notice of the existence of a notice of violation or compliance order shall be bound by such notice as of the date of the transfer without further service or notice upon him.
2. The owner to whom a dwelling or dwelling unit has been transferred may consent to make repairs which have been required by a notice of violation from the Building Inspector or his designee, by signing an agreement with the city agreeing to make the repairs required by the violation notice on or before a date as determined by the Building Inspector or his designee. Upon receipt of such agreement, the Building Inspector or his designee may issue an occupancy permit to be held by the city until such time as the repairs are completed by the new owner of the dwelling or dwelling unit. The form of this agreement shall contain the following:
  - a. Identity of the owner.
  - b. Description and location of the dwelling or dwelling unit.
  - c. List of all required repairs.
  - d. The date upon which repairs will be completed.

Executed and notarized signatures by both the new owner and the Building Commissioner.



## CHAPTER 600: ALCOHOLIC BEVERAGES

### SECTION 600.010 DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by 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 one-half of one percent (0.5%) by volume except for non-intoxicating beer as defined in Section 312.010, RSMo. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter, but subject to inspection as provided by Sections 196.365 to 196.445, RSMo.

*PERSON:* The term “person” as used in this Chapter shall mean and included any individual, association, joint stock company, syndicate, co-partnership, corporation, receiver, trustee, conservator, or other officer appointed by any state or federal court.

*PREMISES:* The term “premises” as used in this Chapter shall mean and include that part of the building where a licensee under this Chapter has his or her place of business and any additional building or parts of buildings used in connection with said business and the entire lot or lots, parcel or parcels of land on which said building or buildings are situated, and which are used in connection with said business. (CC 1984 §50.010; Ord. No. 13-08 §1, 9-9-13)

### SECTION 600.020 LICENSE FEES

It shall be unlawful for any person, firm, partnership, or corporation to manufacture, sell or expose for sale in the City intoxicating liquor in any quantity, without taking out a license. The fees for the licenses required by this Chapter shall be paid in advance, in cash, as follows:

1. Sale at Retail; Intoxicating Liquor; Original Package. For each license for the sale of any or all kinds of intoxicating liquor at retail in the original unbroken package or container only, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with the operation of one or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionary 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 of at least one thousand dollars, exclusive of fixtures and intoxicating liquors, the fee shall be seventy-five dollars and no cents (\$75.00) per year.
2. Sale at Retail; Beer; Original Package. For each license for the sale of malt liquor not in excess of five percent by weight by grocers and other merchants and dealers in the original package direct to consumers but not for resale, the fee shall be seventy-five dollars and no cents (\$75.00) per year. The phrase “original package” shall be construed and held to refer to any package containing three or more standard bottles of beer. Notwithstanding the provisions of section 311.290, RSMo., and

Sections 600.020.7 and 600.040, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 11:00 A.M. and 12:00 Midnight on Sunday.

3. Sale at Retail; Intoxicating Liquor; By the Drink. For each license for the sale of intoxicating liquor by the drink for consumption in the place where sold, which shall include the sale of such intoxicating liquor in the original package, the fee shall be four hundred fifty dollars and no cents (\$450.00) per year. Notwithstanding any other provisions of Chapter 311, RSMo. to the contrary, any person who possesses, meets and complies with the qualifications and requirements of said chapter and this Chapter 600, may apply for a license to sell intoxicating liquor, by the drink at retail for consumption on the premises of any: (1) charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as described in Section 311.090, RSMo.; (2) establishment having at least thirty rooms for the overnight accommodation of transient guests; (3) having a restaurant or similar facility on the premises at least sixty percent of the gross income of which is derived from the sale of prepared meals or food; (4) a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales, or a seasonal resort restaurant as provided in Section 311.095.2, RSMo.; (5) wine manufacturer, who procures a license under subdivision (2) of subsection 1 of section 311.180, and who manufactures in excess of two hundred gallons of wine per calendar year, for the purpose of promotion of tourism, if the premises so licensed is in close proximity to the winery; (6) a manufacturer, for the purpose of the promotion of tourism, so long as seventy-five percent (75%) or more of the intoxicating liquor sold by such licensed person is Missouri produced wines received from manufacturers licensed under Section 311.190, RSMo.
4. Sale at Retail; Malt Liquor (5%); By the Drink. For each license for the sale of malt liquor containing not in excess of five percent (5%) alcohol by weight at retail by drink for consumption in the place where sold, which shall include the sale of such intoxicating liquor in the original package, the fee shall be fifty-two dollars and fifty cents (\$52.50) per year. Notwithstanding the provisions of section 311.290, RSMo. and Section 600.020.7, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 11:00 A.M. and 12:00 Midnight on Sundays.
5. Sale at Retail; Malt Liquor and Light Wines (14%); By the Drink. For each license for the sale of malt liquor and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruit and vegetables at retail by drink for consumption in the place where sold, which shall include the sale of such intoxicating liquor in the original package, the fee shall be fifty-two dollars and fifty cents (\$52.50) per year.
6. Sunday Sales; By the Drink. For each license for the sale of intoxicating liquor on Sunday, at retail by the drink for consumption at the place where sold, the fee shall be three hundred dollars and no cents (\$300.00) per year.
7. Sunday Sales; Package. For a license under Section 600.040 the fee shall be an additional seventy-five dollars and no cents (\$300.00) per year. (Ord. No. 22-01 §2, 04-11-22)

8. Original Package Tasting License. Notwithstanding any other provisions of this Chapter 600 to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor in the original package at retail under Section 600.020.1, may apply for a special license to conduct wine, malt beverage and distilled spirit tastings on the licensed premises for an additional fee of twenty-five dollars and no cents (\$25.00). This special license shall be limited to the purposes of tasting wine, malt beverage and distilled spirits and may not be utilized for purposes of the sale and consumption of alcohol on the premises.
9. Manufacturing; Malt Liquor (5%). For each license for the privilege of manufacturing and brewing in the City malt liquor containing not in excess of five percent (5%) of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five percent (5%) of alcohol by weight, to, by or through a duly licensed wholesaler within the City, the fee shall be two hundred fifty dollars and no cents (\$250.00).
10. Manufacturing; Intoxicating Liquor (22%). For each license for the privilege of manufacturing in the City intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, to, by or through a duly licensed wholesaler within the City, the fee shall be two hundred dollars and no cents (\$200.00).
11. Manufacturing; Intoxicating Liquor. For each license for the privilege of manufacturing, distilling or blending intoxicating liquor of all kinds within the City and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds to, by or through a duly licensed wholesaler within the City, the fee shall be four hundred and fifty dollars and no cents (\$450.00).
12. Manufacturing; Wine and Brandy. For each license for the privilege of manufacturing wine or brandy, which manufacturing shall be in accordance with all provisions of federal law applicable thereto except as may otherwise be specified in Section 311.190, RSMo., or this Chapter 600, in quantities not to exceed five hundred thousand gallons, not in excess of eighteen percent of alcohol by weight for wine, or not in excess of thirty-four percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits, the fee shall be five dollars (\$5) for each five hundred gallons or fraction thereof of wine or brandy produced up to a maximum license fee of three hundred dollars and no cents (\$300.00).
13. Sales; To Wholesalers (5%). For each license for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent (5%) of alcohol by weight to, by or through a duly licensed wholesaler within the City, the fee shall be fifty dollars and no cents (\$50.00).
14. Sales; To Wholesalers (22%). For each license for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight to, by or through a duly licensed wholesaler within the City, the fee shall be one hundred dollars and no cents (\$100.00).

15. Sales; To Wholesalers; Intoxicating Liquor. For each license for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds to, by or through a duly licensed wholesaler within the City, the fee shall be two hundred and fifty dollars and no cents (\$250.00).
16. Sales; To Retailers (5%). For each license for the privilege of selling intoxicating liquor containing not in excess of five percent (5%) of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent (5%) of alcohol by weight to, by or through a duly licensed wholesaler within the City, the fee shall be one hundred dollars and no cents (\$100.00).
17. Sales; To Retailers (22%). For each license for the privilege of selling intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight to, by or through a duly licensed wholesaler within the City, the fee shall be two hundred dollars and no cents (\$200.00).
18. Sales; To Retailers; Intoxicating Liquor. For each license for the privilege of selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds to, by or through a duly licensed wholesaler within the City, the fee shall be five hundred dollars and no cents (\$500.00), except that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor to, by or through a duly licensed wholesaler shall not entitle the holder thereof to sell within the State of Missouri direct to retailers.
19. Sales; To Wholesalers; Vintage Wine. For each license for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of vintage wine as defined in Section 311.191, RSMo., to, by or through a duly licensed wholesaler within this City, the fee shall be five hundred dollars and no cents (\$500.00). (CC 1984 §50.020; Ord. No. 50.020 §1, 10-1-91; Ord. No. 50.040 §1, 6-14-93; Ord. No. 10-02 §2, 4-12-10; Ord. 13-01§3, 2-11-13; Ord. 13-08 §1§3, 9-9-13).
20. Sales; Temporary Caterer's License. A temporary permit may be issued to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter and Section 311.485, RSMo., who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight consecutive (168) hours and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to this section, the fee shall be the sum of ten dollars (\$10) for each calendar day, or a fraction thereof, for which the permit is issued. This temporary permit shall allow the sale of intoxicating liquor in the original package. (*Ord. No. 23-09, §1, 4-24-23*)



21. Sales; Special Caterer's License (50 days Maximum). A special license may be issued to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of Chapter 311, RSMo., who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in Chapter 316, RSMo. The special license shall be effective for a maximum of fifty (50) days during any year, and shall authorize the service of alcoholic beverages for on-premises consumption. For every special license issued pursuant to the provisions of this Section 21, the fee shall be the sum of five hundred dollars (\$500) a year payable at the same time and in the same manner as its other license fees. Caterers issued a special license pursuant to this section shall report the City Clerk the location of each function three (3) business days in advance. The report of each function shall include permission from the property owner and city, description of the premises, and the date or dates the function will be held. (*Ord. No. 23-09, §1, 4-24-23*)
22. Sales; Special Caterer's License (1 year - Unlimited Functions). A special license may be issued to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter 311, RSMo., who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined by Chapter 316, RSMo. The special license shall be effective for an unlimited number of functions during the year, and shall authorize the service of alcoholic beverages at such a function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every special license issued pursuant to the provisions of this Section 22, the fee shall be the sum of one-thousand dollars (\$1,000) a year payable at the time and in the same manner as its other license fees. Caterers issued a special license pursuant to this section shall report the City Clerk the location of each function three (3) business days in advance. The report of each function shall include permission from the property owner and city, description of the premises, and the date or dates the function will be held. (*Ord. No. 23-09, §1, 4-24-23*)

**SECTION 600.030:    LIMITATION OF NUMBER OF LICENSES TO BE ISSUED**

- A. No license for the sale at retail in the original unbroken package or container of any kind and all kinds of intoxicating liquor shall be granted or issued when granting thereof will increase the number of such licenses outstanding and in force at the time to more than one for each five hundred (500) inhabitants residing within the City; providing however, that, notwithstanding the aforementioned restriction, the Board of Alderman may, in its discretion, grant a license to any applicant who operates a general retail, food or merchandise store with a selling area of at least one thousand (1,000) square feet, at least ninety percent (90%) of which selling area is devoted to the sale of food or merchandise other than intoxicating liquors; and such license to a general retail food or merchandise store shall not be counted in computing the population limitations above set forth with reference to granting of further licenses; providing further, that no such licensees operating a general retail food or merchandise store shall sell, give away or otherwise dispose of intoxicating liquor at any time when the portion of the store devoted to the sale of food or merchandise other than intoxicating liquors is closed.
- B. No license for the sale of intoxicating liquor with an alcoholic content of more than five percent (5%) by weight, for consumption on the premises where sold shall be granted or issued when

granting thereof will increase the number of such licenses outstanding and in force at the time to more than one for each one thousand two hundred fifty (1,250) inhabitants residing within the City; provided however that, notwithstanding the aforementioned restrictions, the Board of Alderman may, in its discretion, grant a license under this Subsection to any applicant who operates a restaurant-bar. For purposes of this Section, a “restaurant-bar” shall be defined as an establishment having a restaurant or similar facility on the premises, at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000) from the sale of prepared meals or food consumed on such premises.

- C. No license for sale of malt liquor and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruit and vegetables at retail by drink for consumption in the place where sold, which shall include the sale of such intoxicating liquor in the original package shall be granted or issued when granting thereof will increase the number of such licenses outstanding and in force at the time to more than one for each twelve hundred fifty (1250) inhabitants residing within the City.
- D. The population of the City shall be determined, for purposes of this Section, by an annual estimate of the City Clerk after considering estimates obtained from the State Census Bureau, submitted to and approved by the Board of Alderman, and upon such estimate, the Board of Alderman may increase or decrease the limitations of licenses to be issued under this Chapter. Said estimate will be submitted on or before the first (1st) day of May of each year. (CC 1984 §50.030; Ord. No. 96-40 §1, 12-9-96; Ord. No. 10-02 §3, 4-26-10; Ord. No. 13-01 §3, 2-11-13)

**SECTION 600.040: SUNDAY SALES—PACKAGE**

Notwithstanding the provisions of any other ordinance, any person possessing the qualifications and meeting the requirements for the issuance of a liquor license, who is licensed to sell intoxicating liquor in the original package at retail under Section 311.200, RSMo., and the ordinances of the City, may apply for a special license to sell intoxicating liquor in the original package at retail between the hours of 11:00 A.M. and 12:00 Midnight on Sundays. (CC 1984 §50.042; Ord. No. 50.040 §1, 6-14-93; Ord. No. 17-01 §2, 01-30-17)

**SECTION 600.050: LIMITATION OF LICENSED PLACE**

No license shall be issued to any person, firm or corporation for the sale of intoxicating liquor where sold in any building or room located within three hundred (300) feet of any church or school building in the City.

The distance between the facility and the school or church shall be measured along the shortest path between the demarcation points that can be lawfully traveled by foot from the external wall of the facility structure closest in proximity to the entrance or exit of the school or church. (CC 1984 §50.050; Ord. No 20-24 §2, 12-13-20)

**SECTION 600.060: POWER OF BOARD OF ALDERMEN TO MAKE ADMINISTRATIVE RULES AND REGULATIONS**

The Board of Aldermen shall have the power to make such administrative rules, regulations, orders and directions as may be necessary, feasible or desirable for carrying out the provisions of this Chapter as are consistent with the provisions of this Chapter or the laws of the State. (CC 1984 §50.200)

**SECTION 600.070: ENFORCEMENT POWERS OF POLICE**

It shall be the duty of all Police Officers of the City to see that the provisions of this Chapter, the Liquor Control Act of the State of Missouri and all other ordinances of the City in regard to the sale of intoxicating liquor or non-intoxicating beer at retail are obeyed. (CC 1984 §50.210)

**SECTION 600.080: DISPOSITION OF FUNDS COLLECTED PURSUANT TO CHAPTER**

All monies collected by the City Clerk pursuant to the provisions of this Chapter shall be accounted for and paid into the City Treasury as other funds collected by the City Clerk are accounted for and paid. (CC 1984 §50.220)

**SECTION 600.090: DRUGGISTS MAY SELL AND PHYSICIANS PRESCRIBE LIQUOR**

Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to this law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this City, and lawfully inspected, gauged and labeled as provided for in this law; such intoxicating liquor to be used in connection with the business of a druggist, in compounding medicines or as a solvent or preservative; provided, that nothing in this law shall prevent a regularly licensed druggist, after he/she procures a license therefore in compliance with this law, from selling intoxicating liquor in the original packages, but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time, or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

**SECTION 600.100: SELLING AND SUPPLYING INTOXICATING LIQUOR TO MINORS PROHIBITED—EXCEPTIONS**

- A. Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of twenty-one (21) years.
- B. The provisions of Subsection (A) hereof shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years by his/her parent or guardian for medical purposes only, or to the administering of such intoxicating liquor to such person by a physician.(CC 1984 §50.240)

**SECTION 600.110: MINORS PROHIBITED FROM PURCHASING OR POSSESSING INTOXICATING LIQUOR**

No person under the age of twenty-one (21) years shall purchase or possess intoxicating liquor. (CC 1984 §50.250)

**SECTION 600.120: PERSONS EIGHTEEN YEARS OF AGE OR OLDER MAY SELL OR HANDLE LIQUOR OR BEER, WHEN**

- A. Except as provided in Subsections (B) and (C) of this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
- B. In any place of business licensed in accordance with Section 311.200, RSMo., where at least fifty percent (50%) of the gross sales made consists of goods, merchandise, or commodities other than intoxicating liquor in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for, and sack for carryout intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years.
- C. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.
- D. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages.

**SECTION 600.130: MANUFACTURERS, WHOLESALERS OF INTOXICATING LIQUOR NOT TO SELL TO UNLICENSED PERSONS OR AT RETAIL**

It shall be unlawful for any manufacturer, brewer or distiller of intoxicating liquor or any wholesale dealer therein, either directly or indirectly, to sell or deliver intoxicating liquor of any kind to any person not licensed under the provisions of this Chapter to sell intoxicating liquor at retail. (CC 1984 §50.260)

**SECTION 600.140: GENERAL POWERS OF BOARD OF ALDERMEN IN RESPECT TO LICENSING**

The Board of Aldermen shall have the following powers in respect to the licensing of persons to sell alcoholic liquor in the City.

- 1. To revoke or suspend for cause any license issued pursuant to the provisions of this Chapter.

2. To prescribe forms for applications and such other forms as are necessary to carry out the provisions of this Chapter.
3. To prescribe the nature of the proof to be furnished for the granting, refusal or revocation of licenses and all conditions to be observed by applicants or licensees and the manner of application for licenses.
4. To issue subpoenas and all necessary processes, and require the production of papers, administer oaths and take testimony in all matters pertaining to the granting, refusal or revocation of licenses.
5. To investigate all applications for licenses and all complaints or reports concerning the conduct of any business carried on under any license issued under or pursuant to this Chapter. (CC 1984 §50.270)

**SECTION 600.150: LICENSE REQUIRED**

No person shall sell or offer or expose for sale in this City any intoxicating liquor at retail, nor shall any person who shall import intoxicating liquor into the City, sell or offer the same for sale without first procuring a license therefore. (CC 1984 §50.280)

**SECTION 600.160: PERSONS DISQUALIFIED FROM LICENSE**

No person shall be granted a license under this Chapter unless such person is of good moral character, and no individual or person shall be granted a license hereunder whose license has been revoked by this or any other municipality or any State within two (2) years prior to the date of the filing of the application, or who has been convicted of a felony and not restored to full rights of citizenship, or who employs in his/her business any person whose license has been revoked by this or any other municipality, or any State, within the past two (2) years, or who has been convicted of a felony since the date aforesaid, or who has levied against him/her any taxes due the City which are delinquent. (CC 1984 §50.290)

**SECTION 600.170: APPLICATION FOR LICENSE**

The applicant for any license required by this Chapter shall file with the Board of Aldermen a petition for a license. (CC 1984 §50.300)

**SECTION 600.180: APPROVAL OF APPLICATION—ISSUANCE OF LICENSE**

If after the application for a license required by this Chapter is filed, the Board of Aldermen shall find that the applicant, if an individual, or the president, manager, superintendent or some executive officer thereof, if a corporation, is a person of good moral character in its opinion, that no license of this or any other municipality or State theretofore issued to said applicant to manufacturer or sell intoxicating liquors has been revoked within two (2) years of the date of said application, or that said applicant does not have employed in his/her business any person whose license has been revoked within two (2) years of the date of the filing of the application or who has been convicted of violating the provisions of such law since the date aforesaid; and if the Board shall find that the applicant plans and proposes to conduct the sale of intoxicating liquor at retail in compliance with State law and this Chapter then the Board shall cause to be issued to the applicant a license, permitting him/her to conduct

such business for the period covered by such license, unless such license be revoked for cause before the expiration of said time. (CC 1984 §50.310)

**SECTION 600.190: PERIOD OF LICENSE**

On approval of the application and payment of the license tax provided in this Chapter, the City shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license. A separate license shall be required for each place of business. Of the license tax to be paid for any such license, the applicant shall pay as many twelfths as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

**SECTION 600.200: CONSUMPTION ON PREMISES PROHIBITED FOR SALES IN ORIGINAL PACKAGES**

No kind of intoxicating liquor sold at retail in the original package shall be consumed upon the premises where sold, nor shall the original package or any other package of intoxicating liquor be opened or consumed upon the premises of the vendor. (CC 1984 §50.330)

**SECTION 600.210: LICENSE FEE FOR SALE IN ORIGINAL PACKAGE NOT TO EXEMPT LICENSEE FROM PAYMENT OF MERCHANT TAX OR SALES TAX**

The payment of any license fee for the sale at retail of any kind of intoxicating liquor in the original unbroken package shall not exempt any person engaged in such aforementioned businesses from liability for payment of a merchant's tax or sales tax on such business, but in computing such merchant's tax or sales tax the same shall not be computed upon the value of any intoxicating liquor sold by such person at retail in such original package. (CC 1984 §50.340)

**SECTION 600.220: RENEWAL**

Any license issued pursuant to this Chapter may be renewed upon its expiration upon the payment of the fee therefore, provided the Board is satisfied that the conditions under which the said license was originally issued still obtain. (CC 1984 §50.350)

**SECTION 600.230: POSTING LICENSE**

All licenses issued pursuant to the provisions of this Chapter shall be kept conspicuously posted in the place for which the license was issued. (CC 1984 §50.360)

**SECTION 600.240: REFUND OF LICENSE FEE NOT TO BE MADE UPON REVOCATION OF LICENSE**

In the event that any license issued under this Chapter shall for any cause be revoked, no portion of the fee paid therefore shall be refunded. (CC 1984 §50.370)

**SECTION 600.250: KEEPING AND SELLING ALCOHOLIC LIQUOR NOT AUTHORIZED BY LICENSE**

It shall be unlawful for the holder of any license under this Chapter to keep or secrete, or to allow any other person to keep or secrete in or upon the premises described in the license any intoxicating liquor except of the character and kind expressly authorized to be sold by such particular license. (CC 1984 §50.380)

**SECTION 600.260: REVOCATION OR SUSPENSION—GROUNDS—HEARING—FINALITY OF DECISION**

- A. Any person holding any license issued pursuant to the provisions of this Chapter, and who violates any of the provisions of this Chapter or any rule, regulation, order or direction of the Board of Aldermen, issued pursuant to this Chapter shall be subject to revocation or suspension of his/her license.
- B. The Board of Aldermen shall, before revoking or suspending the license give the licensee at least ten (10) days' written notice of any complaint or charge against him/her and the nature of the complaint or charge, and shall fix the date for the hearing on said complaint or charge, upon which hearing the licensee shall have the right to have counsel and to produce witnesses in his/her behalf.
- C. If the Board of Aldermen shall after the hearing provided for in Subsection (B) determine to revoke or suspend the license, its decision and action thereon shall be final. (CC 1984 §50.390)

**SECTION 600.270: REVOCATION OF LICENSES TO BE REPORTED TO STATE SUPERVISOR OF LIQUOR CONTROL**

It shall be the duty of the Chief of Police to promptly report to the State Supervisor of Liquor Control all cases in which licenses issued pursuant to this Chapter have been revoked. (CC 1984 §50.400)

**SECTION 600.280: NEW LICENSES NOT TO BE ISSUED FOR TWO YEARS AFTER REVOCATION**

Whenever any license issued pursuant to the provisions of this Chapter shall be revoked, no other or additional license shall be issued to the same person for a period of two (2) years from date of the revocation of said license. (CC 1984 §50.410)

**SECTION 600.290: LICENSE FOR CONSUMPTION ON PREMISES TO INCLUDE SALES IN ORIGINAL PACKAGE**

Any license issued under the provisions of this Chapter, authorizing the sale of intoxicating liquor for consumption on the premises described in such permit, shall be construed to authorize the sale of such intoxicating liquor by the bottle, by the glass, on draught, and in the original package. (CC 1984 §50.420)

**SECTION 600.300:**

**LICENSES NONTRANSFERABLE–EXCEPTIONS**

- A. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this law may make application and the City may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.
  
- B. Whenever one (1) or more members of a partnership withdraws from the partnership the City, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

**SECTION 600.040**

**SUNDAY SALES – PACKAGE**

Notwithstanding the provisions of any other ordinance, any person possessing the qualifications and meeting the requirements for the issuance of a liquor license, who is licensed to sell intoxicating liquor at retail pursuant to section 311.200, RSMo. and the ordinances of the City, may apply for a special license to sell intoxicating liquor at retail between the hours of 6:00 a.m. on Sunday and 1:30 a.m. on Mondays (Ord. No 22-01 §4, 4-11-22.)



## CHAPTER 605: BUSINESS LICENSES

### SECTION 605.010: FEE

There is hereby levied a tax upon the privilege of doing business or practicing an occupation at a location in the City of Buffalo, Missouri, in the amount following:

1. For the operation of the business of showing movies to the general public or engaging in the business of operating a carnival, not supervised or sponsored by a reputable local organization, a license fee of seventy-five dollars (\$75.00) per year;
2. For all other businesses or occupations not hereinafter exempted, a yearly fee of twenty dollars (\$2.00). (CC 1984 §54.010; Ord. No 20-24 §2, 9-12-22)

### SECTION 605.020: EXEMPTIONS

The following occupations are exempted from the provisions of this Chapter: doctors, dentists, ministers, attorneys, real estate agents or brokers employed at a place of business in Buffalo, Missouri, holding a valid City license hereunder, and auctioneers employed at or working with a place of business in Buffalo, Missouri, holding a valid City license hereunder. (CC 1984 §54.020)

### SECTION 605.030: DEFINITIONS

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

*BUSINESS:* Any activity engaged in by any person or persons, firm, partnership, corporation or any other type of business organization for the purpose of serving the public by retailing or wholesaling merchandise or offering services to the public for charge.

*OCCUPATION:* Any service offered or performed by any person or persons, firm, partnership, corporation or any other type of business organization for the general public for a charge. (CC 1984 §54.030)

### SECTION 605.040: APPLICATION FOR LICENSE

Every person, persons, firm, association, organization, partnership or corporation before engaging in any of the businesses enumerated in Section 605.010 of this Chapter shall make application to the City Clerk for a license. The application shall be accompanied by the fee imposed above, along with proof that the applicant has a valid retail sales license as required by Section 144.083 (2) of the Missouri Revised Statutes. No license shall be issued to any application not theretofore licensed until the application has been approved by the Board of Aldermen, with the exception that the Mayor has the authority to issue a new license under this Section to be valid until the Board of Aldermen meet. No licenses shall be renewed until the application has been approved by the City Clerk. If, for good cause, the City Clerk shall fail to act upon same within fifteen (15) days from the date of the filing of the application for renewal, the applicant may, within thirty (30) days following the date of disapproval, submit written appeal to the Board of Aldermen as hereinafter provided, with right of hearing, by filing

same with the City Clerk who shall thereupon docket such appeal with the Board of Aldermen for consideration and decision at the next regular or special duly convened meeting of the Board of Aldermen. (CC 1984 §54.040)

**SECTION 605.050: TERM**

All licenses within the purview of this Chapter shall expire September thirtieth (30th) and are due and payable October first (1st) of each year, or the first (1st) business day following, the same becoming delinquent thirty (30) days thereafter and subject to a penalty of ten percent (10%) of the amount due which shall be imposed and an additional penalty of two percent (2%) of the original fee shall be added on the last day of each calendar month thereafter; provided that in no event shall the total penalty imposed exceed thirty percent (30%) of the original fee. (CC 1984 §54.050; Ord. No. 54.050 §II, 8-18-88)

**SECTION 605.060: SUSPENSION OF LICENSE**

Licenses may be suspended by the Board of Aldermen for good cause shown. Whenever a licensee has had his/her license suspended he/she shall be notified in writing that the license is, upon the service of the notice, immediately suspended and that an opportunity for a hearing will be provided in accordance with the provision of this Chapter. (CC 1984 §54.060)

**SECTION 605.070: DISPLAY LICENSE**

It shall be the duty of all licensees under this Chapter to carefully preserve and display openly and in a conspicuous place the license upon the premises. (CC 1984 §54.070)

**SECTION 605.080: BUSINESS IN TWO LOCATIONS**

Under and by virtue of the terms of this Chapter a separate license is required for each distinct place of business or endeavor. (CC 1984 §54.080)

**SECTION 605.090: WHO LIABLE FOR VIOLATION**

No person, as agent, servant or employee of any other person, shall knowingly be employed in or assist in the conduct of any business in the City upon which a license has not been procured or upon which a license tax has not been paid. (CC 1984 §54.090)

**SECTION 605.100: NOT ASSIGNABLE**

All licenses issued by virtue of this Chapter shall be deemed to be personal privileges and, as such, shall not be transferred or assigned. (CC 1984 §54.100)

**SECTION 605.110: NON-PROFIT CHARITABLE ENTERPRISE**

The Mayor or the Board of Aldermen shall issue a special permit, without payment of any license fee or other charge therefore, to any person for the conduct or operation of a non-profit enterprise, either regularly or temporarily, when he/she finds that the applicant operates such enterprise without private

profit for public, charitable, educational, literary, fraternal, patriotic or religious purpose. (CC 1984 §54.110)

**SECTION 605.120: AGENTS RESPONSIBILITY**

The agents or other representatives or non-residents who are doing business in this City shall be personally responsible for the compliance of their principals and of the businesses they represent with the provisions of this Chapter. (CC 1984 §54.120)

**SECTION 605.130: APPLICANTS NOT TO BE INDEBTED TO THE CITY EXCEPT FOR CURRENT TAXES**

To be eligible for a license or permit required by this Chapter, an applicant therefor shall not be in default under the provisions of this Chapter or indebted or obligated in any manner to the City except for current taxes. (CC 1984 §54.130)

**SECTION 605.140: LICENSE FEE FOR BUSINESSES BEGUN AFTER COMMENCEMENT OF LICENSE PERIOD**

The license fee for any business commenced after the beginning of the license period shall be prorated so as to be in proportion to the balance of such license period and not for the whole thereof. (CC 1984 §54.140)

**SECTION 605.150: APPEAL TO THE BOARD OF ALDERMEN**

Any licensee within the meaning of this Chapter aggrieved by a decision of the City Clerk, Mayor or Board of Aldermen may appeal such decision to the Board of Aldermen within thirty (30) days following the receipt of the decision by submitting a written notice of the appeal to the office of the City Clerk and the City Clerk shall thereupon docket such appeal with the Board of Aldermen for consideration and decision at the regular or special duly convened meeting of the Board of Aldermen, and upon a hearing relating to the suspension of license the Board of Aldermen may for good cause shown continue the suspension or may revoke the license. (CC 1984 §54.150)

## CHAPTER 606: PAWNSHOPS

### SECTION 606.010: DEFINITIONS

As used in this Chapter, the following word mean:

*NET ASSETS:* The book value of the current assets of a person or pawnbroker less its applicable liabilities as stated in this subsection. Current assets include the investment made in cash, bank deposits, merchandise inventory, and loans due from customers excluding the pawn service charge. Current assets do not include the investments made in fixed assets of real estate, furniture, fixtures, or equipment; investments made in stocks, bonds, or other securities; or investments made in prepaid expenses or other general intangibles. Applicable liabilities include trade or other accounts payable; accrued sales, income, or other taxes; accrued expenses; and notes or other payables that are unsecured or secured in whole or part by current assets. Applicable liabilities do not include liabilities secured by assets other than current assets. Net assets must be represented by a capital investment unencumbered by any liens or other encumbrances to be subject to the claims of general creditors.

*PAWNBROKER:* Any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within in fixed period of time.

*PAWNSHOP:* The location, at which or premises in which, a pawnbroker regularly conducts business.

*PERSON:* An individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

*SECURED PERSONAL LOAN:* Every loan of money made in this city, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of making of the loan and which is to be retained by the lender while the loan is subsisting obligation. (Ord. No. 02-26 §1, 8-12-02)

### SECTION 606.020: LICENSE REQUIRED

No person shall operate a pawnshop within the City of Buffalo unless such person has first obtained a pawnshop license issued by the City Clerk. To be eligible for a pawnshop license, an applicant shall:

1. Be of good moral character;
2. Have net assets of at least fifty thousand dollars (\$50,000) readily available for use in conducting business as a pawnshop for each licensed pawnshop;
3. Show that the pawnshop will be operated lawfully and fairly within the purposes of Sections 367.011 to 367.060, Revised Statutes of Missouri, and all other applicable State Statutes; and
4. Shall complete and submit to the City Clerk of the City of Buffalo, an application for a new pawnshop in accordance with this chapter. (Ord. No. 02-26 §1, 8-12-02)

## **SECTION 606.030: APPLICATION FOR PAWNSHOP LICENSE**

- A. Any person requesting a new pawnshop license, the transfer of an existing license or the approval of a change in ownership of a licensed pawnshop, shall submit an application therefore to the City Clerk of the City of Buffalo, which application shall be oath, and shall state the following:
1. Full name and place of residence of the applicant. If the applicant is a partnership, the application shall state the full name and address of each member. If the applicant is a corporation, the application shall state the full name and address of each officer, shareholders, and director.
  2. The place where the business is to be conducted.
  3. The Social Security Number, Driver License Number and date of birth of all applicants, owners, partners, members, shareholders, directors or other officers.
  4. Any other names or alias which the applicant, or any of the owners, partners, members, shareholders, directors have previously used.
  5. Certification that the applicant agrees to comply with this Chapter, all other relevant provisions of the Code of the City of Buffalo, Chapter 367 of the Missouri Revised Statutes and any other applicable state statutes.
- B. The application for such pawnshop license shall be accompanied by:
1. An investigative fee of five hundred dollars (\$500) if the applicant is unlicensed at the time of applying for the pawnshop license or two hundred fifty dollars (\$250) if the application involves a second or additional license to an applicant previously licensed for a separate location within the City or involves substantially identical principals and owners of a licensed pawnshop at a separate location within the City.
  2. Proof of general liability insurance in the amount of fifty thousand dollars (\$50,000).
  3. An annual fee of five hundred dollars (\$500)
  4. A bond in the amount of five thousand dollars (\$5,000) with a surety company qualified to do business in this state. The bond shall run to the state for the use of the state and of any person or persons who may have a cause of action against the obligor of such bond under the provisions of Sections 367.011 to 367.060, Revised Statutes of Missouri. Such bond shall be conditioned that the obligor will comply with the provisions of sections 367.011 to 367.060 and of all rules and regulations of the City of Buffalo, and will pay to the State and to any such person or persons any and all amounts of money that may become due or owing to the state or to such person or persons from such obligor under and by virtue of the provisions of sections 367.011 to 367.060, Revised Statutes of Missouri, during the time such bond is in effect.
  5. Proof that the applicant has net assets of at least fifty thousand dollars (\$50,000) readily available for use in conducting business as a pawnshop for each licensed pawnshop. If the City of Buffalo is unable to verify that the applicant meets this net asset requirement, the City may

require a finding, including the presentation of a current balance sheet, by an independent certified public accountant that the accountant has reviewed the books and records of the applicant and that the applicant meets the net asset requirement of this section. (Ord. No. 02-26 §1, 8-12-02)

**SECTION 606.040: LICENSING**

- A. Upon receipt of a completed application and accompanying documents and fees, the Mayor shall forward a copy of said application to the Chief of Police.
- B. The Chief of Police shall conduct an investigation into the qualifications of the applicant, and shall within fifteen (15) days of receipt of the application, submit a report to the Mayor. The report shall state the findings of the Chief of Police and whether the applicant has any felony or misdemeanor convictions which directly relate to the duties and responsibilities of the occupation of pawnbroker or otherwise makes the applicant presently unfit for a pawnshop license.
- C. Upon receipt of the report from the Chief of Police, the Mayor shall submit the application and report to the Board of Aldermen for approval. If the Board of Aldermen determines that the applicant has met requirements for licensing, including all applicable state statutes and provisions of this Code, the Board of Aldermen shall direct the City Clerk to issue the license. (Ord. No. 0226 §1, 8-12-02)

**SECTION 606.050: LICENSE NONTRANSFERABLE**

- A. Whenever one or more members of a partnership licensed under this Chapter withdraws from the partnership, the City, upon request, shall permit the remaining partner, or partners originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.
- B. If a pawnshop is sold, or one or more of the owners sells his portion of the business, a new license shall be required under this Chapter. The applicant must file a new application and must meet all requirements for a new license. (Ord. No. 02-26 §1, 8-12-02)

**SECTION 606.060: LICENSE TERM AND RENEWAL**

- A. A pawnshop license issued pursuant to this Chapter shall expire on September 30<sup>th</sup>, and may be renewed annually thereafter in accordance with the provisions of this section.
- B. Any applicant seeking renewal of a license shall, not later than August 31<sup>st</sup>, submit the following:
  - 1. A completed renewal application on forms available in the office of the Buffalo City Clerk and which shall contain such information as is necessary to determine whether there is continued compliance with all original licensing requirements.
  - 2. An annual fee of five hundred dollars (\$500).

- C. A renewal license shall be issued, upon the approval of the Board of Aldermen, to all owners who have complied with subsection 2 and who have shown continue compliance with all original licensing requirements. (Ord. No. 02-26 §1, 8-12-02)

**SECTION 606.070: EXCEPTIONS FROM REQUIREMENTS FOR PAWNSHOP LICENSE**

No person who is lawfully operating a pawnshop on August 12, 2002, shall be required to obtain a license under this Chapter in order to continue operating such pawnshop, so long as such person does not violate any provision of section 367.011 to 367.060, Revised Statutes of Missouri. (Ord. No. 02-26 §1, 8-12-02; Ord. No. 08-15, §2, 10-10-08)

### **SECTION 606.080: REVOCATION OF LICENSE**

- A. If the Board of Aldermen determines after holding a public hearing on the matter, that the holder of a pawnshop license no longer meets the requirements to receive a pawnshop license or that the holder of said license is in violation of this Chapter or any relevant provisions of the Revised Statutes of Missouri, the Board of Aldermen may, by a majority vote, revoke the license.
- B. The owner of the license shall be given written notice, at least ten days prior, of the date and time of said meeting, and shall be allowed to present evidence at said hearing. (Ord. No. 02-26 §1, 812-02)

### **SECTION 606.090: INFORMATION TO CHIEF OF POLICE**

The owner of each pawnshop within the City of Buffalo shall submit the following information to the Chief of Police of the City of Buffalo by the 7<sup>th</sup> day of each month for each secured personal credit loan made by the owner during the preceding calendar month upon request:

- 1. The name and address of the pawnshop.
- 2. The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor.
- 3. The date of the transaction
- 4. An identification and description of the pledged goods, including serial numbers if reasonably available. (Ord. No. 02-26 §1, 8-12-02; Ord. No. 08-15, §3, 11-10-08)



## **CHAPTER 610: SOLICITORS AND CANVASSERS**

### **SECTION 610.010: REGISTRATION REQUIRED**

It shall be unlawful for any person to engage in business as a peddler, canvasser or solicitor, selling goods, merchandise, livestock or other animals which he/she carries with him/her or calling at residences without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions, or business of any kind without first having registered with the City Clerk. The registrant shall give his/her complete identification, his/her signature, his/her Missouri Sales Tax Number, the name of his/her employer, the nature of the products or services in which he/she is interested, the names of the manufacturers of such products or of the organization which he/she is representing, the proposed method of operation in the City, and all other requested information. Registration may be waived for any person or organization upon Mayor's recommendation and on approval of Board of Aldermen. (CC 1984 §52.010; Ord. No. 52.000 §1, 1-25-94)

### **SECTION 610.020: FEE**

Each registrant shall pay to the City Collector a registration fee of ten dollars (\$10.00) for the period expiring thirty (30) days after the date of said registration. (CC 1984 §52.020; Ord. No. 52.000 §1, 125-94)

### **SECTION 610.030: CERTIFICATE**

Each applicant who shows evidence of good character and provides all information required for registration herein and who pays the fee provided for herein shall be furnished a certificate indicating that he/she or she has registered and showing the dates covered by such registration. Each person shall at all times while peddling, soliciting or canvassing in the City carry upon his/her person the registration certificate and the same shall be exhibited by such registrant whenever he/she is required to do so by any Police Officer or by any person solicited. (CC 1984 §52.030; Ord. No. 52.000 §1, 125-94)

### **SECTION 610.040: EXCEPTIONS**

The provisions of this Chapter shall not apply to officers or employees of the City, County, State or Federal Government, or any subdivision thereof, when on official business. Further, this Chapter shall not apply to any farmer residing in the State of Missouri who shall grow or process any article of farm produce or farm products on his farm, who sells said products, provided, he does not have a regular stand or place of business away from his farm. (CC 1984 §52.040; Ord. No. 96-28 §1, 8-1296)

### **SECTION 610.050: REVOCATION**

Any such registration may be revoked by the Mayor or the Chief of Police because of any violation by the registrant of this Chapter or of any other ordinance of the City, or of any State or Federal law, or whenever the registrant shall cease to possess the qualifications and character required in this Chapter for the original registration. (CC 1984 §52.050)

**SECTION 610.060: TIME LIMIT ON SOLICITING**

It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this Chapter or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 9:00 A.M. or after 9:00 P.M. of any weekday, or at any time on a Sunday or on a State or national holiday. (CC 1984 §52.060)

**SECTION 610.070 GARAGE SALE MERCHANDISE PERMIT**

Any individual who wishes to sell items that are exempt from collection of sales tax under the definition of “businesses” under Section 144.010 of the Missouri Revised Statute may apply for a garage sale merchandise permit with the City Clerk. Applicant shall certify that they have permission from the property owner for said sale and that they are exempt from sales tax collection under Chapter 144 of the Missouri Revised Statutes. This section is not applicable to garage sales at individual residences but only for sales in areas zoned “B-1”, “B-2” or “M-1”. Applicant shall pay a fee of ten dollars (\$10.00). Said permit shall be valid for a period of thirty consecutive days. Permit shall be revoked for cause by the City Clerk or any Police Officer of the City of Buffalo. Said individual shall have the permit on display and available for inspection at all times during the sale. Sales shall be limited to daytime hours and shall be completely taken down or secured when not selling. Operation under this section shall be limited to seventy-two (72) hours at any one location in a five day period (Ord. No. 07-16 §1, 9-10-07; Ord. No. 15-14 §2, 10-26-15).

**CHAPTER 611: NON-PERMANENT BUSINESSES**

**SECTION 611.010: LICENSE REQUIRED**

It shall be unlawful for any person to engage in business inside the city limits of Buffalo in a nonpermanent structure without making application and receiving a license from the City Clerk. Said applicant shall certify that they have received permission from the property owner of the property they are setting up on and provide proof of compliance with Chapter 144 of the Missouri Revised Statutes related to sales tax. They must also provide proof of worker’s compensation insurance if required under the Missouri Revised Statutes. Said license shall be on display and available for inspection at all times during hours of operation. (Ord. No. 07-15 §1, 9-10-07)

**SECTION 611.020: FEE**

Each applicant shall pay to the City Collector a fee of twenty dollars (\$20.00) for the license which shall expire six (6) months after the date the application was made. (Ord. No. 07-15 §1, 9-10-07)

**SECTION 611.040: EXCEPTION**

Vendors operating during City approved festivals shall be exempt from Chapter 611 provided that the group sponsoring the event takes step to ensure that all vendors collect and remit the required sales tax to the Department of Revenue. (Ord. No. 07-15 §1, 9-10-07)

**SECTION 611.050: PROHIBITIONS**

1. Licenses issued under this Chapter shall not be allowed to set up or operate in areas zoned “R-1”, “R-2”, or “B-3” except for ice cream trucks, so long as they do not contact residents individually at their residence (they may generally announce their presence in a neighborhood with a bell or other device) and may only operate during daylight hours.
2. Licensees operating under this Chapter shall not be permitted to operate in a public right-of-way, public parking areas, or in areas owned by the City of Buffalo.
3. Licensees operating under this Chapter shall not have generators or other devices which cause noise that can be heard from adjacent property locations.
4. Licensees operating under this Chapter shall not display any signage larger than one (1) nonelectric sign detached from the structure of not more than twenty (20) square feet.
5. Licensees shall not be set up or leave equipment for any longer than seventy-two (72) hours at any one location in a five day period. (Ord. No. 07-15 §1, 9-10-07; Ord. No 15-14 §2, 10-26-15)

**CHAPTER 615: GARAGE SALES**

**SECTION 615.010: DEFINITIONS**

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

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

*GARAGE SALES:* All sales entitled "garage sale," "lawn sale," "attic sale", "rummage sales," "flea market sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

*GOODS:* Any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder. (CC 1984 §58.010)

**SECTION 615.020: PERMITS AND FEES**

It shall be unlawful for any person to conduct a garage sale in the City without first filing with the Clerk the information hereinafter specified and receiving a permit for said sale. Said permit must be displayed at the property that the sale is conducted at. (CC 1984 §58.020; Ord. No. 09-06 §2, 8-1009)

**SECTION 615.030: LICENSING**

Such license shall be issued to any one (1) dwelling unit only three (3) times within a twelve (12) month period and no such license shall be issued for more than three (3) consecutive calendar days. (CC 1984 §58.030)

**SECTION 615.040: INFORMATION TO BE FILED**

The information to be filed with the Clerk, pursuant to this Chapter, shall be as follows:

1. Name of person, group, association, or organization conducting said sale.
2. Name of owner of the property on which said sale is to be conducted, and consent of owner if applicant is other than the owner.
3. Location at which sale is to be conducted.
4. Number of days of sale.
5. Date, of any past sale. (CC 1984 §58.040)

**SECTION 615.050: PERSONS AND SALE EXCEPTED**

The provisions of this Chapter shall not apply to or affect the following persons or sales:

1. Any selling of goods pursuant to an order or process of a court of competent jurisdiction.
2. Any sale being conducted by persons acting in accordance with their powers and duties as public officials.
3. Any charitable associations or not-for-profit corporations.
4. Any sale of real estate.
5. Any selling or advertising for sale of an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number. (CC 1984 §58.050)

**SECTION 615.060: ADVERTISEMENT SIGNS RESTRICTED**

No more than five (5) signs no larger than two (2) feet by three (3) feet shall be posted advertising the sale within the City. Signs may be posted one (1) day prior to the sale and must be removed at the end

of the last day of the sale. The person responsible for conducting any such garage sale shall be responsible for removing any such sign. All signs must have the name of the applicant, dates of the sale and address of the applicant. Self-supporting signs may be posted on City right-of-way and be no closer than four feet from the pavement. Signs may not be posted on utility poles, street signs, traffic signs or on private property without the permission of the owner. (Ord. No. 09-06 §3, 08-10-09)

## CHAPTER 620: TAXICABS

### SECTION 620.010: DEFINITIONS

Unless it appears that a different meaning is intended, the following words shall have the meaning given them by this Section.

*PERSON*: Any individual, partnership, or corporation.

*STREET*: Any street, alley, avenue, boulevard, court, lane or public place in the City of Buffalo.

*TAXICAB*: Any motor vehicle performing a bona fide for hire taxicab service having a capacity of not more than five (5) passengers, exclusive of the driver, and not operated on a regular route or between fixed termini. (CC 1984 §59.010)

### SECTION 620.020: LICENSE REQUIRED

No person shall engage in the business of operating a taxicab or taxicabs upon the streets of the City of Buffalo without first obtaining a license to do so. Only one (1) license may be issued under the provisions of this Chapter and said license shall be issued by the City Clerk. Provided however, no license shall be issued by the City Clerk until the application therefore has been approved by the Board of Aldermen and the fee as provided for by Section 605.010 is paid. (CC 1984 §59.020)

### SECTION 620.030: APPLICATION MADE HOW

Application for a license to engage in the business of operating a taxicab or taxicabs upon the streets of the City of Buffalo shall be filed with the City Clerk and referred to the Board of Aldermen for consideration and action thereon. All applications for licenses under the provisions of this Chapter shall be in writing, verified by the affidavit of the applicant; or, if the applicant be a corporation, firm, association, or partnership, by its duly authorized officer or agent; and shall state the following facts:

1. The full name and address of the applicant; if a partnership, the names and addresses of all the partners; if a corporation, firm or association, the names and address of all the officers and directors thereof.
2. The name or names and the address or addresses of the owner or owners of the vehicles proposed to be operated.
3. A statement of the previous experience the applicant has had; or if the applicant is a partnership, the partners thereof have had; or if the applicant is a corporation, firm or association, the officers and directors have had, in the taxicab business. (CC 1984 §59.030)

**SECTION 620.040: POWER OF BOARD OF ALDERMEN TO REVOKE OR SUSPEND**

Whenever it is shown to the Board of Aldermen that a licensee hereunder has been guilty of a violation of the terms of this Chapter, the Board of Aldermen may, upon its own motion, or upon complaint of any person, revoke or suspend for such time as the Board of Aldermen may deem necessary and proper any license issued under the provisions hereof, and the action of the Board of Aldermen shall be in addition to the penalties herein prescribed for violations of this Chapter. Before revoking or suspending any license, the Board of Aldermen shall give to the licensee or any person in charge of or employed in the place licensed, at least five (5) days written notice of any complaint charged against him/her, the nature of such complaint and the date and place fixed for a hearing thereupon, at which hearing the licensee shall have the right to have counsel and produce witnesses in his/her behalf. In the event that any license issued hereunder shall, for any cause, be revoked or suspended, as provided in this Chapter, no portion of the fee paid therefore shall be refunded. (CC 1984 §59.040)

**SECTION 620.050: INSURANCE REQUIRED—AMOUNTS—FINANCIAL RESPONSIBILITY  
IN LIEU**

Every applicant for a license to operate a taxicab as herein defined, and the owner of the said taxicab, in addition to the requirements herein mentioned, shall maintain and carry for each taxicab licensed to be operated liability insurance in the sum of twenty-five thousand dollars (\$25,000.00) for any one (1) person, and the sum of fifty thousand dollars (\$50,000.00) for any two (2) or more persons who may be injured in any one (1) accident, and ten thousand dollars (\$10,000.00) for any property damage, at any time by reason of the negligence or carelessness of the driver or operator of such taxicab. Said insurance shall be carried in a firm or corporation which has been duly licensed or permitted to carry on such business in the State of Missouri, and shall be kept and maintained continually in force and effect so long as such applicant and owner of such taxicab shall be licensed to operate the same on the streets of this City, provided that any taxicab operator making an application under the provisions of this Chapter who shall furnish to the Mayor and Board annually, and at such other times as may be required, satisfactory proof and evidence of such taxicab operator's financial ability to properly protect the interest of the public and pay compensation for injuries to persons and loss or damage to property on account or arising out of negligent operation of such taxicabs, shall not be required to furnish liability insurance as herein set forth.

## **CHAPTER 625: KENNEL AND RESCUE KENNEL**

*Cross Reference—For animal provisions, see ch. 210 of this Code.*

### **SECTION 625.010: KENNEL**

Any person who shall own and keep, or harbor upon his/her premises, more than four (4) dogs or four (4) cats or more than a total of four (4) dogs and cats, other than under the age of three (3) months, for any purpose other than for establishing a rescue kennel, as set forth hereinafter, shall be deemed the owner of a kennel. No person shall own a kennel within the City of Buffalo without first acquiring a license therefore. (Ord. No. 73.600 §73.600, 7-27-93, Ord. No. 01-30 §1, 10-8-01; Ord. No. 02-08 §1, 3-11-02)

### **SECTION 625.020: RESCUE KENNEL**

Any person who shall own and keep, or harbor upon his/her premises, more than four (4) dogs or four (4) cats or more than a total of four (4) dogs and cats, other than under the age of three (3) months, for the purpose of providing sanctuary and care to said animals and placing said animals for adoption, shall be deemed the owner of a rescue kennel. The owner of a rescue kennel shall not operate said kennel for commercial or for-profit purposes. No person shall own a rescue kennel within the City of Buffalo without first acquiring a license therefore. (Ord. No. 73.600 §73.610, 7-27-93, Ord. No. 01-30 §1, 10-8-01; Ord. No. 02-08 §2, 3-11-02)

### **SECTION 625.030: APPLICATION FOR LICENSE**

Any person who desires to own a kennel or rescue kennel shall file an application for a kennel license or a rescue kennel license on a form provided by the City Clerk, which application shall provide information to indicate whether or not the proposed kennel or rescue kennel and its operation will violate any provisions of Federal, State and City laws and ordinances. If it appears that such kennel or rescue kennel and the operation thereof will not be in violation of Federal, State and City laws and ordinances, the City Clerk shall issue a kennel license or rescue kennel license to said applicant upon the payment of the license fee. (Ord. No. 73.600 §73.620, 7-27-93, Ord. No. 01-30 §1, 10-8-01)

### **SECTION 625.040: FEES**

The license fee shall be two hundred fifty dollars (\$250.00). (Ord. No. 73.600 §73.630, 7-27-93, Ord. No. 01-30 §1, 10-8-01)

### **SECTION 625.050: LICENSE TERM**

Such license shall permit the applicant to operate such kennel or rescue kennel for a period of one (1) year, unless said license is revoked. (Ord. No. 73.600 §73.640, 7-27-93, Ord. No. 01-30 §1, 10-8-01)



**SECTION 625.060: REVOCATION OF LICENSE**

Any violation of the provisions of this Chapter, or any violation of Federal, State or City laws or ordinances which pertain or relate to the kennel or rescue kennel or the animals contained within such kennel or rescue kennel, shall constitute sufficient cause for revocation of such license. (Ord. No. 01-30 §1, 10-8-01)

**SECTION 625.070: PREMISES TO BE KEPT CLEAN**

Kennel and Rescue Kennel premises shall be maintained in a clean and satisfactory and sanitary condition at all times. Sanitary methods shall be used to obliterate or prevent any offensive odors. The inside and outside spaces shall be completely cleaned at least twice per day. (Ord No 01-30 §1, 10-8-01)

**SECTION 625.080: INSPECTION**

The officers of the City of Buffalo, or designated City employees shall have the right to inspect such kennels and rescue kennels at reasonable hours. (Ord. No. 01-30 §1, 10-8-01)

**SECTION 625.090: CARE OF ANIMALS IN KENNEL**

All kennel animals shall be fed, maintained, and housed in a clean, safe, and humane manner, and shall be housed in separate compartments and separate outdoor runways. Said animals shall not come in physical contact with other animals, except when breeding, and except in cases of mothers and their young. The breeding shall not be done in public view. The provisions of the Animal Care Facilities Act shall be followed. (Ord. No. 01-30 §1, 10-8-01)

**SECTION 625.100: CARE OF ANIMALS IN RESCUE KENNEL**

All rescue kennel animals shall be fed, maintained, and housed in a clean, safe and humane manner. All animals in excess of three (3), shall be housed indoors and not allowed to run at large. The provisions of the Animal Care Facilities Act shall be followed. (Ord. No. 01-30 §1, 10-8-01)

**SECTION 625.110: STERILIZATION OF ANIMALS IN RESCUE KENNEL**

The owner of a rescue kennel shall provide for sterilization by a licensed veterinarian of all animals on the premises over the age of six (6) months. Such sterilization shall consist of the surgical removal of the reproductive organs of the dog or cat in order to render the animal unable to reproduce, or the use of an approved serum which will permanently render the animal unable to reproduce. No animals within a rescue kennel shall be allowed to breed. (Ord. No. 01-30 §1, 10-8-01)

**SECTION 625.120: LOCATION OF KENNEL OR RESCUE KENNEL BUILDING**

If any kennel is licensed to operate within 100 feet of a building used or occupied as a residence, except the residence of the owner of the kennel, the animals shall be continuously confined within

the kennel building and not allowed to run-at-large or be in the outdoor enclosures of the kennel. (Ord. No. 01-30 §1, 10-8-01)

**SECTION 625.130: POWER OF BOARD OF ALDERMAN TO REVOKE LICENSE**

Whenever it is shown to the Board of Alderman that an owner of a kennel or rescue kennel has been guilty of any violation of the terms of the Chapter, the Board of Alderman may, upon its own motion, or upon complaint of any person, revoke the license issued under the provisions hereof, and the action of the Board of Alderman shall be in addition to the penalties herein prescribed for violations of the Chapter. Before revoking any license, the Board of Aldermen shall give to the licensee or any person in charge of the kennel or rescue kennel, at least five (5) days written notice of any complaint charged against him/her, the nature of such complaint and the date and time fixed for a hearing thereupon, at which hearing the licensee shall have the right to have counsel and produce witnesses in his/her behalf. In the event that any license issued hereunder shall, for any cause, be revoked, as provided in this Chapter, no portion of the fee paid therefore shall be refunded. (Ord. No. 01-30 §1, 10-8-01)

**SECTION 625.140: PROHIBITIONS AND PENALTIES**

It shall be unlawful for any person to violate any of the provisions of this Chapter. Each and every occurrence shall be an ordinance violation and separate offense, punishable in accordance with this Code. (Ord. No. 01-30 §1, 10-8-01)

## **TITLE VII. UTILITIES**

### **CHAPTER 700: COMBINED SEWER AND WATER DEPARTMENT**

#### **SECTION 700.010: COMBINED WATERWORKS AND SEWERAGE SYSTEM**

- A. It is hereby found, determined, and declared to be necessary for the public health, safety, welfare and benefit of the City of Buffalo, Missouri, and its inhabitants that the existing waterworks of said City and the sewerage system to be constructed, and all future improvements and extensions thereto, be combined and that they shall thenceforth be operated and maintained as a Combined Waterworks and Sewerage System.
- B. Henceforth, the existing waterworks of the City of Buffalo, Missouri, and the sewerage system of said City to be constructed, and all future improvements and extensions thereto, whether to the waterworks or to the sewerage system or to both, shall be and the same are combined and it is hereby declared that said waterworks and said sewerage system, and all future improvements and extensions thereto as aforesaid, thenceforth be operated and maintained as a Combined Waterworks and Sewerage System. (CC 1984 §66.010)

## CHAPTER 700: WATER SYSTEM CROSS CONNECTION

### SECTION 701.010: CROSS CONNECTION CONTROL POLICY

This section will be reasonably interpreted by the water superintendent. It is the water superintendent's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The water superintendent shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all customers is required to implement and maintain the program to control cross connections. The water superintendent and customer are jointly responsible for preventing contamination of the water system.

If, in the judgment of the water superintendent or his authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the customer. The customer shall immediately comply by providing the required protection at his own expense; and failure, refusal, or inability on the part of the customer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

### SECTION 701.020: DEFINITIONS

The following definitions shall apply in the interpretation of this section:

*AIR GAP SEPARATION*: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

*AUXILIARY WATER SUPPLY*: Any water source or system, other than the public water supply, that may be available in the building or premises.

*BACKFLOW*: The flow other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of public water supply.

*BACKFLOW PREVENTION DEVICE*: Any device, method or type of construction intended to prevent backflow into a potable water supply.

*CUSTOMER*: The owner or person in control of any premises supplied by or in any manner connected to a public water system.

*CONTAINMENT*: Protection of the public water supply by installing a cross connection control or air gap separation on the main service line to a facility.

*CONTAMINATION:* An impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

*CROSS CONNECTION:* Any physical link between a potable water supply and any other substance, fluid or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

*DNR:* The Missouri Department of Natural Resources.

*HAZARD, DEGREE OF:* An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

*HAZARD, HEALTH:* Any condition, device or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water customer.

*HAZARD, PLUMBING:* A plumbing type cross connection to a customer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device.

*HAZARD, POLLUTION:* An actual or potential threat to the physical properties of the water system or to the potability of the public or the customer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

*HAZARD, SYSTEM:* An actual or potential threat of severe damage to the physical properties of the public potable water system or the customer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

*INDUSTRIAL PROCESS SYSTEM:* Any system containing a fluid or solution, which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution, or plumbing hazard if introduced into a potable water supply.

*ISOLATION:* Protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance, or system.

*POLLUTION:* The presence of any foreign substances (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

*PUBLIC POTABLE WATER SYSTEM:* Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

*SERVICE CONNECTION:* The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

*WATER SUPERINTENDENT:* The operator or individual in responsible charge of a public water system.

**SECTION 701.030: CROSS CONNECTIONS PROHIBITED.**

No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or customer's water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the water superintendent, and as required by the laws and regulations of DNR.

No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or customer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water superintendent and DNR.

No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety.

**SECTION 701.040: SURVEY AND INVESTIGATIONS.**

The customer's premises shall be open at all reasonable times to the water superintendent, or his authorized representative to conduct surveys and/or investigations of water use practices within the customer's premises to determine whether there are actual or potential cross connections to the customer's water system through which contaminants or pollutants could backflow into the public potable water system.

On request of the water superintendent or his authorized representative, the customer shall furnish information on water use practices within his premises.

It shall be the responsibility of the water customer to conduct periodic surveys of water use practices or his premises to determine whether there are actual or potential cross connections to his waster system through which contaminants or pollutants could backflow into his or the public potable water system.

**SECTION 701.050: TYPE OF PROTECTION REQUIRED.**

An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.

An approved air gap separation or an approved reduced pressure principal backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.

An approved air gap separation or an approved reduced pressure principal backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

**SECTION 701.060: WHERE PROTECTION IS REQUIRED.**

An approved backflow prevention device shall be installed on each service line to a customer's water system service premises where, in the judgment of the water superintendent or DNR, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.

An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the water superintendent or DNR, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:

- (1) Premises having auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water superintendent and DNR.
- (2) Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
- (3) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
- (4) Premises having a repeated history of cross connections being established or reestablished.
- (5) Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
- (6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or, where a cross connection could reasonably be expected to occur; a serious health hazard may result.

The following types of facilities fall into one (1) or more of the categories of premises where an approved air gap separation or reduced pressure principal backflow prevention device is required by the water superintendent and DNR to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods of the satisfaction of the water superintendent or DNR:

- (1) Aircraft and missile plants.
- (2) Automotive plants.
- (3) Auxiliary water system.
- (4) Beverage bottling plants.

- (5) Canneries, packing houses and reduction plants.
- (6) Car washing facilities.
- (7) Chemical manufacturing, processing, compounding, or treatment plants.
- (8) Film laboratories.
- (9) Fire protection systems.
- (10) Hazardous waste storage and disposal sites.
  
- (11) Hospitals, mortuaries, clinics.
- (12) Irrigation and sprinkler systems.
- (13) Laundries and dye works.
- (14) Metal manufacturing, cleaning, processing, and fabricating plants.
- (15) Oil and gas production, storage, or transmission properties.
- (16) Paper and paper products plants.
- (17) Plating plants.
- (18) Power plants.
- (19) Printing and publishing facilities.
- (20) Radioactive material processing plants or nuclear reactors.
- (21) Research and analytical laboratories.
- (22) Rubber plants, natural or synthetic.
- (23) Sewage and storm drainage facilities – pumping stations.
- (24) Waterfront facilities and industries.

**SECTION 701.070: BACKFLOW PREVENTION DEVICES**

Any backflow prevention device required by this section shall be of a model or construction approved by the water superintendent and DNR.

- (1) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one (1) inch.
- (2) A double check valve assembly or reduced pressure principal backflow prevention device shall be approved by the water superintendent and shall appear on the current “list of approved backflow prevention devices” established by DNR.

Existing backflow prevention devices approved by the water superintendent at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this section so long as the water superintendent is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location, or required more than minimum maintenance, or when the water superintendent finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

**SECTION 701.080: INSTALLATION.**

Backflow prevention devices required by this section shall be installed at a location and in a manner approved by the water superintendent and shall be installed at the expense of the water customer.



Backflow prevention devices installed on the service line to the customer's water system shall be located on the customer's side of the water meter, as close to the meter as is reasonably practical, and prior to any connection.

Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid.

**SECTION 701.090: INSPECTION AND MAINTENANCE.**

It shall be the duty of the customer at any premises on which backflow prevention devices required by this section are installed to have inspections, test and overhauls made in accordance with the following schedule or more often where inspections indicate a need.

- (1) Air gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
- (2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every thirty (30) months.
- (3) Reduced pressure principal backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five (5) years.

Inspections, tests and overhauls of backflow prevention devices shall be made at the expense of the water customer and shall be performed by a state certified backflow prevention device tester.

Whenever backflow prevention devices required by this section are found to be defective, they shall be repaired or replaced at the expense of the customer without delay.

The water customer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, repairs and overhauls and shall be made available to the water superintendent upon request.

The water customer shall provide a copy of records, listed in (d) above, to the water superintendent when testing, maintenance or repair activities are completed.

Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without separation authorization by the water superintendent.

**SECTION 701.100: VIOLATIONS.**

The water superintendent shall deny or discontinue after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this section is not

installed, tested and maintained in a manner acceptable to the water superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if any unprotected cross connection exists on the premises.

Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects in conformance with this section to the satisfaction of the water superintendent.

Provided that the water superintendent becomes cited by the DNR as a result of a customer's action or negligence of this policy, the water superintendent may in addition to subsections (a ) and (b) above require reimbursements of any fees, fines or other administrative cost be reimbursed to the water superintendent prior to reconnection of service (Ord. No. 11-03§1, 6-13-11).

## CHAPTER 705: WATER AND SEWER CHARGES

### ARTICLE I. GENERAL PROVISIONS

#### SECTION 705.010: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as set out herein:

*BIOCHEMICAL OXYGEN DEMAND (BOD)*: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in a period of five (5) days at a temperature of twenty degrees centigrade (20°C), expressed in milligrams per liter (mg/l). Such BOD shall be determined as described under the heading "*biochemical oxygen demand*" in the Standard Methods of the Examination of Water and Wastewater (latest edition) as published jointly by the American Public Health Assoc., the American Water Works, Assoc., and the Water Pollution Federation.

*CITY*: The incorporate municipality enacting this Chapter.

*COMMERCIAL USER*: Any person, firm, partnership, or corporation occupying any building or structure which is connected to the City sewer system, the principal use of which is for engaging in commerce or trade, and having a financial profit as the primary aim. Provided however, that schools shall be considered as a "*commercial user*".

*INDUSTRIAL USER*: Any non-governmental user of the City's wastewater works that discharges wastes other than primarily domestic wastes or wastes from sanitary conveniences.

*INDUSTRIAL WASTES*: The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

*NORMAL DOMESTIC WASTES*: Any wastes having a five (5) day BOD concentration not in excess of 205 mg/l or a suspended solids concentration not in excess of 250 mg/l.

*OPERATION AND MAINTENANCE*: All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

*REPLACEMENT*: Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "*operation and maintenance*" includes replacement.

*RESIDENTIAL USER*: Any person occupying any building or structure which is connected to the City sewer system, the principal user of which is for domestic dwelling purposes for any person.

*SHALL*: Is mandatory; *MAY*: Is permissive.

*SUSPENDED SOLIDS*: Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

*TOXIC WASTES*: Any waste which is deleterious to treatment plant operation or to sludge utilization, which constitutes a hazard to humans or animals, or which will create a hazard in the receiving waters of the sewage treatment plant.

*TREATMENT WORKS*: Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of 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, including waste in combined storm water and sanitary sewer systems.

*USEFUL LIFE*: The estimated period during which a treatment works will be operated.

*USER*: A distinct residence, business or industry whether located in a separate building or in a separate partitioned area within a common building structure.

*USER CHARGE*: That portion of a total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

*WATER METER*: A water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City. (CC 1984 §67.010)

#### **SECTION 705.020: CITY COLLECTOR—DUTIES**

It shall be the duty of the City Collector of the City of Buffalo, Missouri, in the manner provided by the ordinances of the City of Buffalo, Missouri, to collect all fees, charges and penalties for water and sewer service supplied by the City of Buffalo to the users of said water and sewer service. (CC 1984 §67.170)

#### **SECTION 705.030: BILLS—PREPARED WHEN**

The process of the utility department shall follow for billing and collections of amounts due for service are as follows:

1. The utility department shall notify customers in writing by the first (1st) day of each month of the amount due by the tenth (10th) of the month.

2. Bills become delinquent on the 11th of each month or the following working day if the 10th falls on a weekend or holiday.
3. Penalties shall be assessed at 10% per month for all unpaid balances on the due date. (CC 1984 §67.180; Ord. No. 11-10 §2, 12-19-11)

**SECTION 705.040: DISCONNECTION FOR FAILURE TO PAY**

- A. The utility department shall cause all customers who have not paid their bills in full or made adequate arrangements to pay their bills in full prior to the end of the business day on the twenty-fourth (24th) day of month shall have their services disconnected on the twenty-fifth (25th) day of the month.
- B. Any utility customers for whom services have been terminated for non-payment of bill shall not have their services restored until the bill, penalty, and restoration fee of twenty-five dollars (\$25.00) has been paid.
- C. Any unauthorized turn-on of water service shall be assessed a charge of fifty dollars (\$50.00) for tampering and the meter shall be pulled. Services shall not be restored until all charges are paid in full (CC 1984 §67.190; Ord. No. 11-10 §3, 12-19-11)

**SECTION 705.060: SUBDIVISION**

Any person setting up a subdivision shall submit plans for the subdivision with the Board of Aldermen and said plans shall provide for the installation of water and sewer lines at the cost of the person or persons establishing said subdivision before said subdivision shall be approved. (CC 1984 §67.210)

**SECTION 705.070: EMERGENCY PROCLAMATION**

In case of any emergency or shortage of water for any cause, the Mayor of the City of Buffalo, Missouri, may, by proclamation, declare an emergency and limit the use of water to the users. (CC 1984 §67.220)

**SECTION 705.080: DELINQUENT BILLS**

- A. *Lien.* In the event the charges for water or sewerage service are not paid by the 10th of the month such charges shall constitute a lien upon the real estate for which such service is supplied, and the City Clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Dallas County, and the filing of such statements shall be deemed notice of the lien of such charges for such service.
- B. *Person Responsible for Payment.* The rates and charges herein established shall be collected from the occupants and users of the premises. In the event that the occupants or users of said premises are not the owners of said property, then the owners of said property shall pay the water and sewer bills not paid by the occupants and/or users of said property. (CC 1984 §§67.230, 68.065; Ord. No. 11-10 §4, 12-19-12)

## ARTICLE II. SEWER CHARGES

### SECTION 705.090: COLLECTION DUTIES

- A. The City shall collect sewer service charges for the use of land and the services rendered by said sanitary sewer system from the owners or occupants of each residence, building or structure which is connected with the sanitary sewer system of the City or which discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the sanitary sewer system of the City.
- B. Except as herein otherwise provided, sewer service charges shall be based on the quantity of water used on or in the property or premises subject to such charges; shall be computed by applying the rates herein established; and shall be payable as herein provided. (CC 1984 §67.020)

### SECTION 705.100: DETERMINATION OF USAGE

- A. Except as otherwise herein provided, service charges shall be based on one of the following:
  - 1. On the quantity of water used from any source or source of supply, as measured by a water meter or meters acceptable to the City.
  - 2. On the quantity of sanitary sewage, industrial wastes, water or other liquids entering the sanitary sewage system of the City and measured by a sewage meter acceptable to the City.
  - 3. On the quantity of water as determined by the City or other authorized representative of the City through a study of the particular service.
  - 4. On the quantity of sanitary sewage, industrial wastes, water or other liquids entering the sanitary sewage system of the City as determined by the City or other authorized representative of the City through a study of the particular service.
- B. *Installation of Water Sewage Meters.*
  - 1. Each owner of a private well or other private water supply shall, at his own expense, install and maintain in continuous efficient operation a water meter acceptable to the City on such private well or other private water supply.
  - 2. The City may permit the installation and maintenance of one (1) or more sewage meters or additional water meters in such a manner as to determine the quantity of water actually entering the sewage works. Such meters shall be of a type acceptable to the City and shall be installed and maintained at the expense of the owner or other party.
  - 3. Where sewage meters are installed, they shall be of a type approved by the City and shall be installed and maintained in continuous efficient operation by the user at his own expense.

- C. *Maintenance of Meters.* Where installed, all water or sewage meters shall be maintained by the owner, at his expense, in continuous efficient operation at all times. The readings of any such meter which, in the opinion of the City, has not been so maintained will be disregarded and the City or its authorized representative shall determine the sewage volume delivered to the sanitary system of the City during the time covered by discredited meter readings. (CC 1984 §67.030)

**SECTION 705.110: BASIS FOR COMPUTING BILLS**

- A. All users, other than residential users, shall be billed on the basis of all monthly water usage as determined by monthly water meter readings.
- B. The rates and charges established by this Chapter shall be applied to the water consumption billed after this Chapter shall have been placed in effect except as herein otherwise provided. In order that there be the least sewer service charge to residential water consumers for water used to maintain lawns, gardens, flowers, shrubs, trees, etc., water usage shall be derived from the water consumption recorded in periods when such activities are reduced.
- C. The basis of residential bills shall be the average monthly water consumption for the months of January, February and March, or the average consumption for any months during which water was used, except as herein otherwise provided. In computing the average monthly water consumption, the water readings taken between January and March shall be used. The average monthly water consumption so computed for a residence shall be the basis for sewer service charge billings rendered during the twelve (12) months following the meter reading date in the month of March.
- D. In cases where a residence first become subject, after the meter reading date in March, to the sewer service charges established herein and no water meter readings were taken before such date, the owner or occupant of such residence shall be billed on the basis of the first (1st) month's usage.
- E. In multiple housing complexes including duplexes, tri-plexes, four-plexes, or combination of multiple housing units, apartment housing units, trailer park pads or spaces, a motel or hotel units, the number of users shall be the number of dwelling units connected to the sewer system whether served by individual water meter or by a single master water meter or private water supply. Where a single water meter serves multiple housing complexes, the number of units shall be used in computing charges whether or not all units are occupied. (CC 1984 §67.040)

**SECTION 705.120: ADEQUATE REVENUES TO BE GRANTED**

The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this Chapter. (CC 1984 §67.050)

**SECTION 705.130: RATES**

The sewer service charge rates for operation and maintenance which shall be applied to the water usage of all residences, buildings and structures connected with the City sanitary sewer system shall be as provided in Appendix "A" of this Chapter. (CC 1984 §67.060)

## **SECTION 705.140: EXTRA CHARGES**

- A. In order that the rates and charges may be justly and equitably adjusted to the service rendered, the City shall have the right to base its charges not only on volume, but also on the strength and character of sewage and wastes which it is required to treat and dispose of. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the City's sanitary sewage system in such a manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge.
1. Extra charges for discharge of excess BOD. Any customer who discharges sewage having a BOD concentration in excess of 205 mg/l shall pay an additional charge based on the schedule provided in Appendix "A" of this Chapter.
  2. Extra charges for discharge of excess suspended solids. Any customer who discharges sewage having a suspended solids concentration in excess of 250 mg/l shall pay an additional charge based on the schedule provided in Appendix "A" of this Chapter.
  3. Extra charges for discharge of toxic substances.
- B. Any customer who discharges a toxic substance which is deleterious to the treatment process or to sludge utilization shall be liable for all costs incurred by the City in returning the treatment process or sludge to its proper condition. Such extra charges shall be determined by the treatment plant operator subject to review and approval by the Board of Aldermen and shall include, but not be limited to costs of labor, chemicals, and equipment directly used in correcting the toxic conditions, and any penalties assessed against the City by governmental agencies which are the result of any discharge of toxic substances to the treatment works or the collection works. (CC 1984 §67.070)

## **SECTION 705.150: METHOD OF BILLING**

All sewer service charges established by this Chapter shall be a part of, but noted as a separate item on the water bill of each user and shall be billed, collected and become delinquent at the same time and in the same manner as such water bill. Any user of the City sewer system who shall be deemed to be delinquent in the payment of the sewer bill shall be subject to being disconnected from the sewer system in the same manner and at the same time as provided in other ordinances for disconnection from the water system. No person who has been disconnected from the sewer system shall be again connected thereto until he/she has paid to the City all delinquent water and sewer bills in full together with the re-connect charge as specified in Appendix "A" of this Chapter. Disconnection shall be by removal of the water meter or physical blockage or disconnection of the building sewer service line. (CC 1984 §67.080)

## **SECTION 705.160: ADJUSTMENTS**

When it appears that an inequity has occurred, the City or its designated agent may submit a report of the circumstances and make recommendations for adjustments of sewer service charges to the Board of Aldermen. Any recommendations for adjustments must be approved by said Board before such adjustments shall be effective. (CC 1984 §67.090)



**SECTION 705.170: POWERS AND AUTHORITY OF INSPECTORS**

The elected officials of the City and other duly authorized employees of said City shall, at reasonable times, be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. (CC 1984 §67.100)

**SECTION 705.180: ACCOUNTING SYSTEM FOR SEWER FUNDS**

The accounting system for the provisions of this Chapter shall be as previously established entitled "Combined Water and Sewer System Fund".

1. All monies collected under the authority of this Chapter for operation and maintenance shall be accrued to the "Sewer Revenue" account.
2. All expenses incurred in the operation and maintenance of the sewer system shall be charged to the "Sewer Expenditures" account. Each of the operating expense accounts shall be separated to account for the sewer system expenses.
3. A "Sewer System Replacement" account shall be established to provide for replacement of major items of sewer system equipment as their useful life expires. Replacement account expenditures shall be restricted to obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works including pumping stations to maintain the capacity and performance for which such works were designed and constructed. A minimum of nine thousand four hundred dollars (\$9,400.00) per year from the revenue collected shall be accumulated to this account. Appendix "C" of this Chapter indicates the method of determining the sewer system replacement fund amount.
4. Monies accrued from the rate schedule and extra charges for operation and maintenance shall be disbursed only for the needs of the sewer system. Any monies transferred into these accounts from other revenue sources and used for operational expenditures shall be returned to their original account through operating efficiency expense reduction or adjustment to the rate schedule.
5. Any monies in the sewer system accounts at the end of each fiscal year shall be carried forward and not transferred to other funds. (CC 1984 §67.110; Ord. No. 00-15 §2, 4-10-00)

**SECTION 705.190: REVIEW OF RATE SCHEDULE**

- A. At the end of each fiscal year, the balances in the sewer funds shall be reviewed to insure adequate and equitable rate schedules for the following year.
- B. Any operation and maintenance fund balance carried forward shall be identified by class and credited to the budgeted sewer system expenses for the following year.
- C. The rate schedule adopted for any fiscal year shall be adequate to insure adequate operation and maintenance funds and to maintain a sufficient replacement fund to cover costs of anticipated major equipment replacements and to insure that all customers pay their proportionate share of the costs

of operating and maintaining the sewer system. The City shall notify each user annually, in conjunction with a regular billing, of the rates and that portion charged for the operation and maintenance of the sewer system.

- D. Appendix "B" of this Chapter is the method to be used in calculating the rates for operation and maintenance. (CC 1984 §67.120)

**SECTION 705.200: BUILDING SEWER PERMITS**

- A. There shall be two (2) classes of building sewer permits:
1. For residential users; and
  2. Commercial and industrial users.
- B. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of one hundred dollars (\$100.00) for a residential building sewer permit and one hundred fifty dollars (\$150.00) for a commercial or industrial building sewer permit shall be paid to the City at the time the application is filed. (CC 1984 §67.130)

**ARTICLE III. WATER CHARGES**

**SECTION 705.210: CHARGES FOR SERVICE**

There is hereby established the following charges for water services, to-wit:

1. Water:

|                     |                     |
|---------------------|---------------------|
| First 1,000 gallons | \$9.54 minimum)     |
| Next 19,000 gallons | .41 per 100 gallons |
| Next 30,000 gallons | .36 per 100 gallons |
| Over 50,000 gallons | .30 per 100 gallons |
  
2. Service outside City limits:

|                     |                     |
|---------------------|---------------------|
| First 1,000 gallons | \$15.31 (minimum)   |
| Additional gallons  | .41 per 100 gallons |

(CC 1984 §67.140; Ord. No. 95-25 §§1–2, 1-8-96; Ord. No. 97-07 §§1-2, 4-14-97; Ord. 99-10 §§1-2, 5-10-99; Ord. No. 06-09 §2, 5-8-06; Ord. No 14-06 §2, 5-12-14; Ord. No 15-07 §2; 6-8-15; Ord. No 19-09 §2; 3-25-19; Ord. No. 23-11§2; 5-8-23; Ord. No. 24-08 §2; 6-10-24)

**SECTION 705.220: PERMIT–DEPOSIT–TAP-IN FEE**

In order to set up new service at an existing meter/sewer connection every applicant for service must provide the requested information to the utility billing department, pay a deposit and service charge prior to service being established and water turned on:

1. A twenty-dollar (\$20.00) deposit if they are the homeowner.
2. A ninety-five-dollar (\$95.00) deposit for renters unless they meet one of the following conditions, in which case their deposit shall be fifty dollars (\$50.00):
  - a. They provide an authentic letter of credit from another utility company in the State of Missouri stating they have paid their bill in a timely fashion for over one (1) year.
  - b. Co-signed by a homeowner in the City who has paid their bill in a timely fashion for over one (1) year and who does not have a delinquent balance, or
  - c. Co-signed by owner of house.
3. The deposit for a commercial use shall be the amount of the user's projected monthly bill with a minimum deposit of not less than forty dollars (\$40.00).
4. A five-dollar (\$5.00) service charge.

If the services requested is a new or different connection to the main water lines, then after the City Clerk approves the connection the applicant will pay to the City Collector a tap-in fee of three hundred dollars (\$300.00) for a three-quarter (3/4) inch connection; five hundred dollars (\$500.00) for a one (1) inch connection; all other sizes shall be based on the cost of supplies and manpower used in connection with the installation.

If the meter box and all other necessary supplies except for the water meter have been installed by the Developer and approved by the City the applicant shall pay the City Collector a sum of twenty dollars (\$20.00) plus the approximate cost of the meter. (CC 1984 §67.150; Ord. No. 96-01 §§1–2, 1-8-96; Ord. No. 98-11, §1, 4-13-98; Ord. No. 08-03 §2, 5-12-08)

**SECTION 705.230: EACH PREMISES TO HAVE WATER**

All premises using City water shall have a separate connection and water meter except apartment buildings, duplexes, or commercial buildings, which may have one meter per structure. The owner of the property shall be responsible for paying all deposits and charges for water and sewer services. (Ord. No. 96-42, §1, 12-9-96)

## **ARTICLE IV. MISCELLANEOUS PROVISIONS**

### **SECTION 705.240: WATER SYSTEM REPLACEMENT ACCOUNT**

A Water System Replacement account shall be established to provide for replacement of major items of water system equipment as their useful life expires. Replacement account expenditures shall be restricted to obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the water system including maintaining the performance of existing wells and towers. The initial amount of deposit shall be fifty-eight thousand four hundred eleven dollars fifty-five cents (\$58,411.55). (Ord. No. 96-05 §1, 2-12-96)

### **SECTION 705.245: WATER TOWER CONSTRUCTION ACCOUNT - Deleted (Ord. No. 99-21, §1, 9-27-99; Ord. No. 07-18, §1, 9-24-07)**

### **SECTION 705.250: CONNECTION TO CITY WATER AND SEWER SYSTEM REQUIRES COMPLIANCE TO CERTAIN PROVISIONS**

No connection shall be made to the City's water and sewer system if the applicant requesting connection to be serviced has not complied with the Sections of the Buffalo City Code relating to licenses and permits, including but not limited to, Merchant's License and Zoning Permits or if the property proposed to be serviced is not in compliance with such Sections of the Code. Further no connection shall be made to the City's water and/or sewer system for any property not inside the corporate limits of Buffalo (Ord. No. 96-16 §1, 5-13-96; Ord. No. 02-16 §1, 5-13-02 )

### **SECTION 705.260: UNAUTHORIZED WATER USAGE**

Any person not having a license or permit from the proper officer of the City for the withdrawal and use of water from the hydrant, mains, fire plugs, street washers or any other place within the corporate jurisdiction, of the City of Buffalo, Missouri, who shall knowingly withdraw, or cause to be withdrawn any water from its hydrants, mains, pipes, fireplugs, street washers or other place within said City or any point along the line of its mains or pipe except the public water places or drinking fountains, shall be deemed guilty of a violation of this Section and shall be punishable by a fine of not less than twenty-five dollars (\$25.00). Provided however, that this Section shall not apply to any person or persons who may take water from the hydrants, and other places to be used in case of fire or for the use of the Fire Department. (Ord. No. 96-24 §1, 8-12-96)

**APPENDIX "A" TO CHAPTER 705**

- A. A. Section 705.130 and Section 705.140 of Chapter 705 provides for sewer service charges and extra charges for each residence, building and structure connected to the sewer system and discharging wastewater to the system.
  
- B. The following rates shall be charged based on the volume measured in gallons discharged to the system:
  - 1. Operation and Maintenance Rate Schedule:
    - a. Residential Sewer Service Charge - \$18.75 per month
    - b. Charge for Usage -\$.67 per 100 gallons
    - c. Minimum Charge if no water meter- \$45.00 per month.
  
  - 2. Extra Charge for High Strength Waste:
    - a. BOD - \$.70 per pound
    - b. Suspended Solids (SS) - \$.60 per pound
    - c. Toxic Substances – Actual Cost Associated with the discharge
  
  - 3. Re-Connect Charge:

After a customer has been disconnected from the sewer system, he/she may be allowed to again use the sewer system after all delinquent water and sewer charges have been paid in full together with a re-connect charge of thirty dollars (\$30.00) paid to the City.
  
  - 4. Tampering Fee:

Any authorized turn-on of water service shall be assessed a charge of thirty dollars (\$30.00) for tampering and the meter will be pulled. Services shall not be restored until all charges are paid in full.

(Ord. No. 98-08, § 1-2, 4-14-97; Ord. No. 00-12 §2, 4-10-00; Ord. No. 02-14 §2, 5-13-02; Ord. No. 05-09 §2, 9-12-05; Ord. No. 06-10 §2, 5-8-06; Ord. No. 07-05 §2, 4-9-07; Ord. No. 07-19 §2, 10-8-07; Ord. No. 08-04 §2, 5-9-08; Ord. No. 08-14, §2, 09-29-08; Ord. No. 10-03, §2, 04-26-10; Ord. No 15-06 §2, 5-26-15; Ord. No. 17-10 §2, 6-26-17; Ord. No 19-10 §2; 5-13-19; Ord. No. 21-07§2, 06-14-21; Ord. No. 23-12§2, 5-8-23; Ord. No. 24-07§2; 6-10-24)

**APPENDIX "B" TO CHAPTER 705**

This Appendix presents the methodology to be used in calculating user charge rates and illustrates the calculations followed in arriving at the first year's user charge. The charges established in this Appendix are based on the estimates of expenses and loadings. The actual expenses and loadings that occur may differ from these estimates and certainly will change as time passes. Therefore, the user charges must be re-established whenever necessary to reflect actual expense and loadings. Once the new treatment system is in use, the expenses and loadings can be determined from operating records and the user charges can be adjusted based on these figures.

1. *Expenses.* The total annual expenses associated with the sewer system are estimated as follows:

***Item Estimated Annual Expense Sewer***

|                                     |                 |
|-------------------------------------|-----------------|
| a. Salaries .....                   | \$XX,XXX.XX     |
| b. Benefits .....                   | XX,XXX.XX       |
| c. Supplies .....                   | XX,XXX.XX       |
| d. Telephone .....                  | XXX.XX          |
| e. Utilities .....                  | XX,XXX.XX       |
| f. Insurance .....                  | X,XXX.XX        |
| g. Travel, Meetings, Dues .....     | X,XXX.XX        |
| h. Vehicle Maintenance .....        | X,XXX.XX        |
| i. Repairs and Maintenance .....    | XX,XXX.XX       |
| j. Capital Expenditures .....       | XX,XXX.XX       |
| k. Maintenance of Sewer Lines ..... | X,XXX.XX        |
| l. Replacement Fund .....           | <u>X,XXX.XX</u> |
| Total .....                         | \$XXX,XXX.XX    |

2. *Financing of Bonds.*

|                                 |                 |
|---------------------------------|-----------------|
| a. Principal and Interest ..... | \$ XX,XXX.XX    |
| b. Reserve .....                | <u>X,XXX.XX</u> |
| Total .....                     | \$XXX,XXX.XX    |

3. *Loadings.* The initial loading is estimated as follows:

|                                   |                |
|-----------------------------------|----------------|
| a. Total metered flow .....       | XX,XXX gallons |
| b. Total users to be billed ..... | X,XXX          |

4. The flow related operating costs are estimated as follows:

|  |              |
|--|--------------|
| (1) Salaries (partial) .....           | \$XX,XXX.XX  |
| (2) Benefits .....                     | X,XXX.XX     |
| (3) Supplies .....                     | X,XXX.XX     |
| (4) Utilities .....                    | XX,XXX.XX    |
| (5) Repairs and Maintenance .....      | XX,XXX.XX    |
| (6) Maintenance of Sewer Lines .....   | X,XXX.XX     |
| (7) Travel, Meetings & Dues .....      | XXXX.XX      |
| (8) Sewer Plant Replacement Fund ..... | X,XXX.XX     |
| (9) Capital Expenditures .....         | XX,XXX.XX    |
| Total .....                            | \$XXX,XXX.XX |

5. The fixed cost of operation are the balance of cost, not flow related, or:  
 $\$XXX,XXX - \$XXX,XXX = \$XX,XXX$

6. Assume financing cost are as follows:  
 Flow Related =  $\$XX,XXX$   
 Fixed =  $XX,XXX$

7. *User Charge Calculation:*

- a. Unit Fixed Cost = fixed cost divided by number of users divided by 12
- b. Unit Cost per 1,000 gallons = flow related cost divided by estimated flow for year

8. *Revenue Calculations:*

|                               |              |
|-------------------------------|--------------|
| Fixed Cost or Minimum = ..... | \$ XX,XXX.XX |
| Flow cost = .....             | XXX,XXX.XX   |
| YEARLY REVENUE .....          | \$XXX,XXX.XX |
| Total Budget Cost .....       | \$XXX,XXX.XX |

9. *Excess BOD and/or Suspended Solids.* Currently, there are no customers discharging sewage stronger than normal domestic sewage. However, should this change in the future, such customers must be charged for excess BOD and Suspended Solids (SS). In order to calculate the unit costs for excess BOD and SS, the volume related expenses are apportioned in the following manner:

- Flow Related Expenses - 40%
- BOD Related Expenses - 30%
- SS Related Expenses - 30%

Annual BOD Load @ 205 mg/l = 80.24 mill. gal. x 205 x 8,345 = 137,270 lbs. Annual SS Load @ 250 mg/l = 80.24 mill. gal. x 250 x 8,345 = 167,400 lbs.

Excess Charge Calculations

Excess BOD or SS poundages may be calculated from the following formulas:  
 Excess BOD, lbs. = flow volume, mgd x (actual BOD, mg/l-205 mg/l) x 8.34  
 Excess SS, lbs. = flow volume, mgd x (actual SS, mg/l-300 mg/l) x 8.34

(Ord. No. 00-13 §2, 4-10-00; Ord. No. 05-10 §2, 9-12-05)

**APPENDIX "C" TO CHAPTER 705**

The sewer system is designed for a twenty (20) year growth period, following which enlargement or replacement of the treatment facility and lift station will be required. In order to provide funds to replace major wearable equipment items, the establishment of a replacement account is needed. In the facility, replacement of such items as pumps, motors, bearing, and seals should be contemplated. Other mechanical items and structures should last throughout the twenty (20) year design life. Listed below are the estimated current replacement costs of each item which might need replacement. This cost has also been inflated at a rate of three percent (3%) per year to estimate cost at the actual time of replacement. A sinking fund accrual for each item has also been shown for the inflated replacement costs, using six percent (6%) interest.

| Item                  | 2000 Cost   | Life | Inflated Cost | Annual Cost |
|-----------------------|-------------|------|---------------|-------------|
| Lift Stations (6)     | \$43,200.00 | 20   |               | \$1,880.00  |
| Rotors and Drives (4) | 48,000.00   | 20   | .....         | 2,089.00    |
| Comminutor            | 3,600.00    | 20   |               | 157.00      |
| Clarifier Equip (3)   | 5,400.00    | 20   |               | 235.00      |
| Flow Metering         | 4,800.00    | 20   |               | 209.00      |
| Sludge Pumps          | 9,000.00    | 10   |               | 888.00      |
| Sludge Hauling Truck  | 52,800.00   | 20   |               | 2,299.00    |
| Utility Truck         | 12,000.00   | 10   |               | 1,184.00    |
| Electric Generator    | 6 5,000.00  | 20   | 9,600.00      | 261.00      |
| Polymer Feed Pump     | 3,500.00    | 20   | 5,600.00      | 152.00      |
| TOTAL                 |             |      |               | \$9,354.00  |
| USE                   |             |      |               | \$9,400.00  |

(Ord. No. 00-14 §2, 4-10-00)



## CHAPTER 710: SEWER CODE

### SECTION 710.010: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows :

*BIOCHEMICAL OXYGEN DEMAND (BOD):* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in a period of five (5) days at a temperature of twenty degrees centigrade (20°C), expressed in milligrams per liter (mg/l). Such BOD shall be determined as described under the heading "*biochemical oxygen demand*" in the Standard Methods of the Examination of Water and Wastewater (latest edition) as published jointly by the American Public Health Assoc., the American Water Works, Assoc., and the Water Pollution Federation.

*BUILDING DRAIN:* That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

*BUILDING SEWER:* The extension from the building drain to the public sewer or other place of disposal.

*CITY:* The incorporate municipality enacting this Chapter.

*COMBINED SEWER:* A sewer receiving both surface runoff and sewage.

*COMMERCIAL USER:* Any person, firm, partnership or corporation occupying any building or structure which is connected to the City sewer system, the principal use of which is for engaging in commerce or trade, and having a financial profit as the primary aim. Provided however, that schools shall be considered as a "*commercial user*".

*GARBAGE:* Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*INDUSTRIAL USER:* Any non-governmental user of the City's wastewater works that discharges wastes other than primarily domestic wastes or wastes from sanitary conveniences.

*INDUSTRIAL WASTES:* The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

*INSPECTOR:* Shall mean the person or persons duly authorized by the City, to inspect and approve the installations of building sewers and their connection.

*NATURAL OUTLET:* Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

*NORMAL DOMESTIC WASTES:* Any wastes having a five (5) day BOD concentration not in excess of 205 mg/l or a suspended solids concentration not in excess of 250 mg/l.

*OPERATION AND MAINTENANCE:* All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

*PERSON:* Any individual, firm, company, association, society, corporation or group.

*pH:* The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*PROPERLY SHREDDED GARBAGE:* The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (2) inch (1.27 centimeters) in any dimension.

*PUBLIC SEWER:* A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*REPLACEMENT:* Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "*operation and maintenance*" includes replacement.

*RESIDENTIAL USER:* Any person occupying any building or structure which is connected to the City sewer system, the principal use of which is for domestic dwelling purposes for any person.

*SANITARY SEWER:* A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

*SEWAGE:* A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

*SEWAGE TREATMENT PLANT:* Any arrangement of devices and structures used for treating sewage.

*SEWAGE WORKS:* Shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

*SEWER:* Shall mean a pipe or conduit for carrying sewage.

*SHALL:* Is mandatory; *MAY:* Is permissive.

*SLUG:* Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

*STORM DRAIN* (sometimes termed “*STORM SEWER*”): A sewer which carries storm and surface water and drainage, but excludes sewage and industrial wasters, other than unpolluted cooling water.

*SUPERINTENDENT*: Shall mean the Superintendent of the municipal Sewage Works of the City or his authorized deputy, agent or representative.

*SUSPENDED SOLIDS*: Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

*TOXIC WASTES*: Any waste which is deleterious to treatment plant operation or to sludge utilization, which constitutes a hazard to humans or animals, or which will create a hazard in the receiving waters of the sewage treatment plant.

*TREATMENT WORKS*: Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of 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, including waste in combined storm water and sanitary sewer systems.

*USEFUL LIFE*: The estimated period during which a treatment works will be operated.

*USER*: A distinct residence, business or industry whether located in a separate building or in a separate partitioned area within a common building structure.

*USER CHARGE*: That portion of a total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

*WATERCOURSE*: A Channel in which a flow of water occurs, either continuously or intermittently.

*WATER METER*: A water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City. (Ord. No. 97-04, §§1-2, 2-1097)

## **SECTION 710.020: USE OF PUBLIC SEWERS REQUIRED**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful for any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the City, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.
- E. The Owner of all houses, buildings, or properties which have a properly installed "Building Sewer" shall maintain the "Building Sewer" to a condition equal to those provisions provided in this ordinance at the owner's cost. The Inspector may perform tests on any Building Sewer previously connected to the City collection system to determine the condition of the Building Sewer and shall notify the owner of the Building Sewer in writing of any defects determined by such tests. The Owner of the Building Sewer shall make the required repairs within 45 days of receipt of the notice. (Ord. No. 97-04, §§1-2, 2-10-97)

**SECTION 710.030: PRIVATE SEWAGE DISPOSAL**

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 710.020 (D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection of ten dollars (\$10.00) shall be paid to the City at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Superintendent.
- D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Missouri. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than seven thousand five hundred (7,500) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

- F. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- G. When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt. (CC 1984 §68.030)

**SECTION 710.040: TAMPERING WITH SEWER IS A MISDEMEANOR**

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. Before a permit may be issued, the person applying for such permit shall have executed unto the City of Buffalo, Missouri, and deposited with the City Clerk a cash bond in the sum of one thousand dollars (\$1,000.00) conditioned that he/she will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any ordinance of the City of Buffalo, Missouri, pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Buffalo, Missouri, and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this Chapter and that material and workmanship shall be guaranteed for a period of one (1) year. Such bond shall remain in force and must be executed for a period of one (1) year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued there under prior to such expiration. (CC 1984 §68.040)

**SECTION 710.050: PROHIBITIONS FOR CONNECTIONS TO PUBLIC SEWER SYSTEM**

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City.
- B. No person shall make connection of or allow discharge from roof down spouts, interior and 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. (Ord. No. 97-04, §§1-2, 2-10-97)

**SECTION 710.060: CONNECTIONS TO PUBLIC SEWER SYSTEM**

- A. All costs and expense incidental to the installation and connection to the building sewer shall be borne by the owner, including but not limited to sewer main damage; street, drainage, and sidewalk damage, other utility damage. The Owner or the person installing the building for said owner shall indemnify said City from any loss or damage that may directly or indirectly be occasioned by said installation.
- B. 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. Other exceptions will be allowed only by special permission granted by the superintendent.

- C. Existing building sewer or portions thereof, may be used for connection to the City collection system only when they are found on examination and test to meet all requirements of this ordinance.

The existing building sewer shall be uncovered and ends plugged and tested by the owner of the building sewer. This provision shall include the testing of building sewers which were previously connected to a private collection system which has been taken over by the City as a part of the City collection system.

- D. The building sewer shall be constructed of pipe and fittings meeting the current A.S.T.M. Specifications as listed in Appendix " A". If the building sewer is installed in filled or unstable ground, the building sewer shall be cast iron soil pipe.
- E. All joints and connections shall be made gas tight and water tight. Connections between pipe of different materials shall be made by adapters specifically designed for that purpose and shall provide a gas and water tight connection. Testing shall be done after pipe is installed and before approved by City.

Testing to determine acceptability shall include a water leakage test. The building sewer shall be considered acceptable with the water leakage test rates below the following:

For 4" Pipe - 0.67 gallons per 100 ft, of pipe per 60 minutes. For 6" Pipe - 1.0 gallons per 100 ft, of pipe per 60 minutes. For 8" Pipe - 1,33 gallons per 100 ft, of pipe per 60 minutes.

All pipe tested shall be subjected to a test pressure of at least 5 ft, of water column- A minimum water leakage test time shall be one hour. Where a saturated ground water condition of at least 1.0 ft. of water column over the pipe exists, the above rates shall be used to measure acceptable leakage into the pipe.

Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together.

The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces. Solvent welds shall be made using materials specifically designed for the pipe used. "All purpose glues" shall not be used.

- F. The size and minimum slope of the building sewer shall be as provided herein, subject to the review and approval of the superintendent, but in no event shall the pipe inside diameter be less than four (4) inches. The following table shall be used to determine the minimum building sewer line size requirements.

Inside Diameter Maximum Discharge Flow Rate Minimum Grade

|    |              |      |
|----|--------------|------|
| 4" | 35 gal/min.  | 1.0% |
| 6" | 90 gal/min.  | 0.6% |
| 8" | 150 gal/min. | 0.4% |

- G. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost with a minimum of 24" including under ditches. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said inspector. Pipe laying and backfill shall be performed in accordance with ASTM Specification D2321 for plastic and ASTM C12 for cast iron soil pipe, except that no backfill shall be placed until the work has been inspected by the inspector or his representative. Installation and backfill shall be in accordance with this Section and Appendix "B".
- H. The building sewer line shall be placed on crushed rock bedding material with a minimum thickness of three (3) inches- Non-crushed creek gravel shall not be used for bedding material. The bedding material shall be used to provide a uniform bearing area for the pipe and joints. Bedding material consist of crushed stone ranging in size from a maximum 1/2" diameter to a minimum size which is retained on a No, 4 sieve. Over excavation of the trench shall be backfilled to the proper grade by the use of bedding materials.
- I. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.
- J. The connection of the building sewer into the public sewer shall be made at the "T" or "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "T" or "Y" branch in the main sewer, shall be made only as directed by the said inspector using a tapping tool, saddle type "T" or "Y" with epoxy cement used to fix the fitting to the pipe.
- Outside the foundation, the building sewer line shall have a clean-out installed complete with a watertight plug installed at the ground surface. An additional clean-out shall be placed at each bend in direction of forty- five (45) degrees or greater. The alignment of the building sewer line shall be straight with bends made using fittings designed for the degree of bend required. Connections between dissimilar pipe materials shall be made using a flexible watertight coupling. Straight runs longer than 100 feet shall have a clean out installed with a maximum length between clean out of 100 feet.
- K. The applicant for the building sewer permit shall notify the said inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said inspector or his representative.
- L. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- M. Upon completion and approval for use of the "Building Sewer" the previously used septic tank, cesspool, privy vault or other forms of treatment shall be taken out of service by first pumping the

contents from the septic tank, etc., by a properly licensed septic tank cleaning service, then removal or by caving in the facility and filling with crushed rock or earth fill. The results of abandonment shall leave a safe, environmentally sound and aesthetically pleasing site. (Ord. No. 97-04, §§1-2, 2-10-97)

#### **SECTION 710.150: UNPOLLUTED WATERS**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. (CC 1984 §68.160)

#### **SECTION 710.160: PROHIBITED SUBSTANCES**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
5. Any waters or wastes having
  - a. A five (5) day BOD greater than three hundred (300) parts per million by weight, or
  - b. Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or
  - c. Having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to



- (1) Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or
- (2) Reduce the suspended solids to three hundred fifty (350) parts per million by weight, or
- (3) Control the quantities and rates of any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing. (CC 1984 §68.170)

**SECTION 710.170: PROHIBITED DISCHARGES**

No person shall discharge any of the following substances or conditions into any public sanitary sewer in the City, into any sewer flowing into any public sanitary sewer in the City, or into any sewer flowing into any wastewater plant owned or operated by the City.

1. Storm water or groundwater, roof runoff, subsurface drainage or any water from downspouts, yard drains, fountains and/or ponds, sump pumps, septic tanks or lawn sprays.
2. Water from swimming pools, boiler drains, blowoff pipes or cooling water from various equipment may be discharged into the sanitary sewer by an indirect connection where such discharge is cooled, if required, and flows into the sanitary sewer, provided the waste does not contain materials or substances in suspension or solution in violation of the terms of this Chapter.
3. Dilution of any waste discharged into the sanitary sewer system is prohibited whether accomplished by combining two (2) or more waste streams or accomplished by adding other liquids solely for the purpose of diluting the discharge. (CC 1984 §68.175)

**SECTION 710.180: DISCHARGE INTO SEWER LIMITED**

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°F) (65°C).
2. Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees (150°F) (0 and 65°C).

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste-or-odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving water.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving water. (CC 1984 §68.180)

**SECTION 710.190: DISCHARGE INTO SEWER LIMITED-AUTHORITY OF SUPERINTENDENT**

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in Section 710.180 of this Chapter, and which in the judgment of the Superintendent, may have a deleterious effect upon the

sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance the Superintendent may:

1. Reject the wastes.
  2. Require pretreatment to an acceptable condition for discharge to the public sewers.
  3. Require control over the quantities and rates of discharge, and/or wastes not covered by existing taxes or sewer charges under the provisions of Section 710.240 of this Chapter.
- B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.  
(CC 1984 §68.190)

#### **SECTION 710.200: INTERCEPTORS**

- A. Grease, oil and sand interceptors shall be provided at the user's expense. When, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or prohibited substances. Interceptors shall not be required for private living quarters or dwelling units.
- B. All interceptors shall be of a type and capacity approved by the Superintendent and shall be so located as to be readily accessible for cleaning and inspection.
- C. A clean out consisting of a minimum four (4) inch backwater valve shall be installed and maintained by the owner or user of said property and shall serve as a sampling point for random sampling to determine compliance with the City Code.
- D. Where installed, interceptors shall be maintained by the user, at his expense, in continuously efficient operations.
- E. The superintendent may at his discretion inspect said interceptor at any time during normal business hours of said user. He shall have the authority to require said user to clean or repair any and all interceptors within twenty-four (24) hours.
- F. Intercepted material shall either be recycled by the user or disposed of in accordance with all applicable laws and ordinances.
- G. The superintendent may require any user that has an interceptor to install a larger or more efficient interceptor by giving said user notice and allowing sixty (60) days to have said larger or more efficient interceptor installed. (CC 1984 §68.200; Ord. No. 96-12 §§1-2, 4-29-96; Ord. No. 00-02, §1, 1-10-00, Ord. No. 03-07, §1-2, 4-14-03)

**SECTION 710.210: GREASE AND OIL INTERCEPTORS—MAINTENANCE**

All users of the City sewer system who are required by Section 710.200 of this Code to have a grease and oil interceptor shall have said grease and oil interceptor pumped out at a minimum of once every six (6) months. Certification of the date and time pumped from the person or company pumping the grease and oil interceptor must be submitted to the Superintendent within ten (10) days of said pumping. (CC 1984 §68.210; Ord. No. 96-09 §§1–2, 4-8-96)

**SECTION 710.220: MANHOLE MAY BE REQUIRED—WHEN**

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him/her so as to be safe and accessible at all times. (CC 1984 §68.220)

**SECTION 710.230: MEASUREMENTS, TESTS, AND ANALYSES OF WATER**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted method to reflect the effect of constituents upon the sewage works and to determine the existence of hazard to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pHs are determined from periodic grab samples). (CC 1984 §68.230)

**SECTION 710.240: CITY MAY AGREE TO ACCEPT HARSH SEWERAGE**

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. (CC 1984 §68.240)

**SECTION 710.250: PROTECTION FROM DAMAGE**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (CC 1984 §68.250)

**SECTION 710.260: POWERS AND AUTHORITY OF INSPECTORS**

- A. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Subsection (A) above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 710.220.
- C. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (CC 1984 §68.260)

**SECTION 710.270: POWERS AND AUTHORITY OF INSPECTORS INCIDENTAL TO ENFORCEMENT OF THESE PROVISIONS**

- A. *Authority to Inspect and Enforce.* The Superintendent of the Sewer and Water Department shall have all of the power and authority granted by this Chapter to inspect and enforce each and every provision contained herein. All of the powers granted under this Chapter to the Superintendent may be exercised by any employee duly authorized by the Superintendent to exercise those powers, provided that at any hearing provided for by Section 710.290 herein such employee shall be present with the Superintendent. The methods of enforcement shall be as set out in Subsection (B) hereof.
- B. The Superintendent shall be permitted access to any part of any property where access is necessary for the purpose of inspecting, observing, measuring, sampling or testing to determine compliance with the provisions of this Chapter. If any person should refuse to permit access to the Superintendent or his employee, the Superintendent may, with the assistance of the City Attorney, obtain the necessary court orders to obtain access. If the Superintendent finds any violation of this Chapter at the premises of any user, the Superintendent shall notify the owner or occupant or user in writing stating the nature of the violation and providing a reasonable time for correction to be made. In the absence of unusual circumstances, thirty (30) days shall be considered a reasonable time. The person receiving the notice shall report to the Superintendent within thirty (30) days, in writing, stating what action has been taken and is being taken to correct the violation(s). If the user, occupant or owner of the premises does not correct the violation within the time limit, or

within any extension of time granted by the Superintendent, the Superintendent shall do one or all of the following:

1. Disconnect water service and sewer service to the premises.
2. Bring appropriate court action to enforce compliance.
3. Start court action for the levy of a fine for violation of this Chapter. (CC 1984 §68.265)

**SECTION 710.280: VIOLATIONS AND PENALTIES**

- A. Any person found to be violating any provision of this Chapter except Section 710.250 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.
- B. It shall be unlawful for any person to continue any violation beyond the time limit provided in Subsection (A) above, and upon conviction therefore, shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each twenty-four (24) hour period in which such violation shall continue shall be deemed a separate offense. (Ord. No. 98-38, §1, 10-12-98)
- C. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation. (CC 1984 §68.270)

**SECTION 710.290: GRIEVANCE PROCEDURE**

With regard to any method or method(s) of endorsement selected by the Superintendent pursuant to Section 710.270, an aggrieved party shall pursue the following administrative remedies prior to recourse to State law:

1. *Request for hearing.* Any person aggrieved by any notice by the Superintendent under this Chapter may obtain a hearing upon written request being filed with the City Administrator or Manager. The written request must be filed within the time given for correction of the violation, or within any extension of time granted by the Superintendent. Any such written request will postpone the date that the work is required to be completed until after the hearing, provided however, that the City Administrator will set the date for hearing on the request for hearing as early as possible. At the hearing, the petitioner may present any facts or arguments he/she desires to present, may be represented by counsel, and may present such expert testimony or technical evidence as is necessary to establish the contentions of the owner or occupant. After the hearing, the City Administrator may continue the original order in effect, modify the order or withdraw the order, depending on the facts shown at the hearing.
2. *Appeals to Board of Aldermen.* Any person aggrieved by any decision of the City Administrator under the provisions of this Section may appeal to the Board of Aldermen. The appeal shall be by notice in writing, within fifteen (15) days of the decision rendered by the City Administrator, stating the nature of the decision of the City Administrator and stating briefly the reason for the appeal, that is, the reason why the owner or user believes that the decision of the City Administrator should

be overturned or modified. The appeal will delay the effective date of the Superintendent's order until after the hearing. (CC 1984 §68.275)

## APPENDIX “A” TO CHAPTER 710

The building sewer pipe and fittings shall conform to the following specifications for materials and installation.

1. Pipe and Fittings:

- A. Solid Wall PVC (Sch. 40): Shall be manufactured in accordance with A.S.T.M. D-1784 and A.S.T.M. D-1785. Joints shall be by solvent weld or compression elastomeric seal.
- B. Cast Iron Soil Pipe: Shall be manufactured in accordance with A.S.T.M. A74. Joints shall be compression rubber gasket conforming to A.S.T.M. C564.

2. Pipe Coupling:

Shall be manufactured using elastomeric PVC with stainless steel bands and screws for joint makeup. Coupling shall be designed for the specific type and size of pipe to be joined. The PVC shall be designed for use in sewers, including ultraviolet sunscreen, fungicide preventative and resistant to caustic chemicals. In unstable soil conditions a stainless steel shear ring should be used. Couplings shall be equal to FERNCO.

3. Clay Pipe Bell Adapter:

Where a dissimilar pipe material is to be used to connect to the City collection system clay pipe bell an elastomeric PVC adapter or donut shall be used to obtain a watertight joint. The donut shall be designed to provide a compression seal between the clay bell and the pipe material to be used.