CITY OF
WEBSTER GROVES, MISSOURI
CODE OF
WEBSTER GROVES, 2014

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Gerry Welch
Mayor

Ken Burns
Kathy Hart
Toni Hunt
Greg Mueller
Debi Salberg
Anne Tolan
Councilmembers

Steven J. Wylie
City Manager

Helmut Starr
City Attorney

Katie Nakazono
City Clerk

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Adopted and Effective through: December 31, 2014

THE CODE OF WEBSTER GROVES

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Sec. 21.0400. Amendments to Chapter 4 – 2008 National Electrical Code – Chapter 4 – Equipment for General Use.

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CITY OF
WEBSTER GROVES, MISSOURI
CODE OF
WEBSTER GROVES, 2014

Gerry Welch
Mayor

Ken Burns
Kathy Hart
Toni Hunt
Greg Mueller
Debi Salberg
Anne Tolan
Councilmembers

Steven J. Wylie
City Manager

Helmut Starr
City Attorney

Katie Nakazono
City Clerk

Adopted and Effective through: December 31, 2014

THE CODE OF WEBSTER GROVES

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PART 1. THE ADMINISTRATIVE CODE

CHAPTER 1. GENERAL PROVISIONS

Article I. Construction and Interpretation of Ordinances

Section 1.010. The Revised Code of Ordinances of the City of Webster Groves, Missouri.

This ordinance shall constitute and be designated as "**The Revised Code of Ordinances of the City of Webster Groves, Missouri**" and may be cited as the "**Code of Webster Groves, 2012**." Any additions or amendments to said code, when passed in such form as to indicate the intention of the City council to make them a part hereof should be deemed to be incorporated so that reference to this code shall be understood as including them. On or before the end of each fiscal year, the City manager shall cause to be printed into the code all such additions or amendments adopted prior to such time.

Section 1.020. Effect of Title Headings.

The headings of the sections in bold face or capital letters are intended as mere section headings and are not a part of this code; they are for convenience only and are not to be used in the construction or interpretation of any part of this code.

Section 1.030. Severability of Code Provisions.

It is the legislative intent of the Council, in adopting this code, that all provisions of this code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City; that the sections, paragraphs, sentences, clauses and phrases of this code are severable and, if any phrase, clause, sentence, paragraph or section of this code should be declared unconstitutional by a valid judgment or decree of a competent court, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

Section 1.040. Rules of Construction.

Unless otherwise specifically provided or unless inconsistent with the manifest intent of the Council, the following rules of construction shall be applied:

a. The singular includes the plural and vice versa.

b. Where a word imports gender it includes the opposite and the neuter gender.

c. The word "**person**" includes bodies politic and corporate, and partnerships and other unincorporated associations, as well as individuals.

d. Except as otherwise specifically provided, the provisions of this code will be construed to be operative only within the corporate limits of the City of Webster Groves, and the term "**City**" will mean the City of Webster Groves.

e. Whenever by the provisions of this code, any officer of the City is assigned any duty or empowered to perform any act, the designation of the officer includes not only that officer, but also his deputy or authorized subordinate or agent unless the contrary is expressly stated.

Section 1.050. Effect of Repeal of Ordinance or Parts Thereof.

The repeal of any ordinance, or part of any ordinance, by subsequent ordinance shall not, unless the contrary is expressly stated, be considered to affect any act done, or right accrued or established, in any proceeding, suit or prosecution, or other thing had or commenced previous to the time when the repeal takes effect, but every such act, right or proceeding shall remain and continue as valid and effectual as if the provisions of the repealed ordinance had remained in force.

No offense committed and no fine, forfeiture or penalty incurred, previous to the time when the provisions of any ordinance are repealed, shall be deemed affected, released or in any way discharged by such repeal; but the trial conviction and punishment of all persons charged with such offenses, and the recovery of such fines, forfeitures and penalties, shall be had in all respects as if such provisions had remained in force, unless otherwise provided. The repeal of an ordinance or part thereof, shall not be deemed to revive any ordinance, or any provision thereof, previously repealed or superseded, or any office previously abolished, unless it should be otherwise provided.

The tenure of office or the accountability of any officer of the City shall not be deemed affected by the repeal of any ordinance, clause or provision, unless it should be so expressly provided in the repealing ordinance.

Section 1.060. Penalty, Continuing Violation.

Whenever any offense against the ordinances of the City continues for more than twenty-four (24) hours, each day of offense shall be deemed a separate offense and may be separately prosecuted and punished.

Article II. Seal; Corporate Boundaries

Section 1.110. City Seal.

The City Seal shall be circular in form consisting of two concentric circles; in the outer circle the words “City of Webster Groves, Missouri” and at the bottom (continuation) of the outer circle the figures “1896,” representing the date of incorporation of the City; immediately above “1896” a representation of an Eagle, looking to its right and holding in its talons, pointed to the right, two olive branches, with seven leaves each and, pointed to the left, three arrows; above the eagle, and centered, a drawing of the City Hall, viewed from the northeast with a background of trees and cloud perimeter and a foreground of shrubbery and grass; above the City Hall, centered within, and following the curve of the inner concentric circle, the Latin phrase “Spectemur Agendo,” translated to English meaning, “let us be judged by our works.”

Section 1.120. Corporate Boundaries.

The City's boundaries as same are presently constituted are as follows: Beginning at the northwestern corner of Alfred Lee's subdivision in the western line of the United States Survey 1953; thence running southwardly along and with the western line of said United States Survey 1953 to the southern line of Algonquin Lane, formerly Jackson Road; thence westwardly along and with said southern line of Algonquin Lane, formerly Jackson Road, to the eastern line of Berry Road, forty (40) feet wide, thence southwardly along and with the eastern line of said Berry Road, to the northwestern line of Big Bend Road, sixty (60) feet wide; thence southwestwardly in a direct line to the northeastern line of Hawkins Court vacated, and the southeastern line of Big Bend Road, thence southeastwardly along and with the said northeastern line of Hawkins Court to the southeastern line of Lot 4 of Hawkens Subdivision; thence southwestwardly along and with the southwestward extension of the Northwestern line of Lot 7 of Clover Hill subdivision, twenty (20) feet more or less to the center line of Hawkins Court vacated; thence southeastwardly along and with the center line of Hawkins Court vacated and the direct southeastwardly prolongation thereof to the most western corner of Lot 6 of Clover Hill subdivision; thence southeastwardly along and with the southwestern lines of Lots 6, 5, and 4 of Clover Hill subdivision to the most southern corner of Lot 4 of Clover Hill subdivision; thence northeastwardly along and with the southeastern line of Lot 4 of Clover Hill subdivision to the most western corner of Lot 26, Block 6, Clover Hill subdivision amended Plat No. 2; thence southeastwardly and parallel with the southwestern line of Grant Road, forty (40) feet wide to the westwardly prolongation of the northern line of property of School District No. 2, Township 44 North, Range 6 East, now known as Grant School District No 50, as shown on survey recorded in Plat Book 26, Page 63 of the St. Louis County records; thence eastwardly along and with the westwardly prolongation of the northern line of said School District property and continuing eastwardly along and with the northern line of said School District property and the northern line of property conveyed to said School District by William J. Kley and wife by deed recorded in Book 52, Page 156, of the St. Louis County records to the northwestern line of Watson Road, forty (40) feet wide; thence southwestwardly along and with the northwestern line of said Watson Road to the northwestern right-of-way line of U.S. Highway #66, one hundred (100) feet wide, thence northeastwardly along and with the northwestern right-of-way line of U.S. Highway #66 to the center line of Laclede Station Road, eighty (80) feet wide; thence northwardly along and with the said center line of Laclede Station Road to the point of intersection with the prolongation eastwardly of the North line of Landscape Avenue, forty (40) feet wide, said point being shown as Station 37+42.94 on the "As Built" plans of St. Louis County Division of Highways, Project No. 13, Section 2A, thence northwardly along the construction center line being on a deflection angle of 1 □54'30" to the Road, 360.20 feet to a point; thence northwardly along said construction center line, parallel to said original center line of Laclede Station Road, 1,917.74 feet to a point; thence continuing northwardly along said construction center line on a deflection angle to the left of 1 □57'34"0.21 feet to a point on the original center line of Laclede Station Road, said point being shown as Station 11+5 on said Project No. 13 plans; thence continuing northwardly along the center line of Laclede Station Road to a point being the point of curve of a curve to the right having a radius of 572.96 feet and shown as P.T. Station 135+19.41 on the "As Built" plans of the St. Louis County Division of Highways, Project No. 10; thence northeastwardly along said curve to the right, 519.33 feet to a point, said point being P.C. Station 130+00.08; thence northeastwardly along the base

line as shown on said Project No. 10 plans, 161.08 feet to a point on the base line; thence northeastwardly in a straight line, sixty-two (62) feet more or less to a point, said point being the point of intersection of the center line of Murdoch Avenue and the construction center line of Laclede Station Road as shown on said Project No. 10 plans; thence continuing northeastwardly along said construction center line to a point being the point of a curve of a curve to the left having a radius of 579.96 feet and shown as P.T. Station 124+13.49 on said Project No. 10 plans; thence northeastwardly along said curve a distance of 99.5 feet more or less to a point on said curve; thence northeastwardly in a straight line, 66 feet more or less to a point being the point on a curve of a curve to the left having a radius of 584.96 feet and shown as approximate Station 122+17 as shown on said Project No. 10 plans; thence northeastwardly along said curve 255.3 feet more or less to a point, said point being the point of intersection with said curve and the southward prolongation of the tangent section of the construction center line; thence northeastwardly along said prolongation and tangent a distance of 76.3 feet more or less to P.C. Station 119+07.82 as shown on said Project No. 10 plans; thence continuing northeastwardly along the construction center line a distance of 1,143.56 feet to a point, said point being shown as Station 107+64.26 on said Project No. 10 plans; thence leaving said construction center line and going northeastwardly on a deflection angle of 1 □15'20" to the point in the center line of Big Bend Boulevard; thence northeastwardly along and with the center line of Big Bend Boulevard; thence northeastwardly along and with the center line of Big Bend Boulevard to a point, said point being the point of intersection with Station 42+26.49 on the project center line of St. Louis County Bond Issue Project No. 16, construction project 23-A as approved by the St. Louis County Highway Engineer on July 7, 1958; thence northeastwardly along a curve to the left with a radius of 1,146.28 feet along said project center line a distance of 287.36 feet to the point of tangency of said curve; thence continuing northeastwardly along said project center line a distance of one hundred sixty-two (162) feet; more or less, to the intersection of said project center line and the center line of the Deer Creek Branch of River Des Peres as shown on said construction project plan; thence in a northwardly and westwardly direction along and with the original center line of said Deer Creek to its intersection with a straight line running between the northwest corner of Bremerton Road, thirty (30) feet wide, and Manchester, sixty (60) feet wide, and the north corner of Des Peres Avenue, forty (40) feet wide, at its Northeast terminus; thence southwestwardly along said straight line to its intersection with the prolongation of the center line of Ennis Avenue (formerly known as Emma Avenue) forty (40) feet wide; thence southwardly along said prolongation and the center line of said Ennis Avenue to the center line of Lithia Avenue, forty (40) feet wide, thence eastwardly along the center line of Lithia Avenue to the center line of Plateau Avenue, fifty (50) feet wide; thence southwardly along the center line of Plateau Avenue to its intersection with the eastward prolongation of the southern line of Bismark Avenue, fifty (50) feet wide, said prolongation being the northern line of the original town of Webster Groves as laid out by John C. Marshall; thence westwardly along the prolongation and the southern line of Bismark Avenue to its intersection with the western line of Barron Lane, fifty (50) feet wide, said point of intersection being the point of beginning.

Article III. Municipal Elections

Section 1.210. Applicability of Provisions.

All municipal election shall, unless otherwise provided by law, be held and conducted in the manner provided in the Charter, as amended on April 6, 1965, and as provided in this ordinance.

Section 1.220. Time of Elections.

Regular elections for Councilmen shall be held every two (2) years, and for Mayor every four (4) years, on the first Tuesday in April in the even numbered years.

Section 1.230. Notice of Election.

The City Clerk shall cause a notice of the time and place of holding each election by advertisement in a newspaper with a general circulation in the City. If there be no such newspaper, then such notice may be advertised in any newspaper duly qualified to publish legal notices in the County or City of St. Louis. Such notice shall be published three (3) times during the last three (3) weeks of the month of March, or any month preceding any such election.

Section 1.240. Hours of Election.

The polls shall be open at 6:00 a.m. in the morning and shall remain open until 7:00 p.m. in the evening.

Section 1.250. Use of Voting Machines.

When voting machines are used in elections in the City of Webster Groves the provisions of this article shall be followed except as modified by Chapter 121 of the Revised Statutes of Missouri, 1959, as it may be amended from time to time.

CHAPTER 2. ADMINISTRATION: COUNCIL AND MAYOR; CITY MANAGER; MUNICIPAL COURT; CITY CLERK

Article I. City Council and Mayor

Section 2.010. Meetings of the Council.

The Council shall meet regularly on the first and third Tuesdays of each month at 7:30 p.m. in the Council Chamber of the City Hall. When the day of meeting falls on a legal holiday, the meeting shall be held on the day following, unless the Council shall decide otherwise. Special meetings may be called by the Mayor or Mayor Pro tempore, or by any two members of the Council by written request filed with the City Clerk. Notice of special meetings shall be given in writing to each member at least one day in advance of the meeting, stating the purpose of the special meeting. By consent of the council or for reason of lack of a quorum, a meeting may be adjourned to another date, no later than the next regular meeting date. (Ord. No. 8450, § 1, 4-5-05)

Section 2.020. Quorum to Do Business.

A majority of the members shall constitute a quorum, but a smaller number may adjourn from day to day. The Council shall have the right to compel the attendance of absent members by attachment and under such penalties as they may determine. No member of the Council shall leave the meeting without requesting permission from the presiding officer. Each member present shall vote upon every question or announce "present but not voting," and such vote or announcement shall be recorded by the City Clerk.

Section 2.030. Council Officers.

a. The Mayor shall serve as Chairman of the Council. The Council shall designate a member to serve as "Mayor Pro tempore" who shall act during the absence of the Mayor. If both are absent, the Council shall select from their number a temporary presiding officer.

b. The City Clerk shall be ex-officio Clerk of the Council and shall perform such duties as may be provided by the Charter or by these ordinances, and shall perform such other and further duties as may be ordered by the Council. The Clerk shall furnish each Councilman with a copy of the minutes of the preceding meeting.

Section 2.040. Order of Business; Conduct of Meetings.

a. Before proceeding with the business of the Council, the City Clerk shall call the roll of members. The names of those present and absent shall be entered in the minutes. Unless the reading of the minutes of the Council meeting is requested by a member, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof. At all meetings of the Council, the usual order of business will be as follows:

1. Roll Call

2. Approval of Minutes

3. Public Hearings

4. Remarks of Visitors

5. New Business and Reports of Mayor, Council Members, City Manager and City Attorney

6. Unfinished Business

7. New Business

8. Appointments to Boards and Commissions

9. Closed Sessions as Permitted by the Open Meetings Act

10. Adjournment

(Ord. No. 7932, § 1, 6-25-96)

b. All meetings of the Council shall be open to the public, but the Presiding Officer may call the Council together for conferences, preliminary discussions, or executive sessions.

c. The Mayor or other Presiding Officer shall be entitled to debate all questions presented for the Council's consideration, and shall be entitled to vote the same as other members of the Council.

d. Depositions may be taken under and governed by the provisions and rules of law relating to depositions in courts of law and may be read on behalf of the City, or of any interested party in any matter pending before the Council, in the same manner as in courts of law.

e. The City Council may compel the attendance of witnesses and the production of papers and records relating to any subject under investigation in which the interest of the City is involved, by issuing subpoenas over the signature of the City Clerk, which subpoenas shall be served in the manner provided by law for process issuing from the Municipal Court.

f. Roberts Rules of Order shall govern the proceedings of the Council except where inconsistent with the Charter or Ordinances.

Section 2.041. Form of Agenda; Time Limits.

a. Each agenda for each regular meeting of the Council shall contain an introduction in substantially the following format:

Welcome to the regular meeting of the City Council. We welcome questions, ideas, and comments from persons in attendance. Members of the audience may, however, comment only when recognized by the Mayor or Mayor Pro tempore if the Mayor is absent. We ask that comments be limited to three (3)

minutes in order to complete the agenda within a reasonable time. Comments concerning items not on the agenda should be made during the Remarks of Visitors Section of the agenda, near the beginning of the meeting.

b. The Council may, by motion or resolution, change the time limits on comments of visitors where necessary to accommodate the schedule of the Council or to facilitate discussion of items of special interest to the Council.

c. The City Manager, or his designee, shall provide an estimate on the face of the agenda of the amount of time that each item on the agenda should require.

d. Each agenda should include a list of upcoming meetings for the month immediately following the meeting for which the agenda was prepared.

(Ord. No. 7932, § 2, 6-25-96)

Section 2.050. Consideration and Enactment of Ordinances.

In the transaction of legislative business the Council shall act by ordinance and the following procedure shall be used:

a. Every ordinance shall be by bill, which shall be in written or printed form, and the enacting clause shall be "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEBSTER GROVES."

b. No bill, except those making appropriations and those codifying or rearranging existing ordinances, shall relate to more than one subject, which subject shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject matter of the appropriation.

c. All bills shall be read by title at least twice, and at least one (1) week shall elapse between the time a bill is introduced and its final passage; however a bill may be passed on the day the bill is introduced if there is a compelling reason to do so as determined by the unanimous vote of all members of the City Council present and voting. Notwithstanding the foregoing, no ordinance granting, enlarging or affecting any franchise shall be passed on the day it is introduced.

d. Every bill introduced shall be filed with the City Clerk and shall be posted at City Hall and at the public library for public inspection at least twenty-four (24) hours in advance of its consideration by the City Council, unless otherwise permitted by Chapter 610 of the Revised Statutes of Missouri, and whenever reasonably possible posted on the City's internet website in advance of its introduction. No less than ten (10) copies of a bill shall be available for inspection by the public at the location of the Council meeting at which the bill is to be read.

e. A bill shall remain on file in the office of the City Clerk for public inspection until it is finally adopted or fails passage. Prior to the final passage of any bill, all persons interested therein shall be given an opportunity to be heard before the Council in accordance with such rules and regulations as the Council may adopt.

f. After compliance with the provisions herein, the Council may finally pass a bill with or without amendment; except that if the Council shall make an amendment which, in the opinion of at least three (3) members of the Council, constitutes a change in substance, the bill as amended shall be filed in the office of the City Clerk and posted for public inspection in the manner stated above for at least one additional week, and an opportunity afforded interested persons to be heard, as provided above, after which final action may be taken thereon.

g. An ordinance, when passed by the Council, shall be signed by the presiding officer and attested by the City Clerk and shall be immediately filed and thereafter preserved in the office of the City Clerk.

h. Legislative ordinances shall be subject to the permissive referendum as provided in Section 14.2 of this Charter.

i. Unless otherwise specified, every ordinance shall become effective upon final passage. Any legislative ordinance submitted at a referendum election shall become effective upon the certification of the favorable vote of a majority of those voting thereon. (Ord. No. 8199, § 1, 5-15-01)

Section 2.051. Consideration and Enactment of Resolutions.

In the transaction of administrative business the Council shall act by resolution and the following procedure shall be used:

a. Every resolution shall be in written or printed form and the enacting clause shall be "BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WEBSTER GROVES."

b. No resolution shall relate to more than one subject, which subject shall be clearly expressed in the title.

c. Each resolution shall be read by title at least once, except resolutions that have been placed on a Consent Agenda as defined in and provided for in subsection (d) below, and may be passed on the day of its introduction.

d. Resolutions authorizing contracts, purchases, and other routine matters may be placed on a Consent Agenda if copies of such resolutions have been distributed to each member of the Council before the meeting at which such resolutions are considered. Resolutions on a Consent Agenda may be enacted by one motion and vote without separate consideration of each such resolution; provided, however, that any one Council member may remove any such resolution from the Consent Agenda by an oral or written request made before a vote is taken on such resolution. (Ord. No. 8291, § 1, 08-06-02)

Section 2.060. Mayor.

The Mayor shall serve as Chairman of the Council. The Council shall designate a member to serve as Mayor Pro tempore, all as required by the amendment to the

Charter of April 6, 1965, who shall act during the absence of the Mayor. If both are absent, the Council shall select from their number a presiding officer.

Section 2.070. Conflict of Interest.

a. **Definitions.** The following terms shall have the meanings indicated:

1. "**Business Entity**" means any corporation, profit or non-profit, firm, partnership, sole proprietorship, joint venture, or commercial business of any kind or character.

2. "**Employee**" or "**Officer**" means a person performing services for, or holding a position, appointment or employment with the City on a full, regular, part-time, intermittent or consultant basis, whether compensated or uncompensated, elected or appointed.

3. "**Immediate Family**" means the employee and his or her spouse and their parents, children, brothers, sisters, and spouses thereof.

4. "**Substantial Interest**" means ownership by the individual or any member of his immediate family, directly or indirectly, of one percent (1%) or more of any business entity.

5. "**Directly Benefit**" means to derive special private advantages as opposed to a general advantage derived as a member of a large class or of the public at large.

b. **Conflicts of Interest Prohibited.** It shall be unlawful for any officer or employee to engage in any private business or professional activity which would place him in a position of conflict between his private interest and the public interest of the City, or to engage in any private activity which involves the improper use of his official position for his personal benefit or on behalf of any member of his immediate family, or to accept any fee, compensation, gift, payment of expenses or any other thing of monetary value, either directly or indirectly under circumstances in which acceptance may result in any conflict of interest or to do business with any business entity so that his vote or decision may be influenced by his obligation or interest in said business entity. If any officer or employee of the City shall violate any provision of this section, the City shall be entitled to recover from said officer or employee in a Court of proper jurisdiction an amount equal to any considerations received by said officer or employee in the transaction involving the violation of this section, and this remedy shall be in addition to any other remedy or penalty provided by the Charter, any ordinance or law.

c. **Disqualification of Former Officer or Employee.** It shall be unlawful for any person, having been an officer or employee of the City, within one (1) year after the termination of his service or employment, knowingly to act as agent or attorney for anyone in connection with any judicial or other proceeding, application, claim, controversy, or other particular matter in which the City is a

party or has a direct and substantial interest and in which he participated personally as an officer or employee while so employed.

d. **Penalties.** Any person or corporation who knowingly violates any provision of this section, shall, upon conviction, be punished by fine of not more than Three Hundred Dollars ($300.00) or by imprisonment for not more than three (3) months, or by both such fine and imprisonment.

Section 2.080. Compliance with State Conflict of Interest Law.

a. **State Conflict of Interest Law.** All elected and appointed officials as well as employees of the City must comply with Section 105.454 of Missouri Revised Statutes on conflicts of interest as well as any other state law governing official conduct.

b. **Disclosure to City Clerk of Conflict of Interest.** Any member of the governing body of the City who has a "substantial or private interest" in any measure, bill, order or ordinance proposed or pending before such governing body must disclose that interest to the City Clerk and such disclosure shall be recorded in the appropriate journal of the City. For the purposes of this section, substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of: (1) ten percent (10%) or more of any business entity; or (2) an interest having a value of Ten Thousand Dollars ($10,000.00) or more; or (3) the receipt of a salary, gratuity, or other compensation or remuneration of Five Thousand Dollars ($5,000.00) or more, per year from any individual, partnership, organization, or association within any calendar year.

c. **Disclosure Reports.** Each elected official, the City Manager, the chief purchasing officer as identified in Section 105.4833(11) of the Missouri Revised Statutes, and the full-time general counsel, if any, shall disclose the following information by 1st day of May if any such transactions occurred during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of Five Hundred Dollars ($500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City.

2. The date and the identities of the parties to each transaction known to the person with a total value in excess of Five Hundred Dollars ($500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.

3. The City Manager and the chief purchasing officer also shall disclose by 1st day of May for the previous calendar year the following information:

   A. The name and address of each of the employers of such person from whom income of One Thousand Dollars ($1,000.00) or more was received during the year covered by the statement;

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

   C. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

d. **Filing of Reports.** The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year;

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

   2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment.

Financial disclosure reports giving the financial information required in subsection (c) shall be filed with the City Clerk and with the Secretary of State prior to January 1, 1993. After January 1, 1993, reports shall be filed with the City Clerk and the Missouri ethics commission. The reports shall be available for public inspection and copying during normal business hours. (Ord. No. 7669, § 1, 9-3-91).

Article II. City Manager

Section 2.110. City Manager; Duties and Powers.

The City Manager shall be the chief executive and administrative officer of the City, and shall be responsible to the Council for the proper administration of all affairs of the City. To that end, he shall have the power and shall be required to:

a. Appoint and, when necessary for the good of the service, remove any officer or employee of the City, except as otherwise provided by the Charter. He also may authorize the director of a department or an office head to appoint subordinates in such department or office.

b. Prepare the budget annually, submit it to the Council, and be responsible for its administration after adoption.

c. Prepare and submit to the Council, as of the end of each fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

d. Keep the Council advised of the financial condition and future needs of the City, and make such recommendations as may seem desirable.

e. Serve as the director of one department and, with the consent of the Council, serve as the director of two or more departments.

f. Attend all meetings of the Council and, insofar as possible, its committees, except when the Council may be considering his removal. He shall have the right to take part in discussions, but shall have no vote.

g. See that all laws and ordinances are enforced, and that all contracts and franchises are faithfully performed.

h. Perform such other duties as may be prescribed by the Charter, or required of him by the Council, not inconsistent with the Charter.

The City Manager may assign particular officers and employees to one or more departments as may be necessary or proper for the efficient and economical administration of the City.

Section 2.150. City Manager; Additional Powers.

The City Manager may appoint an Assistant City Manager, whose duties shall be as directed by the City Manager.

Article III. Municipal Court

Section 2.210. Court Established.

There is hereby established in the City of Webster Groves a Municipal Court to be known as the Webster Groves Municipal Court, a Division of the 21st Judicial Circuit Court of the State of Missouri. This Court is a continuation of the Municipal Court of the City of Webster Groves previously established, and is hereby termed "**The Municipal Court**."

Section 2.215. Municipal Judge.

The Municipal Judge in the City of Webster Groves shall be at least twenty-one (21) years of age and his term of office shall terminate on his seventy-fifth (75th) birthday. The Municipal Judge shall be licensed to practice law in the State of Missouri. The Municipal Judge shall be a resident of the State of Missouri and a resident and elector of the City of Webster Groves. The Municipal Judge shall be appointed by the City Council for a term of four (4) years from the date the appointment is effective. The compensation of the Municipal Judge shall be fixed by ordinance. The Municipal Judge shall have all powers as provided in the Court Reform and Revision Act of 1978.

Section 2.220. Procedure.

The procedure of the Municipal Court of the City of Webster Groves shall be in accordance with the Court Reform and Revision Act of 1978, and the rules of the Supreme Court of the State of Missouri.

Section 2.225. Provisional Judge.

If the Municipal Judge is absent, sick, or disqualified from acting, the Mayor shall appoint a person, who would otherwise be qualified to serve as Municipal Judge, except for the requirement that such Provisional Judge be a resident of the City of Webster Groves, until such absence or disqualification shall cease.

Section 2.230. Appeals.

Appeals from decisions of the Municipal Court shall be processed in the manner prescribed by the Court Reform and Revision Act of 1978 and the rules of the Supreme Court of the State of Missouri.

Section 2.235. Costs of Court.

The costs of court of all matters placed upon the docket and handled before the Municipal Court of the City of Webster Groves shall be Twelve Dollars ($12.00) plus the following:

a. Two Dollars ($2.00) designated for the training costs of the police officers of the City of Webster Groves as provided for in Missouri State Statutes.

b. Two Dollars ($2.00), upon a plea of guilty or a finding of guilt for violation of any municipal ordinance, designated for transmission to the County Treasurer for deposit in a fund for the provision of operating expenses for shelters for battered persons pursuant to Section 479.261 R.S.Mo. The judge may waive assessment of this portion of the cost in cases whether the defendant is found by the Judge to be indigent and unable to pay costs.

c. One Dollar ($1.00), upon a plea of guilty or a finding of guilt for violation of any municipal ordinance, designated for transmission to the Missouri Department of Public Safety for deposit in the "**Peace Officer Standards and Training Commission Fund**" created pursuant to Section 590.178 R.S.Mo.

d. Seven Dollars and Fifty Cents ($7.50), upon a plea of guilty or a finding of guilt for violation of any municipal ordinance, designated for transmission to the Director of Revenue to fund the "**Crime Victim's Compensation Fund**" pursuant to Section 595.045 R.S.Mo.

e. Two Dollars ($2.00), upon a plea of guilty or a finding of guilt for violation of any municipal ordinance, to be deposited in the Inmate Security Fund which shall be maintained by the Treasurer of the City. Funds deposited shall be utilized to develop biometric verification systems to ensure that inmates can be properly identified and tracked within the local jail system. Funds in the Inmate Security Fund may be used for the maintenance of the biometric verification system, and to pay for any expenses related to custody and housing and other expenses for prisoners.

f. Notwithstanding any provision of this section, the Court may require, in addition to the fines set forth above, reimbursement of expenses associated with a violation as set forth elsewhere in this code.

Section 2.236. Additional Costs.

In addition to any other penalties and costs provided by law or ordinance, the court may order any person who has been convicted of an alcohol or drug related traffic offense or amended alcohol or drug related traffic offense, to reimburse the City for the costs associated with the arrest of such person. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. A schedule of such costs shall be established by the City of Webster Groves Police Department and filed with the Clerk of the Municipal Court, and the Court may impose costs in accordance with the schedule; notwithstanding the foregoing, the Court may order the costs reduced in a case if the Court determines the costs are excessive.

In addition to any other penalties, fines or costs provided by law or ordinance the Court may order a defendant to reimburse all costs for their incarceration pursuant to the arrest. Furthermore, if the defendant is required to receive hospital treatment for any reason in connection with the arrest and there are costs connected therewith, said defendant shall be responsible and pay such costs as ordered by the Court.

The Municipal Judge is further authorized and empowered to place any person who has been convicted and sentenced by the Court for violation of a City Ordinance in a work program, to work or perform labor in the public streets, highways and alleys or other public works or buildings for such purposes as the City may deem necessary.

If the fine set by the Court is not paid and the defendant is placed in a work program by the Court, then the Court may determine an appropriate hourly wage for the defendant to reimburse the City based upon the actual amount of hours worked for public works.

These additional costs shall be assessed, as appropriate, both by the Municipal Court and the Violations Bureau. (Ord. No. 7973, §§ 1-3, 5-6-97)

Section 2.237. Jailing of Defendants.

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit a defendant to the St. Louis County Justice Center, and it shall be the duty of St. Louis County, if space for the prisoner is available in the Justice Center, upon receipt of an order of commitment from the Judge, to receive and safely keep such prisoner until discharged by due process of law. The Municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed for the keeping of such prisoners in the Justice Center. The same shall be taxed as costs. (Ord. No. 8055, § 1, 10-6-98)

Section 2.240. Traffic Violations Bureau.

The Municipal Judge shall establish a Traffic Violations Bureau as provided by the Supreme Court Rules and Statutes of the State of Missouri. Any references in this code or in the documents of the Municipal Court referencing the "**Traffic Violations Bureau**" shall be deemed references to the "**Violations Bureau**." (Ord. No. 8132, § 1, 1-4-00)

Section 2.245. Fines and Payment Thereof.

a. If a person convicted of violating a provision of the Code of Webster Groves against whom a fine has been imposed shall fail to pay any such fine, the Municipal Judge shall forthwith inquire as to the ability of such person to pay the fine. If a defendant shall not be indigent, and shall have funds or appear to have funds available for the payment of the fine, but shall refuse to pay the fine, for whatever reason (excepting the defendant's right of appeal), then the Court shall forthwith order the defendant taken into custody and imprisoned as provided in paragraph (b) of this section. If the Court finds that the defendant is indigent and wholly without the means or ability to pay the fine, then the Court shall proceed as provided in paragraph (c) of this section.

b. If the defendant is able to pay the fine but does not have the money on his person at the time the fine is levied, then the Court may extend to a date certain the payment of any such fine or may provide in the Court's initial order that the fine may be paid in installments and provide the amount of each installment and the date by which it is to be paid. If a defendant shall fail to make the installment payments, or shall fail to make the payment on the date certain then the Court may, in its discretion, continue the date for payment to a future date, or if the

defendant wholly fails to appear to pay the fine or is not granted an extension, then the Court shall order the defendant committed to jail, provided, however, that no defendant shall be committed to jail if the original offense for which he was convicted does not provide for a jail term. The defendant shall serve a term in jail at the rate of one (1) day for each Ten Dollars ($10.00) of the unpaid fine, and the term of imprisonment shall commence with the actual incarceration of the defendant and each day shall expire at 7:00 a.m. provided, further, that the defendant shall not serve a longer imprisonment for non-payment of fine than the maximum imprisonment authorized for the offense.

c. In the case of an indigent defendant, the Court may establish an installment schedule of payments commensurate with the ability of the defendant to make such payments and shall require the defendant to be present not less often than once a month to report to the Court on a date certain set by the Court as to his ability to pay the fine. The installment payments may be suspended from time to time, based on the ability of the defendant to pay, as determined by the Municipal Judge. If it shall appear that the defendant is wholly unable to pay the fine or any installment thereof, the Court may order the defendant, as an alternative to imprisonment, to work for the City of Webster Groves in a program established for such defendants or in the normal employment of the City of Webster Groves as shall be determined by the City Manager and to work at a rate of pay commensurate with the services to be rendered, which sum shall be credited to the defendant in payment of his fine. If the defendant shall not appear at a date certain as provided by the Court in this paragraph or if it shall appear to the Court that the defendant is no longer indigent but is able to pay the installment and does not pay the fine after all reasonable efforts to secure payment, then the defendant shall be imprisoned in the same manner and for the same length of time as provided in paragraph (b) above.

d. Any defendant may apply to the Court for imprisonment at the rate and in the manner provided in paragraph (b) above in payment of any fine imposed upon a defendant and any such request for imprisonment shall be examined by the Judge in open Court and, if it shall appear to the Court that the defendant voluntarily wishes to be imprisoned in lieu of payment of the fine, the Court shall so order such imprisonment.

e. Nothing herein shall be considered as in conflict with a defendant's right of appeal and the provisions hereof relating to the payment of fines shall be stayed, pending any such appeal, provided that the defendant shall have perfected his appeal as provided in this Code.

Section 2.246. Prohibiting the Failure to Appear in the Municipal Court.

Any person who has promised to appear, either orally or in writing or who has been:

a. Ordered, either orally or in writing, or who has received written notice of an order by the Judge or Court Clerk of the Municipal Court to appear in said Court on a date certain; or

b. Personally served with a summons duly issued by the Municipal Court directing such person to appear in said Court on a date certain; or

c. Served with a uniform complaint and summons by a police officer of the City directing such person to appear in the Municipal Court on a date certain and who shall fail to appear in person in the Municipal Court on the date certain as referred to hereinabove shall be guilty of failure to appear and subject to a fine of not more than One Thousand Dollars ($1,000.00) and a term of imprisonment not to exceed ninety (90) days, regardless of the disposition of the charge for which said person was originally required to appear. Nothing in this section shall prevent the Judge from exercising the power to lawfully punish for contempt of court.

(Ord. No. 7533, § 1, 1-4-89; Ord. No. 7538, § 1, 5-16-89; Ord. No. 7985, § 1, 6-10-97).

Section 2.250. Reports.

The Municipal Court Clerk shall follow such procedure for reporting as established by the Supreme Court of the State of Missouri. Until such rules are provided the Municipal Judge shall cause the Clerk within the first ten (10) days of every month to make out a list of all cases heard or tried before the Judge during the proceeding month giving in each case the name of the defendant, the fine imposed, if any, and the amount of costs, the names of all defendants committed, and the cases in which there was an application for trial de novo. The Court Clerk or the Municipal Judge shall verify such lists and statements by affidavit and file the same with the City Clerk who shall lay the same before the City Council of the City of Webster Groves at its first meeting thereafter. The Municipal Court Clerk shall in all events, within the aforesaid ten (10) days pay into the Municipal Treasury the full amount of all fines and costs collected by him during the proceeding month, if not previously paid to the City Treasurer.

Section 2.255. Prosecuting Attorney.

The City Manager shall appoint a Prosecuting Attorney who shall be a resident of the State of Missouri and licensed to practice law in the State of Missouri.

Section 2.260. Public Defender.

There is hereby established the Office of Public Defender of the Municipal Court of the City of Webster Groves. The Public Defender shall be a lawyer licensed to practice by the State of Missouri, a resident of the City of Webster Groves, and shall be appointed by the City Manager with the consent of the Council. His compensation for his duties shall be set by the City Manager and approved by the Council. The duties of the Public Defender shall be to serve as counsel when appointed by the Municipal Judge of the City of Webster Groves, or the Special Judge of the City of Webster Groves, to represent persons appearing before the Municipal Court of the City of Webster Groves and accused of a violation of the Code of Webster Groves which subjects them to the possibility of imprisonment, and which parties demonstrate to the satisfaction of the Municipal Judge, or the Special Judge, that they are unable to employ counsel on their own behalf and desire to have counsel appointed to represent them.

Section 2.265. Warrants; Clerk.

The Clerk of the Municipal Court or the Deputy Clerk is authorized to issue warrants and perform all other duties as are lawful for such Clerks to perform pursuant to the rules promulgated by the Supreme Court of Missouri.

Section 2.270. Administrative Search Warrant.

The City Manager, or his designee, may make application for the issuance of an administrative search warrant with respect to any property, building, structure, house, dwelling, apartment, condominium, business, mobile home, trailer, or other place of commerce, industry, or abode within the City of Webster Groves (hereinafter referred to collectively as "**Premises**"), to the Municipal Judge of the County Circuit Court for the City of Webster Groves, who shall have authority to issue administrative search warrants for searches or inspections of the Premises to determine the existence of violations of Chapters 20, 21, 22, 23, 30, 31, 32, 35, 40, 41, 42, and 70 of this code. Warrants and searches are inspections made pursuant thereto and shall conform to and be governed by the following provisions:

a. The application shall:

1. Be in writing;

2. State that consent to enter without a warrant has been requested and refused;

3. State the time and date of the making of the application;

4. Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

5. State facts sufficient to show probable cause for the issuance of a search warrant to search for violations of Chapters 20, 21, 22, 23, 30, 31, 32, 35, 40, 41, 42, or 70 of this code;

6. Be verified by the oath or affirmation of the applicant; and

7. Be filed in the Webster Groves Municipal Division of the St. Louis County Circuit Court.

b. The application shall be supplemented by written affidavits verified by oath or affirmation. Each affidavit shall be considered in determining whether there is probable cause for the issuance of an administrative search warrant and in filling out any deficiencies in the description of the property or places to be searched. Oral testimony shall not be considered.

c. The Judge shall hold a non-adversary hearing to determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavits that there is probable cause to inspect or search for violations of any of Chapters 20, 21, 22, 23, 30, 31, 32, 35,

40, 41, 42, or 70 of this code, a search warrant shall immediately be issued to search for such a violation or violations. The warrant shall be issued in the form of an original and two (2) copies.

d. The application, each supporting affidavit and a copy of the warrant shall be retained in the records of the Municipal Court.

e. Search warrants issued under this section shall:

1. Be in writing and in the name of the issuing authority;

2. Be directed to any police officer or deputy in the City;

3. State the time and date the warrant is issued;

4. Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

5. Be limited to a search or inspection for violations of Chapters 20, 21, 22, 23, 30, 31, 32, 35, 40, 41, 42, or 70 of this code;

6. Command that the prescribed property or places be searched and that any photographs of violations found thereof will therein be brought, within ten (10) days after filing of the application, to the Judge who issued the warrant, to be dealt with according to law; and

7. Be signed by a Webster Groves Municipal Judge, with his title of office indicated.

f. A search warrant issued under this section may be executed only by a police officer or deputy of the City. The warrant shall be executed by conducting the search authorized. Duly authorized officials from the St. Louis County Department of Public Health or the Building Commissioner's Office may accompany such police officer or deputy.

g. A search warrant shall be executed as soon as practicable and between the hours of 8:00 a.m. and 8:00 p.m., unless another time is specifically authorized by the Municipal Judge for good cause shown, and shall expire if it is not executed and the return made within ten (10) days after the date the warrant is issued.

h. After execution of the search warrant, the warrant, with a return on it signed by the officer making the search, shall be delivered to the Judge who issued the warrant. The return shall show the date and manner of execution and the name of the possessor and of the owner, if known, of the property or places searched, when not the same person.

i. A search warrant shall be deemed invalid:

1. If it was not issued by a Judge of the Webster Groves Municipal Division of the St. Louis County, Missouri, Circuit Court;

2. If it was issued without a written application having been filed and verified;

3. If it was issued without probable cause;

4. If it was not issued with respect to property or places within the City;

5. If it does not describe the property or places to be searched with sufficient certainty;

6. If it is not signed by the Judge who issued it; or

7. If it was not executed within the time prescribed by subsection (7) of this section.

(Ord. No. 7942, § 1, 8-27-96)

Section 2.275. Unlawful to Refuse Entry.

It shall be unlawful for any person to refuse entry or access to any building, structure, house, dwelling, apartment, condominium, business, mobile home, trailer or other place of commerce, industry or abode to any person to whom a search warrant has been issued authorizing inspection of any Premises pursuant to the provisions of Section 2.270 of this code.

(Ord. No. 7942, § 1, 8-27-96)

Article IV. City Clerk

Section 2.310. Appointment.

The City Clerk will be appointed from time to time by the Council. He shall hold office at the pleasure of the Council, and shall perform all duties required by law, by the City Charter, or by the Council.

Section 2.320. Deputy Clerk.

Whenever, for any reason, the City Clerk is unable to perform the duties of his office, the City Council may designate by motion some person to perform the duties of the City Clerk, who shall have all the powers and perform all the duties of the regular City Clerk.

Section 2.330. Duties and Responsibilities.

a. **Proceedings of the Council.**

1. The City Clerk shall keep the journal of the proceedings of the City Council, authenticate by his signature every ordinance and resolution, and file and preserve them in his office. He shall notify all members of the Council and the City Manager of all special meetings of the Council.

2. The City Clerk shall make a written index of the subject of each ordinance, the number, and the date it was passed or otherwise became a law. He shall keep a copy of every ordinance in an appropriate file in his office.

3. He shall furnish to the City Manager copies of all general ordinances and all ordinances amendatory of this code or other ordinances which are in such form as to indicate the intention of the City Council that they be incorporated in this code, certified by the Clerk to be a true copy of such ordinance.

b. **Custody of Public Records, Documents, and Miscellaneous Papers.**

1. The City Clerk shall have custody of the City Seal, the original rolls of ordinances and resolutions passed by the Council, the public records of the City, and all such other papers, records and documents as may be entrusted to his care. He shall prepare, affix the City Seal to, and countersign, all such public instruments, documents and papers, including all commissions, as are required to be attested with the Seal of the City. He shall record the substance of all such documents in an appropriate register. He shall record the official bonds of all City officers, and all other bonds executed to the City and filed in his office. He shall keep available for public inspection all other public records, including the budget, the budget message, and all supporting schedules. He shall, whenever required, furnish to the City Manager, City Council or any Committee of the Council, copies or abstracts of any books, accounts, records, vouchers or documents in his office, or any information relating to the business of the City or his office.

2. The City Clerk shall certify under his hand and the Seal of the City all such documents, copies and papers in his office as may be required for the use of any City officer or private citizen.

3. The City Clerk shall furnish to the City Attorney or City Council any record, document or paper in his office which either may call for to be used in any Court.

c. **Checks and Vouchers.**

The City Clerk shall countersign any checks or vouchers properly drawn by the Director of Finance, and such checks or vouchers shall be valid only when so countersigned.

d. **Elections.**

The City Clerk shall conduct all municipal elections. He shall perform all the duties specified in the general election laws of the State to be performed by the County Clerk, not inconsistent with the City Charter or ordinances.

CHAPTER 3. ADMINISTRATION: THE ADMINISTRATIVE DEPARTMENTS

Article I. General Provisions

Section 3.010. Duties.

The various administrative departments shall perform the duties from time to time required by law.

Section 3.020. Rules and Regulations.

The directors of the administrative departments excepting the Department of Personnel may prescribe such rules of procedure and organization as they may deem necessary, provided, however, that all such rules or regulations shall not be effective until approved by the City Manager and until five (5) days after the same have been on file in the office of the City Clerk where the same shall constitute public records. One (1) copy of all such rules and regulations shall be filed with the City Manager and one (1) copy with the City Attorney.

Article II. Department of Finance

Section 3.110. Department of Finance Established; Director; Personnel.

There shall be a Department of Finance, the Director of which shall be known as the Director of Finance, who shall be, or be appointed by, the City Manager. There shall be, within said department, a Purchasing Agent and such other personnel as may be deemed necessary by the City Manager.

Section 3.120. Duties.

a. The Director of Finance shall have the responsibility for receiving, keeping, and disbursing public funds in the manner prescribed by law; for requiring any person engaged in any business for which a license is required to take out such a license, and shall report to the City Manager any person who refuses to do so; for promptly collecting or causing to be collected, all taxes due; for issuing to any person making payment to the City a receipt therefor, stating the date of payment and on what account paid.

b. The Director of Finance shall keep in proper books therefor a full and accurate account of all monies received and disbursed by him for the City, specifying the date of receipt and disbursement, from who received and to whom paid, and on what account received and disbursed. He shall keep a separate account of and with each fund or appropriation. He shall keep a register of bonds issued by the City and other evidence of indebtedness where the same shall be described fully.

Section 3.130. Purchasing Agent; Duties.

The Purchasing Agent shall be, or be appointed by, the City Manager. If appointed, he shall perform the duties prescribed by the City Manager, by Charter, and by this ordinance, be administratively responsible to the Director of Finance and hold office at the pleasure of the City Manager. The Purchasing Agent shall:

a. Purchase, with due regard to quality and competitive prices, all supplies, materials, equipment and services required by the City.

b. Confer with department heads on necessary specifications and thereafter establish and enforce specifications with respect to supplies, materials, equipment and services required by the City.

c. Inspect or supervise the inspection of all deliveries with regard to quantity, quality, and conformance to specification.

d. Transfer to or between departments and offices, or sell, with the approval of the City Council, surplus, obsolete, or unused supplies, materials, or equipment.

e. Prepare and maintain forms and purchasing nomenclature necessary to the performance of his duties prescribed in this ordinance.

f. Supervise inventory and storerooms maintained by the City.

g. Establish and maintain a vendors' catalog file.

h. Submit reports to the City Council or Director of Finance as may be requested.

(Ord. No. 8384, § 1, 12-2-03)

Section 3.135. Procurement, Competitive Bidding and Negotiation of Contracts for Land, Goods and Services.

When the City negotiates any purchase, sale, or other contract, including contracts for public improvements, there shall be provided ample opportunity for competitive bidding in the following manner and with due regard to obtaining products, resources, terms and conditions most advantageous to the City:

a. If the consideration is not more than One Thousand Five Hundred Dollars ($1,500.00), bids shall be solicited in the most expedient manner or in such a manner as prescribed by the City Manager, with due regard for competitive prices and quality.

b. If the consideration is for more than One Thousand Five Hundred Dollars ($1,500.00), but not more than Five Thousand Dollars ($5,000.00), at least three (3) bids shall be solicited by mail or telephone request, from which the most advantageous bid with proper qualifications as determined by the City shall be accepted. Such purchase must be approved by the Director of Finance. A record of the quotations shall be maintained.

c. If the consideration is for more than Five Thousand Dollars ($5,000.00), but not more than Fifteen Thousand Dollars ($15,000.00), at least three (3) written bids shall be solicited from which the Director of Finance shall accept the most advantageous bid. If the lowest bid is not accepted, the transaction and the reasons therefor require the approval of the City Manager.

d. If the consideration is for more than Fifteen Thousand Dollars ($15,000.00), request for bids shall be promulgated through the media at least once, such that it is known in the Webster Groves and adjacent areas and to the known potential bidders and suppliers. Whenever possible, bids should be obtained from at least three (3) prospective qualified vendors. The City Council, after consultation with the City Manager and Director of Finance, shall award the contract or purchase to the most advantageous bidder.

e. Individual contracts, purchases, or sales for goods, supplies, commodities, or services shall not be excluded from the requirement of competitive bidding described herein.

f. Individual contracts or purchases shall not be subdivided for the purpose of evading the requirement of competitive bidding.

g. The purchasing agent shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price.

h. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the Purchasing Agent that time or other circumstances will not permit the delay required to again solicit competitive bids, a contract may be negotiated pursuant to this section.

In such a circumstance the Purchasing Agent shall have the discretion to discuss modifications with the bidders that would bring the price down to the level of available funds or to determine unilaterally what such modifications should be, provided that, if modifications are made, each responsible and responsive bidder who submitted an initial bid under the original solicitation is notified of the determination and is given opportunity to modify their bid and submit a best and final bid. If no modifications are made, or in cases where the best and final bids received are noncompetitive or the low bid still exceeds available funds, the purchasing agent may negotiate with the lowest responsive and responsible bidder to secure the best price possible, which shall in all cases be lower than the lowest rejected bid of any responsible and responsive bidder under the original solicitation. (Ord. No. 8708, § 1, 3-1-11)

(Ord. No. 8022, § 1, 3-3-98; Ord. No. 8654, § 1, 10-20-09; (Ord. No. 8708, § 1, 3-1-11))

Section 3.140. Exceptions.

a. **Professional Services.** Contracts for services of professional persons, including, but not limited to, attorneys, physicians, accountants, or other services requiring expert or special knowledge or skill, including, but not limited to, planning consultants, insurance advisors and brokers, auditors, public relations consultants, real estate brokers, and landscape architects shall be exempt from the requirement of competitive bidding.

b. **Cooperative Purchasing.** Contracts with any other governmental units or agencies for the purpose of cooperative purchasing, when it would best serve the interests of the City, shall be exempt from the requirement of competitive bidding. The Department of Finance or the City Manager must, however, verify that the purchase has been subject to competitive bidding by some other governmental entity.

c. **Exclusive Supplier.** Where it shall be determined that there exists a sole supplier without a substitute which would reasonably satisfy the needs of the City, supplies, materials, and equipment may be secured in a manner other than competitive bidding. This method of procurement shall be directed by the City manager in union with the Director of Finance.

d. **Per Unit Pricing.** When it shall be deemed more appropriate to obtain per unit pricing at the beginning of the fiscal year, at which time items shall be subject to City Council approval, supplies, materials, and equipment may be secured from that same supplier throughout the fiscal year.

e. **Emergency Purchases.** In the event of an emergency, where it is deemed necessary to purchase supplies or services immediately, the City Manager shall authorize the Purchasing Agent to procure the necessary commodities or services foregoing the requirement of competitive bidding. A report of such action shall be filed by the City Manager with the City Clerk and the City Council. (Ord. No. 7395, § 1, 7-22-86)

f. **Non-Conforming Parcels of Real Property.** In situations where the City owns parcels of property that are not buildable because they do not conform to requirements of the subdivision or zoning code, and the City Council determines by motion or resolution that the City no longer has any need for such a parcel, the City Manager or designee of the City Manager shall first offer such a parcel at a fair market value, as determined by staff using accepted practices under the circumstances, to neighboring residential property owners, if any, and if there are none or if such neighboring property owners do not offer a fair market value for the parcels, as determined by staff using accepted practices under the circumstances, then the City Manager or designee of the City Manager shall offer such a parcel for sale according to the process set forth in Section 3.135. (Ord. No. 8654, § 1, 10-20-09)

Section 3.145. Policy and Procedure for the Procurement of Engineering, Architectural and Land Surveying Services.

The following shall be the policy and procedures for selecting architectural, engineering, and land surveying services for the City of Webster Groves.

a. **Definitions:**

1. The term "**firm**" shall mean any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, engineering, or land surveying, or other professional services and provide said services.

2. The term "**architectural services**" shall mean those services within the scope of practice of architecture as defined by the laws of the State of Missouri, Section 327.091 R.S.Mo, and to include landscape architects.

3. The term "**engineering services**" shall mean those services within the scope of practice of engineering as defined by the laws of the State of Missouri, Section 327.181 R.S.Mo.

4. The term "**land surveying services**" shall mean those services within the cope of practice of land surveying services as defined by the laws of the State of Missouri, Section 327.272 R.S.Mo.

5. The term "**selection committee**" shall mean the City Manager, City Engineer, and Department Head of the using department.

b. **Roster of Consultants.**

1. The City Manager, or designated staff, will maintain a roster of qualified firms interested in performing professional services for the City. Names of firms will be placed on the roster upon their request, at the request of members of the Council, or when recommended by City departments.

2. Each firm meeting the following minimum qualifications shall be deemed to be a qualified firm and meeting the qualifications of the City.

A. Duly authorized to conduct business in the State of Missouri in their particular profession.

B. Professional registration by the State of Missouri.

C. At least one staff professional assigned to each project. Adequacy of personnel will be determined on a contract-by-contract basis against the City's estimate of manpower required to perform the work in the desired time frame.

3. **Resumes and Data.** Each person or firm listed on the roster shall be responsible for maintaining with the City Manager a current resume describing his, her, or its qualifications and experience. Data which shall be included is as follows:

A. Firm name, address, telephone numbers.

B. Year established and former firm names.

C. Types of services for which it is qualified.

D. Names of principals of the firm and status in which they are registered.

E. Names of key personnel with experience of each and length of time in the organization.

F. Number of staff available for assignment.

c. **General Procedures and Responsibilities:**

1. **Project Initiation.** When a department of the City identifies a project for which architectural, engineering, or land surveying services will be necessary, the department will draft a scope of services for the specific project. This scope of services will be submitted to the City Manager for authorization to initiate the project. The department shall include in the scope of services the following:

A. A description of the work required and its objectives.

B. The nature of specific tasks and services to be accomplished.

C. The type and amount of assistance to be given by the department involved.

D. Required time frame.

E. Financial conditions or limitations; grant program involved.

2. **Expressions of Interest.** The using department will contact those firms on the roster for an expression of interest in the specific project. The request should invite comments as to the special experience in the project being considered; describe previous experience with similar projects, and the availability of the firm to provide required service within any time limitations.

3. **Initial Screening and Requests for Proposals.** The expressions of interest will then be presented to the department requesting the services for initial screening. Factors to be determined in the initial screening will include:

A. Specialized experience in the type of work required.

B. Record of the firm in accomplishing work on other projects in the required time.

C. Quality of work previously performed by the firm for the City.

D. Recent experience showing accuracy of cost estimates.

E. Community relations including evidence of sensitivity to citizen concerns.

F. Geographic location of the principal officers of the firm.

After the screening, detailed proposals will be requested from at least three (3) firms. Selection will then be made according to subsection (e) of this section.

d. **Detailed Proposals.** Firms submitting detailed proposals will provide the following information:

1. Name of firm principal.

2. Name of project supervisor (licensed engineer, architect, or land surveyor).

3. Ability of firm to meet time schedules.

4. Description of how project will be conducted.

5. Cost of services.

6. For various level of the disciplines offered, the position, hourly rate, salary cost multiplier, overhead and profit multiplier.

7. Outside consultants and associates usually retained.

8. List of completed projects on which the firm was principal engineer.

9. Current projects under way and estimated cost of each.

10. Data-gathering methods (if appropriate).

11. Evaluation techniques (if appropriate).

e. **Selection:**

1. Three (3) written proposals should be secured when possible. Proposals may be solicited by mail or telephone. The Selection Committee will review the proposals, interview the prospective consultant, if desirable, and make a recommendation or selection in accordance with subparagraph (2), class of service, below.

2. **Class of Service:** Projects will be divided into two (2) classes as follows:

A. **Class A.** Services for projects where fees will exceed Five Thousand Dollars ($5,000.00). The Selection Committee's recommendation shall be presented to the City Council for approval or rejection. The Council has the right to approve or reject any and all proposals.

B. **Class B.** Services for projects which are provided for in the approved City budget and where fees will be less than Five Thousand Dollars ($5,000.00). The Selection Committee will have full authority to select the consultant.

f. **Prohibition Against Contingent Fees.**

1. Each contract entered into by the City Council for professional services shall contain a prohibition against contingent fees as follows:

   "The architect, engineer, or land surveyor (as applicable) warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the architect, engineer, or land surveyor, to solicit or secure person, company, corporation, individual, or firm other than a bona fide employee working solely for the architect, engineer, or land surveyor, any fees, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this agreement."

2. For the breach or violation of the foregoing provision, the city council shall have the right to terminate the agreement without liability and at its discretion to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift, or consideration.

g. The City Council in its sole and absolute discretion, may waive any and all aforementioned procedural requirements. (Ord. No. 7395, § 2, 7-22-86)

Article III. Department of Law

Section 3.170. City Attorney; Qualifications.

There shall be a Department of Law, the Director of which shall be known as the City Attorney. The City Attorney shall be qualified and appointed in accordance with the provisions of the Charter. The City Attorney may, with the approval of the City Manager, designate associates and assistants to perform the duties of said Department, any or all of whom shall be duly admitted to practice and shall be residents of the City, except where such requirement may be temporarily impractical.

Section 3.180. Powers and Duties.

a. The City Attorney shall represent the City in all legal matters in which it is a party, or is interested. He shall advise the Council, any Committee or member thereof, the City Manager, Directors of all Departments, and the Board and Commissions concerning any legal questions affecting the City's interest.

b. The City Attorney or his assistant shall attend all meetings of the Council unless excused by the Council.

c. The City Attorney shall be City Prosecutor and he or an assistant or assistants designated by him shall attend all sessions of the Municipal Court. As City Prosecutor, he and his assistants shall have the same powers and immunities as a County Prosecutor, except as may be expressly limited by state statute. No person shall bring any suit or proceeding against said prosecutors for any official act except where said act was made or done in bad faith.

Article IV. Department of Public Works

Section 3.210. Department of Public Works; Director.

There shall be a Department of Public Works, the director of which shall be known as the Director of Public Works. The Director of Public Works shall be appointed by the City Manager and perform the duties lawfully prescribed from time to time, by the City Charter or ordinance, or by the City Manager, and shall serve as City Engineer.

Section 3.220. Building Commissioner.

There shall be within the Department of Public Works a Division of Building Inspection in charge of a Building Commissioner who shall have the qualifications required by the Position Classification Plan and who shall, under the supervision of the Director of Public Works, be in charge of the issuance and revocation of all electrical and building permits, and the administration of all building and zoning ordinances, the inspection of gas, electrical wiring, boilers, heating and air-conditioning devices, elevators and of gas, smoke, sanitary and safety equipment of all buildings and structures and the safety of all buildings and structures. The Building Commissioner shall keep a permanent file of all applications and permits issued, denied or revoked and of the result of all inspections and of the action taken thereon.

Section 3.230. Inspections.

The Director of Public Works, his assistants, and the Building Commissioner shall have authority to enter any building or structure or premises at any reasonable hour in the discharge of their official duties and to determine that the building and zoning ordinances are being observed.

Section 3.235. Plan Review Fees.

In addition to any fees set forth elsewhere in this code, there shall be a non-refundable processing fee of Twenty-Five Dollars ($25.00) charged for any plumbing, electrical, mechanical, or building permit application which requires plan review by this department. (Ord. No. 8282, § 7, 7-2-02).

Section 3.240. Notification of New Electric Customers.

For any month when there is a change of user of residential or non-residential electric service within the City, AmerenUE Company shall notify the Building Commissioner (or the appropriate official designated by the Building Commissioner) of the City within seven (7) working days after the end of the month of said changes, indicating the address and apartment or unit number, and the name(s) of electric user(s) per service and address and apartment or unit number in whose name service is connected or billed.

AmerenUE shall submit annually to the City an invoice for its cost associated with this ordinance. The initial cost of the service shall not exceed One Hundred Fifty Dollars ($150.00). Future price increases, if any, will only reflect the actual cost incurred by

AmerenUE to provide this service. The City shall pay to AmerenUE the amount of the invoice within thirty (30) days of receipt. (Ord. No. 8065, § 1, 11-3-98)

Article V. Police Department

Section 3.310. Police Department; Director; Members.

There shall be a Chief of Police, appointed by the City Manager. The Chief shall be the Director of the Department and shall serve as City Marshal. The Department shall consist of the Chief and such subordinate officers and detectives as may be deemed necessary by the Council and City Manager for the proper conduct of the duties of the department, and such a patrolmen, detectives and probationers as may be authorized from time to time. The Chief shall have general supervision and control of the department, including the enforcement of discipline among the members thereof, and the instruction and training of the members in their duties.

Section 3.320. Powers and Duties.

The Police Department shall see that all laws of the United States, State of Missouri and the ordinances of the City are observed and enforced, and shall perform such services and make such reports from time to time as may be required by the City Manager. Police officers shall have power at all times to make or order an arrest with proper process for any offense against the law and ordinances of the City, the United States or the State and keep the offender in the city jail or other place to prevent his escape until a trial can be had before the Court of proper jurisdiction. Unless such offender shall give a good and sufficient bond, approved by the City Attorney, or his designated agent, for his release, he may be held until his appearance for trial. Police officers shall also have power to make arrests without process in all cases in which an offense is committed in their presence or in all cases where anyone is suspected of having committed a felony.

The Chief of Police and his subordinates shall serve as the Marshal and Deputy Marshals of the Municipal Court and shall prepare the complaints in cases therein and shall execute and return all papers and order issued by the Municipal Court or other department of the City under any law or ordinance.

The Chief of the Department shall compile accounts of all moneys collected by or in his department and report same to the Director of Finance and pay over all moneys collected to the Director of Finance unless other disposition shall have been provided for by law or ordinance.

The Police Department shall have charge of the city jail and shall be responsible for the proper care and condition thereof. The members of the Department shall keep the City Manager properly advised as to the condition of the streets, alleys, culverts and sidewalks within the City; perform all other duties required of them by the City Manager and such other duties as may be necessary to conserve the peace and welfare of the City and its inhabitants.

Section 3.330. Special Police.

Special police officers shall be appointed by and serve at the pleasure of the City Manager. There shall be no more than one (1) such officer for each two thousand (2,000) population of the City, according to the last federal census. Special police officers shall perform such duties and serve at such time, and in such manner, as may be designated by the Chief of Police and/or as set out in the police manual. Special police officers shall be considered to be on duty only when scheduled as such by the ranking officer then in charge of the particular shift of the department of police and shall be required to sign in and out and such signature shall be initialed by the aforesaid ranking officer. While on duty, a special police officer shall have the same duties and powers as the police officers in the classified service of the City. When not on duty, special police officers shall have no powers, duties or function apart from, or greater than, any other citizen and, during such times that special police officers are not on duty, no special police officer shall perform any police function or possess any police power. Special police officers shall have been a resident of the City for a period of at least three (3) consecutive years and shall maintain such residence at all times that he shall hold such office, and shall possess such other qualifications as may be determined by the City Manager. Special police officers shall not receive monetary compensation from the City; shall not benefit from or be covered by the Workmen's Compensation laws affecting the City; nor be eligible for any pensions or any of the other benefits of regular City employment.

Section 3.340. Maintenance and Disposition of Miscellaneous Property.

All property of other persons in the custody of the Department of Police, including but not limited to evidence obtained in the course of investigation which may now be or shall come into the custody of the Department of Police, shall be held by said Department subject to reclamation by the owner thereof, for no less than sixty (60) days after said Department has no further need for said property. After such sixty (60) day period, the Department shall, by registered mail or certified mail, return receipt requested, forward to the last known address of the person or persons believed to be the owner of such property, a notice of intention to dispose of the same and fully describing said property. If, after such due notification, the owner of any such property shall not have reclaimed the same within thirty (30) days after such notice, all such property shall become the property of the City of Webster Groves and may be disposed of at public auction or in any other manner relating to the disposal of public property as made and provided by the ordinances of the City, and the proceeds thereof shall become part of the general revenue of the City.

Article VI. Fire Department

Section 3.410. Fire Department; Director; Members.

There shall be a Fire Chief who shall be appointed by the City Manager and shall be the Director of the Department. The Department shall consist of the Chief and such subordinate officers as may be deemed necessary for the proper performance of the duties of the Department, and such number of firemen, probationers and volunteers as may be authorized from time to time. The Fire Chief shall have general supervision over

and control of the Fire Department, including the enforcement of discipline among the members thereof and the instruction and training of the members in their duties.

Section 3.420. Powers and Duties.

The Fire Department shall have the superintendence and control of all engines and engine houses, hose carriages and fire and life-saving apparatus and equipment of any kind owned by the City. It shall be the duty of the Department to protect the citizens of the City and all property located therein against fires, to carry out and enforce all ordinances relating to fire protection and prevention and perform such other duties as may be assigned by the City Manager.

The Chief, or any designated member of the Department may, at all reasonable hours, when the Chief deems the public safety will be served thereby, enter into any premises, by force, if necessary, to conduct inspection and investigation.

Article VII. Department of Personnel

Section 3.510. Department of Personnel; Director; Personnel Board.

There shall be a Department of Personnel, consisting of a Director of Personnel and a Personnel Board of three (3) members. The Director of Personnel shall be the City Manager or some qualified person appointed by the City Manager. The Director of Personnel, if other than the City Manager, shall receive such compensation as the City Council may from time to time provide. He shall have such powers and duties as may be prescribed from time to time by the City Charter or ordinance of the City or the City Manager or by the rules of the department. Each member of the Personnel Board shall be appointed by the City Council for a term of three (3) years with their terms of office expiring in the order provided in the Charter. The Board shall have such powers and duties as may be prescribed from time to time by the City Charter or the ordinances of the City.

Section 3.520. Merit System Rules.

A copy of the rules of the Personnel Board provided by Section 7.7 of the Charter and all amendments thereto when approved by the City Council shall be filed with the City Clerk, the City Manager and the City Attorney.

Article VIII. Department of Public Health and Advisory Board of Health Commissioners

Section 3.610. Department of Public Health.

There is established the Department of Public Health of the City of Webster Groves, which shall consist of the Director of Public Health, the Advisory Board of Health Commissioners, together with such other officers and employees as shall be authorized by the Council upon the recommendation of the City Manager.

The Department of Public Health shall perform such duties and render such service as may be directed by the City Manager and shall have general supervision of the

Administration of Public Health and Sanitation with all the powers and duties conferred by law and ordinance and shall make every effort to maintain liaison with, and promote cooperative relations, relating to public health, among the municipalities and political subdivisions of St. Louis and St. Louis County.

Section 3.620. Director of Public Health.

The Director of Public Health shall be appointed by the City Manager, as provided in the City Charter for the appointment of other Directors of Departments of the City. The Director shall be a person duly qualified as such and it is preferable that he be a doctor of medicine or dentistry and a graduate of a regularly chartered and duly accredited school of medicine or dentistry having authority to confer degrees and shall be licensed to practice medicine or dentistry in the State of Missouri. In lieu thereof, the Director shall have training and experience in Public Health Administration.

Article IX. Department of Environmental Services

Section 3.710. Department of Environmental Services; Director.

There shall be a Department of Environmental Services, the Director of which shall be known as the Director of Environmental Services. The Director of Environmental Services shall be appointed by the City Manager and perform the duties lawfully prescribed, from time to time, by ordinance or by the City Manager.

Section 3.720. Environmental Service Supervisor.

There shall be, within the Department of Environmental Services, an Environmental Service Supervisor who shall have the qualifications required by the Position Classification Plan, and who shall under the supervision of the Director of Environmental Services, be in charge of the administration of housing inspections of all buildings and structures and the enforcement of the provisions of ordinances dealing with nuisances created by weeds, mosquitoes, rodents, trash, derelict vehicles, and other environmental matters as assigned. The Environmental Service Supervisor shall keep a permanent file or all applications and permits issued, denied, or revoked and of the result of all inspections and of the action taken thereon.

Article X. Health and Environmental Services Advisory Board

Section 3.810. Health and Environmental Services Advisory Board.

There is hereby established the Health and Environmental Services Advisory Board, which shall consist of seven (7) members who shall be free holders and citizens of Webster Groves, all of whom shall be appointed by the City Council. The term of office of the members of the Board shall be for three (3) years, excepting that the members first appointed shall serve, three (3) for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. Appointments to fill vacancies shall be for the unexpired portion of a term only. The Board shall elect a Chairman and such other officers as it finds necessary in performance of its duties, and shall keep minutes of its proceedings, showing the vote of each member on each question, or his absence or failure to vote, indicating such fact.

The Director of Public Health and the Director of the Department of Environmental Services shall meet with the Health and Environmental Services Advisory Board as members of said Board ex-officio but shall not have the right to vote.

Section 3.820. Duties of Health and Environmental Services Advisory Board.

The Health and Environmental Services Advisory Board shall consider and recommend, from time to time, to the City Council, such proposals as will, in its judgment, tend to preserve, promote or enhance the public health and environment of the City of Webster Groves.

Article XI. Department of Recreation

Section 3.910. Director.

There shall be a Department of Recreation, the Director of which shall be known as the Director of Recreation. The Director of Recreation shall be appointed by the City Manager and shall perform the duties lawfully prescribed, from time to time, by ordinance or by the City Manager.

Section 3.920. Duties.

The Department of Recreation shall supervise and manage the use of all recreational facilities, including the swimming pool, ice skating rink and parks; shall plan, promote, organize and supervise all recreational services, programs and activities sponsored by the City; shall serve as liaison to assist Senior Citizens groups needing special services; shall be responsible for park development planning; and shall perform any other duty lawfully prescribed by the City Manager.

Section 3.930. Member of Parks and Recreation Commission.

The Director of Recreation shall be a member of the Parks and Recreation Commission established by Chapter 4, Article VI of the Code of Webster Groves.

CHAPTER 4. BOARDS AND COMMISSIONS

Article I. General Provisions

Section 4.010. Rules and Regulations.

a. All Boards and Commissions shall have the power to prescribe such rules or procedure and organization and regulations as may be necessary for their conduct and for the performance of their duties; provided, however, such rules and regulations shall not be effective until five (5) days after the same have been on file in the office of the City Clerk where the same shall constitute public records. One (1) copy of such rules and regulations shall, before the same shall be effective, be filed with the City Manager and with the City Attorney.

b. All Boards and Commissions shall meet regularly and the rules and regulations shall provide for such number of regular meetings and for special meetings of such Boards and Commissions as may be necessary.

Section 4.020. Removal of Members.

a. **Removal Power, Generally.** Except as otherwise provided by the Revised Statutes of Missouri, the City Council may remove any member of any Board, Commission or Committee at any time with or without cause.

b. **Absences from Boards, Commissions or Committees that Meet Monthly.** Except as otherwise provided by the Revised Statutes of Missouri and for those Boards, Commissions or Committees that meet monthly, any member who accumulates four (4) or more unexcused absences from regularly scheduled meetings during any twelve (12) month period shall automatically forfeit that member's appointment without further action by the Council.

c. **Absences from Boards, Commissions or Committees that Meet More Often than Monthly.** Except as otherwise provided by the Revised Statutes of Missouri and for those Boards, Commissions or Committees that meet more often than monthly, any member who accumulates eight (8) or more unexcused absences from regularly scheduled meetings during any twelve (12) month period shall automatically forfeit that member's appointment without further action by the Council.

d. **Excused Absences.** The City Council may excuse any absence for good cause shown, including but not limited to absences related to ill health.

e. **Reporting Duties.** It shall be the duty of the Staff Liaison to the Board, Commission or Committee to promptly notify the Mayor/Council, or their designee, of any member who has sufficient absences during the prescribed time period to constitute a basis for removal. (Ord. No. 8559, § 1, 8-7-07)

Article II. City Plan Commission

Section 4.110. City Plan Commission; Composition.

The City Plan Commission shall consist of twelve (12) members, nine (9) of whom shall be citizens qualified by knowledge or experience to act on questions pertaining to the development of a City Plan. The citizen members shall be appointed by the Council and in the first instances for periods of one (1), two (2) and three (3) year terms respectively, and thereafter all appointments shall be made for terms of three (3) years. Any and all appointments to fill vacancies shall be for the unexpired term only; all members shall serve without pay. The balance of the membership of the City Plan Commission shall consist of the City Manager, Director of Public Works and a Councilman selected by the Council, all of whom shall serve as ex-officio members, but having no vote.

Section 4.120. Reports.

In addition to the reports and recommendations specified in the City Charter, the City Plan Commission shall annually report to the City Council a summary of its activities for the preceding year.

Article III. Board of Adjustment

Section 4.150. Board of Adjustment.

A Board of Adjustment is hereby established. The word "**Board**" when used in this section shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members who shall be residents of Webster Groves, Missouri, appointed by the Mayor and approved by the Council. The term of office of the members of the Board of Adjustment shall be five (5) years, excepting that the five (5) members first appointed shall serve respectively for terms of one (1) year, two (2) years, three (3) years, four (4) years and five (5) years, thereafter members shall be appointed for terms of five (5) years each. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. The term of office of the alternate members shall be five (5) years, excepting that the three (3) members first appointed shall serve respectively for terms of one (1) year, three (3) years, and five (5) years, thereafter alternate members shall be appointed for terms of five (5) years each. Insofar as practical, alternate members shall be called upon to serve in the absence of or the disqualification of the regular members on a rotation basis. Vacancies of members and alternate members shall be filled for the unexpired term only. Members and alternate members shall be removed for cause by the Mayor and the Council upon written charges after public hearing.

Article IV. The City of Webster Groves Municipal Library District Board

Section 4.210. Board; Membership; Terms.

There shall be a Municipal Library District Board, to consist of nine (9) members. No member of the Municipal Government shall be eligible to serve as a member of this Board. The members shall be appointed by the Mayor, with the approval of the City Council, and shall be chosen from the citizens at large with reference to their fitness for

this character of work. The members of the Board shall serve, as vacancies shall be filled, in the manner prescribed by the Statutes of Missouri relating to City libraries.

Section 4.220. Duties.

The Board shall have the powers and duties, and the library shall be operated in the manner specified in the Statutes of Missouri relating to City libraries, and by the ordinances of the City of Webster Groves.

Article V. Board of Trustees, Police and Firemen's Retirement Fund

Section 4.250. Board of Trustees; Membership.

There shall be a Board of Trustees of the Police and Firemen's Retirement Fund consisting of nine (9) members, three (3) of whom shall be the Chief of Police, the Fire Chief, and the City Manager, all ex-officio. The City Manager may, however, designate another City Official to sit as a member of the Board of Trustees in place of the City Manager. The City Manager or such designated City official sitting in place of the City Manager shall act as Treasurer of the Fund. The other six (6) members shall be appointed by the Council; provided, however, that of the six (6), one (1) shall be an employee of the Fire Department and one (1) shall be an employee of the Police Department, each of whom shall have been elected by members of his or her department to serve in such capacity. Such other members, except for the employee member of the Fire Department and the employee member of the Police Department, shall be electors of the City. The six (6) appointive members shall serve for three (3) year terms, except that of the members first appointed, two (2) shall be appointed to serve one (1) year, two (2) for two (2) years, and two (2) for three (3) years. The Council shall fill vacancies for any unexpired term.

Five (5) members of the Board of Trustees, one (1) of which must be an employee of the Police and Fire Department, shall constitute a quorum for all meetings of the Board of Trustees. (Ord. No. 7469, § 1, 11-3-87).

Section 4.260. Powers and Duties of Trustees.

Board of Trustees shall be vested with the powers specified from time to time by the City Council of Webster Groves, Missouri, so long as such duties are not in direct conflict with the Statutes of Missouri, as revised. (Ord. No. 8801 § 1, 6-18-2013).

Section 4.261. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate, distinct and independent provision of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

Article VI. Parks And Recreation Commission

Section 4.310. Parks and Recreation Commission, Appointment.

There shall be a Parks and Recreation Commission appointed in the manner prescribed by the City Charter.

Section 4.320. Duties.

The Parks and Recreation Commission shall have the powers and duties specified by the Charter and ordinances of the City of Webster Groves.

Section 4.330. Closing Hours.

The following City parks located in the City of Webster Groves shall be closed to all members of the public from one-half (1/2) hour following sunset to 6:00 a.m. on each day of the week:

a. Barnickel Park—Bompart and North Forest Avenues

b. Blackburn Park—Edgar and Jackson Roads

c. Larson Park—West Kirkham Avenue

d. Lockwood Park—Newport and Page Avenues

e. Lorraine Davis Park—Lorraine Davis Drive and Thornton Avenue

f. Memorial Park—Elm and Glendale Road

g. Plant, Bird and Wildlife Sanctuary—Swon and Jefferson Road

h. Play Lot—Margaret and Atlanta Avenues

i. McKee Park—Foote and Hamel

j. Southwest Park—South Rock Hill Road

k. Ivory Crockett Park—Bell and Almentor Avenues

l. Deer Creek Park—Laclede Station Road and Marshall Avenue

m. Barbre Park—North Elm and West Kirkham Avenues

n. Old Orchard Park—Lockwood Avenue and Big Bend Boulevard

o. Glen Park—Newport and Brentwood Boulevard (Ord. No. 8649, § 2, 9-1-09)

The closing of the parks to the public shall not include lighted facilities or activities authorized by special permits, or other special situations authorized by the Director of Parks and Recreation or by the City Manager; provided, however, that, with the exception of the Webster Groves Recreation Center, in no event shall these activities be permitted later than 1:00 a.m. of the following day.

Section 4.340. Parking in Parks.

No vehicles shall be parked in any of the City parks listed in Section 4.330 except upon paved parking areas and driveways provided in said parks for such purpose and during the hours set forth in Section 4.330.

Section 4.341. Possession or Consumption of Alcoholic Beverages in Parks.

The possession or consumption of alcoholic beverages or non-intoxicating beer in any City park is hereby prohibited unless such possession or consumption is pursuant to a special permit issued by the Department of Recreation, as provided herein.

Section 4.342. Permit Required.

A permit shall be obtained from the Director of Recreation before participating in organized activities including but not limited to baseball, softball, soccer and tennis, group picnics, special use of any portion of a park, or any other particular activity named by the Director of Recreation. A person seeking issuance of a permit required by this article shall file an application with the Department of Recreation. The Department of Recreation shall prepare the appropriate application forms, subject to the approval of the City Council, and the application shall state:

a. The name and address of the applicant, who must be a Webster Groves resident.

b. If the activity is sponsored by someone other than the applicant, the name and address of the person sponsoring the activity, or if the sponsor is a corporation or organization, the name of the responsible officer.

c. The day, or days, and hours for which the permit is desired.

d. An estimate of the anticipated attendance.

e. Activity for which permit is sought.

f. Name of park, and specific location within the park, for which the permit is sought.

g. Whether alcohol will be served at the event, and if so, what type of alcohol and the number and location of venues from which alcohol is sold. (If alcohol will be sold, an additional permit or permits will be necessary pursuant to Section 42.055 or Section 42.126).

h. Any other information that the Director of Recreation finds reasonably necessary to a fair determination as to whether a permit should issue hereunder.

Section 4.343. Standards for Issuance.

The Director of Recreation shall issue a permit required by this article when it is found that:

a. The proposed activity will not unreasonably interfere with or detract from the general public enjoyment of the park. To this end, the Director of Recreation shall maintain a list of all parks by category of neighborhood, intermediate, business district or large, and the types of activities suitable for each category of park.

b. The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

c. The proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct.

d. The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City.

e. The specific facilities desired have not been reserved for other use at the day and hour required in the application, and the issuance of the permit will not result in crowded or congested conditions in the park due to the issuance of prior permits for the same day, or due to the anticipated number of attendees for the planned event.

f. If seeking a permit for an event at which attendance is anticipated to be over fifty (50), the Director shall consult the Chief of Police regarding whether and to what extent security is necessary for the event.

g. If seeking a permit for an event at which attendance is anticipated to be over two hundred fifty (250), the applicant must show to the satisfaction of the Director of Recreation, whose determination shall be based upon all relevant factors, including but not limited to the following:

1. Proven ability to provide the proposed activity or substantially similar activity, such as food booths, community booths, carnivals, and so on;

2. Staffing capability;

3. Capability of providing adequate insurance as required by Section 4.346 of this Chapter; or

4. Capability to provide effective crowd and traffic control.

h. The proposed activity will not cause unacceptable damage to green space or park facilities.

i. The organization, or responsible person, has not been involved in complaints within the City relating to conduct of such person or members of such organization within three (3) years prior to the date for which the event is planned.

j. If alcohol will be consumed, the applicant has satisfied the Director of Recreation that sufficient precautions shall be taken to prevent excessive consumption, or the illegal consumption, of such beverages by persons under lawful age, and when necessary, that applicant is providing appropriate security for the event. The organization, or responsible person, has not been involved in complaints within the City relating to conduct of such person or members of such organization within three (3) years prior to the date for which the event is planned.

k. Under no circumstance will alcohol be permitted in a neighborhood park, as designated by the Director of Recreation, and no sale of alcohol shall be permitted in an intermediate park, as designated by the Director of Recreation.

l. Only one permit shall be issued for a specific location within a park for the same period of time for which the permit is issued. No permit shall be issued for more than three (3) consecutive years for the same time of each year without obtaining a new permit as provided herein.

Section 4.344. Appeals.

Within ten (10) days after receipt of a completed and all necessary supporting documentation for a permit required by this article, the Director of Recreation shall notify an applicant in writing of his decision to grant or refuse such permit and of any insurance, deposit or other special condition required for issuance of such permit or for restoration, and any aggrieved person shall have the right to appeal in writing within fifteen (15) days to the City Manager, who shall consider the application under the standards set forth in this article, and sustain or overrule the Director of Recreation's decision within twenty (20) days. The City Manager shall notify the appellant in writing of such decision. The decision of the City Manager shall be final, except as provided under the Administrative Procedure and Review Act, as set forth in Sections 536.105, 536.110 and 536.140 Missouri Revised Statutes, as amended.

Section 4.345. Applicability of Rules, Regulations and Laws.

A permittee under this article shall be bound by all park rules and regulations and all applicable provisions of this code and other City ordinances and state or federal laws as though they were inserted in the permit.

Section 4.346. Liability of Permittee.

The person to whom a permit is issued pursuant to this article shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the permittee. Organizations granted permits to hold functions within a park shall furnish to the Director a Certificate of Insurance to the City at least thirty (30) days before the event for any and all injuries sustained by any person or persons as a result of that

organization's activity within the park, including the preparation of and the dismantling of all facilities provided for the function covered by the permit; the Certificate of Insurance shall be in such form as the Director and the Council shall require to hold the City, its officials, agents and employees harmless and to defend any claim for any loss whatsoever.

Section 4.347. Fees and Security Deposits.

The fee for such permit shall be set by a schedule approved from time to time by the City Council and in addition to such fee, the Director may require a security deposit to be made with the Department of Recreation, which sum shall remain on deposit until such time as the event has terminated and the Director has determined that no damage has occurred to City property or it has been restored to its pre-existing condition. Any damage that shall occur to City property shall be charged against such deposit but the liability of the applicant shall not be limited to the amount of such deposit in the event damage shall exceed such amount, and any such excess liability shall be paid to the City within thirty (30) days of the event, unless the City Council provides otherwise by resolution. The City reserves the right to undertake all restoration the Director deems necessary at the cost of the permittee, subject to appeal as provided in Section 4.344.

For multiple-year permits, the fees and security deposit required herein shall be paid on a prorated basis annually.

Section 4.348. Revocations.

The Director of Recreation shall have the authority to revoke a permit issued pursuant to this article upon a finding of violation of any rule or any provision of this code or other City ordinance, or upon good cause shown.

Section 4.349. Discrimination Prohibited.

No person, group, organization, association, corporation or other entity who has obtained a permit from the City of Webster Groves, pursuant to this article, shall discriminate against any qualified Participants, considering physical and mental qualifications, in any activities to be undertaken pursuant to such permit on the basis of sex, race or physical or mental handicap. (Ord. No. 8265, § 2, 3-5-02)

Section 4.350. Penalty.

Any person violating any of the provisions of this article shall be subject to a fine of not less than Ten Dollars ($10.00) no more than One Hundred Dollars ($100.00) for each offense.

Article VII. Arts Commission

Section 4.360. Function of the Arts Commission.

The function of the Arts Commission shall be to acquire, maintain and display works of art at sites within the boundaries of the City; to determine which works of art are suitable for such acquisition and display by utilizing recognized criteria and standards; to

determine appropriate sites for the display of such art taking into consideration such factors as availability of the site, visibility of the site, impact on property and persons in the near vicinity of the site, accessibility to the site, ease of maintenance of the site, requisite approval by appropriate government agencies and other similar factors; and to promote the acquisition, maintenance and upkeep of works of art on sites within the City, whether public or private, through the contributions of specific works of art or funds to acquire and maintain works of art.

Section 4.361. Title to Works of Art.

Title to the works of art shall be vested in the City or leased to the City for reasonable periods of time as recommended by the Arts Commission and determined by the City Council.

Section 4.362. Display of Works of Art.

The City, in its discretion, may allow works of art to be displayed on sites owned or controlled by the City.

Section 4.363. Composition of the Arts Commission.

The Council shall appoint the initial Board of the Arts Commission. The Board shall establish its by-laws and procedures as soon as practicable and may amend them from time to time. The Board shall consist of nine (9) members who are not elected City officials nor paid City staff with "knowledge in the various studies of the arts, included but not limited to paintings, sculptures and similar works." The initial Board shall serve the following terms respectively: three (3) members for one (1) year, three members (3) for two (2) years and three (3) members for three (3) years. Their terms shall be specified by the Council at the time of their appointment. Thereafter, the Board shall be appointed by the Council for three (3) year terms. No elected official or full or part-time employee of the City shall be considered for an appointment to the Arts Commission. (Ord. No. 8487, § 1, 1-3-06)

Article VIII. Charter Review Advisory Board

Section 4.410. Membership.

There shall be a Charter Review Advisory Board. The Board shall consist of nine (9) electors of the City appointed by the Council. The members shall serve until removed or discharged by the Council. The Board shall elect its own Chairman and Vice-Chairman, for such terms as the Board may determine. The Board may adopt from time to time such rules and regulations, as it may deem necessary to carry out its duties.

Section 4.420. Meetings.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board except executive sessions 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 shall keep such other records, as it shall deem necessary. Executive sessions of the Board may be called by the Chairman.

Section 4.430. Duties.

The Charter Review Advisory Board shall act in an advisory capacity to the Council in matters pertaining to the amendment of the Charter of the City only as may be directed by the Council from time to time, and shall make reports to the Council regarding matters referred to the Board by the Council. (Ord. No. 8067, § 1, 11-17-98)

Article IX. Traffic Advisory Commission

Section 4.510. Membership.

There is hereby established the Traffic Advisory Commission. The Commission shall consist of seven (7) members and two (2) alternative members who shall be citizens of the City of Webster Groves who shall be appointed by the Council. The term of office of the citizen members of the Commission shall be for three (3) years, excepting that the nine (9) members of the previous Public Safety Advisory Board shall serve the remainder of their terms as members of the new Traffic Advisory Commission, and the first two (2) vacancies shall be replaced with alternate rather than regular members. Appointment to fill vacancies shall be for the unexpired portion of the term only. The Commission shall elect its own Chairman and Vice-Chairman and they shall serve for one (1) year. The Commission may adopt from time to time such rules and regulations, as it may deem necessary to carry into effect its responsibilities. The Chief of Police will serve as liaison from the Police Department to the Commission. One member of the City Council shall serve as liaison to the Commission.

Section 4.520. Meetings.

Meetings of the Traffic Advisory Commission shall be held quarterly or at the call of the Chairman and at such other times as the Commission may determine. All meetings of the Commission except executive sessions shall be open to the public. The Commission 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 shall keep such other records, as it shall deem necessary.

Section 4.530. Duties.

The Traffic Advisory Commission shall act in an advisory capacity to the council in matters pertaining to traffic safety within the City and shall perform such other duties and render such other services as may be directed by the Council. The Commission shall make reports and recommendations to the Council from time to time as shall appear to the Commission to be appropriate and proper. (Ord. No. 8369, § 3, 10-7-03)

Article X. Business Development Commission

Section 4.610. Purpose.

There is hereby created a Business Development Commission of the City of Webster Groves. The purpose of the Business Development Commission is to bring various business-related interests together to foster policies and programs that will create a welcoming, dynamic, and prosperous business community in Webster Groves.

Section 4.620. Membership.

The Business Development Commission shall consist of nine members to be appointed by the Council for terms of three years, except that the first group of three members appointed shall serve for one year, the second group of three members shall serve for two years, and the third group of three members shall serve for three years during their initial terms. Thereafter, all members shall serve three-year terms.

The membership shall at all times include an Old Orchard Business District representative, an Old Webster Business District representative, a representative from either Crossroads or Yorkshire or Owen Development, the CEO of the Webster Groves Chamber of Commerce, or its designee, three business owners, and two citizens-at-large. If there are not sufficient applicants, who meet membership requirements, the City Council shall have sole discretion to appoint such other residents or business owners within Webster Groves as it deems appropriate. There shall be three ex-officio members comprised of a City staff member who serves in a related function, the Mayor or a Council Member, and the City Manager or his designee.

Appointed members shall be allowed to serve a maximum of three consecutive terms and shall serve without compensation. (Ord. No. 8828, § 1, 3-4-2014)

Section 4.630. Duties.

The Commission shall seek to provide a coordinated effort to advance the commercial and industrial sectors and interests of Webster Groves by identifying opportunities to add new businesses to the community, finding ways to enrich existing businesses, fostering the commercial tax base, expanding the potential of mini-districts, better connecting the business community to City Hall, recommending policies that encourage business location within the City, welcoming businesses to the City, and including small home-office businesses in its programs and recommendations.

Section 4.640. Meetings.

The first meeting shall be set by the Council at the time the Commission members are appointed. Within thirty (30) days of appointment of the first Commission, and annually thereafter, Commission members shall select a Chair from among their members. The Commission may adopt such rules and regulations, as it deems necessary for the conduct of its business. Meetings shall be held regularly at such times as the Commission shall determine, and as called by the Chair of the Committee. All meetings of the Commission, except closed meetings as permitted by Chapter 610 of the Revised Statutes of Missouri, as amended, shall be open to the public. Closed meetings or closed portions of meetings shall be held in a manner consistent with Missouri Law. The

Commission shall keep minutes of each meeting showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep such other records as the Council or the Commission may from time to time deem necessary. (Ord. No. 8552, § 1, 6-19-07)

Article XI. Architectural Review Board

Section 4.710. Establishment of an Architectural Review Board.

The Architectural Review Board is hereby established, and its membership, meetings, duties and powers shall be as set forth in Chapter 56 of the Code of Webster Groves.

Article XII. Old Orchard Special Business District of The City Of Webster Groves

Section 4.910. Purpose.

It is the intention of the City Council in enacting this ordinance to establish the Old Orchard Special Business District of the City of Webster Groves, encompassing portions of the Old Orchard business area, as a mechanism whereby local merchants and property owners can collectively enhance their environment and promote retail trade activities, as provided by Chapter 71, Sections 71.790 through 71.808, inclusive, of the Revised Statutes of Missouri, as amended.

Section 4.915. Boundaries.

The Old Orchard Special Business District in the City of Webster Groves is hereby established for that portion of the City of Webster Groves as shown on the map attached hereto as “Exhibit A” and made a part hereof of this ordinance by reference. The boundaries of the District are generally described as: all properties used for commercial and institutional purposes from Chamberlain Place and Dale Avenue on the east to Summit Avenue on the west, the Frisco Railroad on the south, and the commercially zoned property on the north, including the Knights of Columbus property. This Business District includes properties described by the following computer reference Locator Numbers, as shown in the records of the Director of Revenue for St. Louis County, Missouri:

22K320432	23K640441	23K630794	23K640221
22K320405	23K640421	23K610400	23K640243
22K320373	23K640412	23K610301	23K640302
22K320340	23K640397	23K630824	23K640650
22K320313	23K640364	23K630833	23K640342
22K320285	23K640331	23K640155	23K640403

22K320241	23K630255	23K630123	23K640430
22K320241	23K630244	23K640254	23K640463
22K320164	23K630211	23K640265	23K640043
22K320120	23K630080	23K640287	22K320065
22K320102	23K630057	23K640298	22K320131
22K320054	23K630068	23K640232 (City)	22K320175
22K321143	23K630035	23K640201	22K320212
22K321132	23K630046	23K640199	23K640632
23K640540	23K630079	23K640177 (City)	23K640375
23K640513	23K630815 (Non-Taxable)	23K640485	

Section 4.920. Revenue.

As used herein, "**gross receipts**" shall be defined as in Section 40.110 of this code, and license taxes shall be calculated as set forth in Section 40.120 of this code.

For the purpose of paying for all costs and expenses incurred in the operation of the District, and/or the provision of services and improvements authorized in Section 4.945 of this ordinance:

a. Commencing with the calendar year 1997 and in every year thereafter, the businesses and individuals licensed by the City of Webster Groves to do business within the District shall be subject to an additional business license tax over and above the business license tax levied on all businesses, as follows:

   1. For the first Five Hundred Thousand Dollars ($500,000.00) in gross receipts, the additional business license tax shall be fifty percent (50%) of the business license taxes levied by the City on other businesses within the City; and

   2. For any amounts in excess of the first Five Hundred Thousand Dollars ($500,000.00) in gross receipts, businesses within the District shall pay an additional twenty-five percent (25%) of the business license taxes levied by the City on other businesses within the City and in addition to the business license taxes paid pursuant to Section 4.920(a)(1) above.

b. Commencing with the calendar year 1978, the real property in the District shall be subject to an additional tax of Eighty-Five Cents ($.85) on the One Hundred Dollar ($100.00) assessed valuation.

(Ord. No. 7958, § 1, 12-3-96)

Section 4.925. Tax Abatements.

No real property within the District subject to partial tax abatement under the provisions of Chapter 51 of the Code of Webster Groves, the Urban Redevelopment Ordinance, shall be exempt from the taxes levied in Section 4.920.

Section 4.930. Bonds.

For the purpose of paying all costs and expenses to be incurred in the acquisition, construction, improvement, and/or expansion of any of the facilities of the District, the District may incur indebtedness and issue general obligation and/or revenue bonds, or notes for the payment thereof, subject to the provisions of Sections 71.802, 71.804 and 71.806, Revised Statutes of Missouri, as amended.

Section 4.935. Advisory Commission.

The City Council shall have sole discretion as to how the revenues of the District shall be used within the scope of this ordinance. To assist in exercising this discretion, the Old Orchard Special Business District Advisory Commission is hereby created:

a. **Membership.** The Advisory Commission shall consist of nine (9) members, chosen from individuals who own property or operate a municipally licensed business within the boundaries of the District. No employee or elected or appointed official of the City of Webster Groves shall be a voting member of the Advisory Commission.

b. **Term of Office.** Upon passage and approval of this ordinance, the City Council shall appoint the members of said Advisory Commission, who shall hold office: one-third (1/3) for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years, from date of their appointment. The members so appointed shall cast lots at their first regular meeting to determine their respective terms. Annually thereafter the City Council shall appoint three (3) members who shall hold office for three (3) years, and/or until their successors are appointed.

c. **Removal.** The City Council may remove any member of the Advisory Commission for misconduct or neglect of duty, and the Council's judgment in such matters shall be conclusive.

d. **Vacancies.** Vacancies on the Advisory Commission shall be filled by appointment by the City Council for the unexpired term.

e. **Compensation.** No member of the Advisory Commission shall receive compensation for his duties.

f. **Conflict of Interest.** The members of the Advisory Commission shall be subject to Section 2.14 of Charter of Webster Groves and Chapter 2, Section 2.070 of the Code of Webster Groves.

Section 4.940. Duties of Advisory Commission.

The Advisory Commission shall have the responsibility of performing the primary administrative functions of the District. These functions shall include, but are not limited to, the following:

a. **Officers and Committees.** The original members of the Advisory Commission shall meet within thirty (30) days of their appointment and organize themselves by the election of one of their number as Chairman, another as Vice-Chairman, and another as Secretary-Treasurer, and by the election of such other officers as they may deem necessary. Thereafter, elections of the officers of the Advisory Commission shall take place annually in the same month in which the first elections were conducted. The Chairman, Vice-Chairman and Secretary-Treasurer of the Advisory Commission shall function as an Executive Committee, and the Advisory Commission may create such other committees, as it deems necessary.

b. **By-Laws.** The Advisory Commission shall make and adopt such by-laws, rules and regulations for their own guidance and for the administration of the District as may be appropriate, but not inconsistent with the Charter or Code of the City of Webster Groves or the Statutes of the State of Missouri.

c. **Development Plan.** The Advisory Commission shall be responsible for the development and maintenance of an overall plan of action for the District. This plan will be construed to be the major policy instrument of the District, and all expenditures and activities are to be reviewed in light of the plan. The plan and amendments thereto, must be submitted to and approved by the City Council. The Advisory Commission shall be required to hold at least one (1) meeting a year to which all individuals owning property and/or operating a municipally licensed business within the boundaries of the District shall be invited and encouraged to attend, for the purpose of reviewing and updating the development plan.

d. **Budget.** The Advisory Commission shall be required to create and maintain a line-item budget for any existing revenue and the anticipated revenue of the District for the year following the date of the last published budget. Such budget must be published annually and submitted to the City Council for approval by the 1st day of March of each year. Prior to the submittal of the budget to the City Council, the Advisory Commission shall conduct at least one (1) meeting to which all individuals owning property and/or operating a municipally licensed business within the boundaries of the District shall be invited to attend for the purpose of reviewing the proposed budget. The Advisory Commission may make recommendations for the modification or elaboration of the budget to the City Council at any time. The budget or any amendment thereof must be approved by the City Council prior to disbursements of any funds pursuant thereto.

e. **Annual Report.** The Advisory Commission shall submit an annual report of its activities to the City Council by the 1st day of March of each year. This report shall inventory the projects undertaken by the District in the preceding year and

their status, minutes of all meetings held by the Advisory Commission and any of its Committees, relevant correspondence, a copy of the latest development plan adopted for the District, a financial report of the District, a statement by the Executive Committee on the status of the effectiveness of the District, and such other items as may be deemed relevant by the Advisory Commission. Upon receipt of the annual report, the City Council shall place same on file with the City Clerk and it shall be available for public inspection.

Section 4.945. Allowable Improvements and Activities.

The City Council in establishing this District has found and determined that the benefits to be derived by the District justify its establishment. In order to realize said benefits, the funds of the District may be used for any of the following improvements and activities with the approval of the City Council:

a. Development of a streetscape plan for the District with particular attention to the triangular park of Lockwood and Big Bend.

b. Promotion of the entire District to the public.

c. Installation of appropriate signing indicating the District area, off-street parking facilities, and an illuminated special events board in the triangular park at Lockwood and Big Bend.

d. Creation of additional off-street parking.

e. Sidewalk improvements, including the removal of utility poles and relocation of utilities.

f. To close existing streets or alleys or to open new streets and alleys or to widen or narrow existing streets and alleys in whole or in part.

g. To construct or install pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop shelters, lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals, alleys, shelters, display cases, fountains, restrooms, information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses, and each and every other useful or necessary or desired improvement.

h. To landscape and plant trees, bushes and shrubbery, flowers and each and every other kind of decorative planting.

i. To install and operate, or to lease, public music and news facilities.

j. To purchase and operate buses, mini-buses, mobile benches, and other modes of transportation.

k. To construct and operate childcare facilities.

l. To lease space within the District for sidewalk cafe tables and chairs.

m. To construct lakes, dams, and waterways of whatever size.

n. To provide special police or cleaning facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of such District.

o. To maintain, as hereinafter provided, all City owned streets, alleys, malls, bridges, ramps, tunnels, lawns, trees and decorative plantings of each and every nature, and every structure or object of any nature whatsoever constructed or operated by the said municipality.

p. To grant permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public or private property.

q. To prohibit or restrict vehicular traffic on such streets within the District as the City Council may deem necessary and to provide the means for access by emergency vehicles to or in such areas.

r. To lease, acquire, construct, reconstruct, extend, maintain, or repair parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement.

s. To promote business activity in the District by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place; and the general promotion of trade activities in the District.

Section 4.950. Municipal Services.

The City Council shall not decrease the level of the municipally funded services in the District existing prior to the creation of the District, or transfer the financial burden of providing the services to the District, unless the services at the same time are decreased throughout the City, nor shall the City Council discriminate in the provision of new municipally funded services between areas included in the District and areas not included.

Section 4.955. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate, distinct and independent provision of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

Article XIII. Old Webster Store Town Special Business District Of The City Of Webster Groves

Section 4.960. Purpose.

It is the intention of the City Council in enacting this ordinance to establish the Old Webster Store Town Special Business District of the City of Webster Groves, encompassing portions of the Old Webster Store Town business area, as a mechanism whereby local merchants and property owners can collectively enhance their environment and promote trade activities, as provided by Chapter 71, Sections 71.790 through 71.808, inclusive, of the Revised Statutes of Missouri, as amended.

Section 4.961. Boundaries.

The Old Webster Store Town Special Business District in the City of Webster Groves is hereby established for that portion of the City of Webster Groves as shown on the map attached hereto as "**Exhibit A**" and made a part hereof of this ordinance by reference. The boundaries of the District are generally described as: All properties used for commercial and industrial purposes from Glen Road on the north side of Lockwood Avenue and Plant Avenue on the south side of Lockwood Avenue, west including the property on the north and south sides of Lockwood Avenue to Rock Hill Road on the west; from Kirkham Avenue on the north to Cedar Avenue on the south and the commercial property on Gore, Moody, Glencoe, Frisco Avenue, and within this area. This Business District includes properties described by the following computer reference Locator Numbers, as shown in the records of the Director of Revenue for St. Louis County, Missouri:

23L640594	23K440472	23K440818
23L640572	23K440461	23K440607
3L640561	23K440450	22L320097
3L640550	23L640734	22L320031
3L640532	23L640707	22K110163
3L640633	22L320011	22K110097
3L640523	22L321098	22K110075
3L640514	22L321087	22K110042
3L640725	23L640716	23K430891
3K430761	23L640752	23K430862
3K430752	23L640651	23K430671 (Non-Taxable)
3K430734	23L640624 (Non-Taxable)	22K110251
23K430725	23L640615	22K110204
3K430743	23K430817	22K110103

3K430716	23K430826	22K110011
23K430707	23K430927 (Non-Taxable)	23K430871
23K430693	23K430981	22K110174 (Non-Taxable)
23K430682	23K430835	22K110781
23K440506	23K430792	22K110273
23K440809	23K430990	22K110231
23K440542	23K430808	22K110121
23K440524	23K430936	23K430853
23K440533	23K430945	22K110141
23K440515	23K440681	23K430880
23K440494	23K440643	22K110152
22K110185	22L320121	22L320383
22K110295	22L320103	22L320130
22L320341	22L320662	22L320112
22L320152	22L320284	22L320570
22L320240	22L320204	22L321065
22L320561	22L321043	22L320213
22L320196	22L320626	22L320262
22L321076	22L320314	22L320507
22L321010	22L320415	22L320471
22K110415	22L321111	22L320406
22L320394	22K110332	22L321032 (Non-Taxable)
22L320424	22L320332	22K110305
22L321102	22L320433	22L320295
22L320350		

Section 4.962. Revenue.

As used herein, "**gross receipts**" shall be defined as in Section 40.110 of this code, and license taxes shall be calculated as set forth in Section 40.120 of this code.

For the purpose of paying for all costs and expenses incurred in the operation of the District, and/or the provision of services and improvements authorized in Section 4.967 of this ordinance:

a. Commencing with the calendar year 1997 and in every year thereafter, the businesses and individuals licensed by the City of Webster Groves to do business within the District shall be subject to an additional business license tax over and above the business license tax levied on all businesses, as follows:

1. For the first Five Hundred Thousand Dollars ($500,000.00) in gross receipts, except those businesses specified in Section 4.962(a)(3) below, the additional business license tax shall be fifty percent (50%) of the business license taxes levied by the City on other businesses within the City; and

2. For any amounts in excess of the first Five Hundred Thousand Dollars ($500,000.00) in gross receipts, businesses within the District — except those specified in Section 4.962(a)(3) below — shall pay an additional twenty-five percent (25%) of the business license taxes levied by the City on other businesses within the City and in addition to the business license taxes paid pursuant to Section 4.962(a)(1) above; and

3. Any business located north of the Missouri Pacific Railroad right-of-way shall pay an additional thirty percent (30%) of the business license taxes levied by the City on other businesses within the City.

b. Commencing with the calendar year 1979, the real property in the District shall be subject to an additional tax of Eighty-Five Cents ($.85) on the One Hundred Dollar ($100.00) assessed valuation.

(Ord. No. 7958, § 2, 12-3-96)

Section 4.963. Tax Abatements.

No real property within the District subject to partial tax abatement under the provisions of Chapter 51 of the Code of Webster Groves, the Urban Redevelopment Ordinance, shall be exempt from the taxes levied in Section 4.962.

Section 4.964. Bonds.

For the purpose of paying all costs and expenses to be incurred in the acquisition, construction, improvement, and/or expansion of any of the facilities of the District, the District may incur indebtedness and issue general obligation and/or revenue bonds, or notes for the payment thereof, subject to the provisions of Sections 71.802, 71.804 and 71.806, Revised Statutes of Missouri, as amended.

Section 4.965. Advisory Commission.

The City Council shall have sole discretion as to how the revenues of the District shall be used within the scope of this article. To assist in exercising this discretion, the Old Webster Store Town Special Business District Advisory Commission is hereby created:

a. **Membership.** The Advisory Commission shall initially consist of fifteen (15) members, chosen from individuals who own property or operate a municipally licensed business within the boundaries of the District. No employee or elected or appointed official of the City of Webster Groves shall be a voting member of the Advisory Commission. The number of members on the Commission shall be reduced from fifteen (15) to nine (9) members as provided by Section 4 of Ordinance No. 7588.

b. **Term of Office.** Upon passage and approval of the ordinance amending this article, the City Council shall appoint the members of said Advisory Commission, who shall hold office: five (5) for one (1) year, five (5) for two (2) years, and five (5) for three (3) years, from date of their appointment. The members so appointed shall cast lots at their first regular meeting to determine their respective terms. Annually thereafter the City Council shall appoint three (3) or fewer members until the desired full membership of nine (9) members is achieved and then three (3) members thereafter.

c. **Removal.** The City Council may remove any member of the Advisory Commission for misconduct or neglect of duty, and the Council's judgment in such matters shall be conclusive.

d. **Vacancies.** Vacancies on the Advisory Commission shall be filled by appointment by the City Council for the unexpired term.

e. **Compensation.** No member of the Advisory Commission shall receive compensation for his duties.

f. **Conflict of Interest.** The members of the Advisory Commission shall be subject to Section 2.14 of the Charter of Webster Groves and Chapter 2, Section 2.070 of the Code of Webster Groves. (Ord. No. 7262, § 1, 5-3-83; Ord. No. 7588, §§ 1-3, 2-20-90).

Section 4.966. Duties of Advisory Commission.

The Advisory Commission shall have the responsibility of performing the primary administrative functions of the District. These functions shall include, but are not limited to, the following:

a. **Officers and Committees.** The original members of the Advisory Commission shall meet within thirty (30) days of their appointment and organize themselves by the election of one of their number as Chairman, another as Vice-Chairman, and another as Secretary-Treasurer, and by the election of such other officers as they may deem necessary. Thereafter, elections of the officers of the Advisory Commission shall take place annually in the same month in which the first

elections were conducted. The Chairman, Vice-Chairman and Secretary-Treasurer of the Advisory Commission shall function as an Executive Committee, and the Advisory Commission may create such other Committees, as it deems necessary.

b. **By-Laws.** The Advisory Commission shall make and adopt such by-laws, rules and regulations for their own guidance and for the administration of the District as may be appropriate, but not inconsistent with the Charter or Code of the City of Webster Groves or the Statutes of the State of Missouri.

c. **Development Plan.** The Advisory Commission shall be responsible for the development and maintenance of an overall plan of action for the District. This plan will be construed to be the major policy instrument of the District, and all expenditures and activities are to be reviewed in light of the plan. The plan and amendments thereto, must be submitted to and approved by the City Council. The Advisory Commission shall be required to hold at least one (1) meeting a year to which all individuals owning property and/or operating a municipally licensed business within the boundaries of the District shall be invited and encouraged to attend, for the purpose of reviewing and updating the development plan.

d. **Budget.** The Advisory Commission shall be required to create and maintain a line-item budget for any existing revenue and the anticipated revenue of the District for the year following the date of the last published budget. Such budget must be published annually and submitted to the City Council for approval by the 1st day of March of each year. Prior to the submittal of the budget to the City Council, the Advisory Commission shall conduct at least one (1) meeting to which all individuals owning property and/or operating a municipally licensed business within the boundaries of the District shall be invited to attend for the purpose of reviewing the proposed budget. The Advisory Commission may make recommendations for the modification or elaboration of the budget to the City Council at any time. The budget or any amendment thereof must be approved by the City Council prior to disbursements of any funds pursuant thereto.

e. **Annual Report.** The Advisory Commission shall submit an annual report of its activities to the City Council by the 1st day of March of each year. This report shall inventory the projects undertaken by the District in the preceding year and their status, minutes of all meetings held by the Advisory Commission and any of its Committees, relevant correspondence, a copy of the latest development plan adopted for the District, a financial report of the District, a statement by the Executive Committee on the status of the effectiveness of the District, and such other items as may be deemed relevant by the Advisory Commission. Upon receipt of the annual report, the City Council shall place same on file with the City Clerk and it shall be available for public inspection.

Section 4.967. Allowable Improvements and Activities.

The City Council in establishing this District has found and determined that the benefits to be derived by the District justify its establishment. In order to realize said benefits, the

funds of the District may be used for any of the following improvements and activities with the approval of the City Council:

a. Creation of more parking.

b. Promotion of area to public.

c. Improved signage.

d. Sidewalk improvements.

e. Implementation of development plans.

f. Design assistance for improvement.

g. Landscaping area.

h. Attract new businesses to the area.

i. Traffic control.

j. To close existing streets or alleys or to open new streets and alleys or to widen or narrow existing streets and alleys in whole or in part.

k. To construct or install pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop shelters, lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals, alleys, shelters, display cases, fountains, rest rooms, information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses, and each and every other useful or necessary or desired improvement.

l. To landscape and plant trees, bushes and shrubbery, flowers and each and every other kind of decorative planting.

m. To install and operate, or to lease, public music and news facilities.

n. To purchase and operate buses, mini-buses, mobile benches, and other modes of transportation.

o. To construct and operate childcare facilities.

p. To lease space within the District for sidewalk cafe tables and chairs.

q. To construct lakes, dams, and waterways of whatever size.

r. To provide special police or cleaning facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of such District.

s. To maintain, as hereinafter provided, all City owned streets, alleys, malls, bridges, ramps, tunnels, lawns, trees and decorative plantings of each and every nature, and every structure or object of any nature whatsoever constructed or operated by the said municipality.

t. To grant permits for newsstands, sidewalk cafes, and each and every other useful or necessary or desired private usage of public or private property.

u. To prohibit or restrict vehicular traffic on such streets within the District as the City Council may deem necessary and to provide the means for access by emergency vehicles to or in such areas.

v. To lease, acquire, construct, reconstruct, extend, maintain, or repair parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement.

w. To promote business activity in the District by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place, and the general promotion of trade activities in the District.

Section 4.968. Municipal Services.

The City Council shall not decrease the level of the municipally funded services in the District existing prior to the creation of the District, or transfer the financial burden of providing the services to the District, unless the services at the same time are decreased throughout the City, nor shall the City Council discriminate in the provision of new municipally funded services between areas included in the District and areas not included.

Section 4.969. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate, distinct and independent provision of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

Article XIV. Financial Advisory Board

Section 4.970. Membership.

There shall be a Financial Advisory Board. The Board shall consist of seven (7) members. The members of the Board shall be residents of the City of Webster Groves or conducting a business in the City of Webster Groves.

The term of office of the members of the Board shall be for three (3) years, but each shall serve until replaced by the Council. The Board shall elect its own Chairman and Vice-Chairman and they shall serve for one (1) year, The Board shall adopt from time to

time such rules and regulations as it may deem necessary to carry into effect its responsibilities. The Council may appoint non-voting ex-officio members to the Board to provide a liaison to City staff. The quorum for the conduct of business shall be four (4) members.

(Ord. No. 8136, § 1, 2-1-00)

Section 4.971. Meetings.

Meetings of the Financial Advisory Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing only the vote of each member upon any question or, if absent or failing to vote, indicating such fact, and may keep such other records, as it shall deem necessary.

Section 4.972. Duties.

The Financial Advisory Board shall act in an advisory capacity to the City Council. It shall review such matters as the Council may request and shall be free to make recommendations as necessary to the Council on the adequacy of City revenues to meet the City's present and future needs. The Board shall make reports and recommendations to the Council from time to time as shall appear to the Board to be appropriate. (Ord. No. 7597, § 1, 4-17-90).

Article XV. TIF Commission

Section 4.980. Members.

There is hereby established the Tax Increment Financing Commission of the City of Webster Groves, Missouri (the "TIF Commission"). The TIF Commission shall consist of twelve (12) members as follows:

Six (6) members shall be appointed by the Mayor with the consent of a majority of the City Council;

Three (3) members shall be appointed by the Chief Elected Officer of St. Louis County with the consent of the majority of the governing body of St. Louis County;

Two (2) members shall be appointed by the Webster Groves School Board; and

One (1) member shall be appointed to represent all other districts levying ad valor taxes within the proposed area for a redevelopment plan and project, to be selected in any manner agreed upon by the affected districts, excluding representatives of the City Council of the City of Webster Groves. (Ord. No. 8018, § 1, 2-3-98)

Section 4.981. Terms of Members.

The terms of the members of the TIF Commission first appointed by the Mayor and Council shall be staggered as follows: Two (2) members shall be designated to serve for terms of two (2) years; two (2) members shall be designated to serve for a term of

three (3) years; and two (2) members shall be designated to serve for a term of four (4) years from the date of such initial appointments. Members subsequently appointed by the Mayor and Council shall serve for a term of four (4) terms. The terms of the members of the TIF Commission other than those appointed by the Mayor and Council shall terminate upon final approval of the redevelopment project, redevelopment plan or designation of the redevelopment area by the Council of the City, unless the TIF Commission opts to extend the terms of those members in a manner consistent with the TIF Act. (Ord. No. 8018, § 2, 2-3-98)

Section 4.982. Powers.

The TIF Commission is hereby granted the following powers only:

a. To hold a public hearing or hearings as required by the TIF Act on any proposed redevelopment area, plan or project within a geographic region previously established by the City Council, after a public hearing before the City Council, and on any amendment of any such area, plan or project. The Commission shall provide notices of all such hearings as required by the TIF Act; and

b. To vote on each proposed area, plan or project or amendment as soon as possible after the public hearing for each plan or project or amendment is closed, but in no event more than thirty (30) calendar days after the completion of the applicable hearing; and

c. To make recommendations to the City Council as soon as possible after the public hearing on each area, plan and project is closed but in no event more than ninety (90) calendar days after the completion of the applicable hearing; and

d. To hold public hearings, vote and make recommendations to the City Council as required by the TIF Act with regard to any existing redevelopment plan, redevelopment project, or redevelopment area where there is proposed an alteration of exterior boundaries, any change affecting the general land uses established pursuant to a redevelopment plan, or change in the nature of a redevelopment project, and to provide notices as required by the TIF Act for any such public hearing; and

e. To take such other and further action as the City Council may from time to time delegate to the TIF Commission, consistent with the TIF Act.

(Ord. No. 8018, § 3, 2-3-98)

Section 4.983. Geographic Region.

Notwithstanding the provisions of this article, the geographic area coextensive with the boundaries of the Old Webster Special Taxing District and that surplus Webster Groves School District property south of Lockwood Boulevard is hereby established as a geographic region for which the Commission may hold hearings for proposed TIF areas, plans or projects. (Ord. No. 8018, § 4, 2-3-98)

Section 4.984. Election of Members.

The TIF Commission shall elect from its membership a Chairperson and Vice Chairperson, each for a term of one (1) year. The TIF Commission may adopt from time to time such rules of procedure, as the TIF Commission may deem necessary to effectuate its duties under this article. (Ord. No. 8018, § 5, 2-3-98)

Article XVI. Green Space Advisory Commission

Section 4.986. Establishment and Purpose.

A Webster Groves Green Space Advisory Commission is hereby created and established for the purpose of promoting high standards of long-term planning, maintenance, beautification and perpetuation of Webster Groves' publicly owned trees, parks, gardens, and green spaces. The Commission shall review the current City ordinances and practices that affect planting, maintenance, and removal of trees and planting material on public property, and advise the City Council, staff, and the public of the current state of the City's gardens and green spaces and any needed action on the part of the City to improve or preserve it.

The Commission shall be empowered, upon approval of the City Council, to assist with grant applications to obtain funds for activities pertaining to work of the Commission according to the charge.

The Commission shall identify, assess problems, and recommend solutions regarding parks, public building grounds, street rights of way, medians, and transportation rights-of-way.

The Commission shall act co-operatively with the Parks Board, Plan Commission, City Council, and Horticulturist/Urban Forester when appointed.

The Commission shall develop and coordinate efforts with volunteer organizations including, but not limited to, service organizations, businesses, churches, and non-profit organizations.

The Commission shall enhance education by promoting programs and awareness to improve gardens, green spaces, and the environment.

The Commission shall promote civic pride through community involvement.

Section 4.987. Membership.

The number of members in the Webster Groves Green Space Advisory Commission shall be nine (9). Members shall reside or own a business in Webster Groves.

The initial appointments to the Commission shall be as follows: Three (3) members shall be appointed for a term of one (1) year, three (3) members shall be appointed to a term of two (2) years, and three (3) members shall be appointed to a term of three (3) years; thereafter, each successor who shall be appointed shall be appointed for a term of three (3) years.

Each member shall serve until a successor is duly appointed and qualified. In the event of death, resignation, or removal of any member, a successor shall be appointed to serve for the unexpired term for which such member had been appointed. The Council may remove any member of the Commission at any time.

Members of the Commission shall be selected based on their professional, civic or personal experience, training, special interest, or exhibited abilities in the area of urban forestry, horticulture, or related fields.

Section 4.988. Organization.

The Webster Groves Green Space Advisory Committee shall biannually elect from its members its own Chair, Vice-Chair, and Secretary by a majority vote. The Vice-Chair shall record the substance of all meetings. The Chair, Vice-Chair, and Secretary may be elected to two (2) consecutive two (2) year terms, but shall hold the office until a successor is elected.

(Ord. No. 8108, § 1, 7-6-99)

Article XVII. Crossroads Special Business District of the City of Webster Groves

Section 4.990. Purpose.

It is the intention of the City Council in enacting this ordinance to establish the Crossroads Special Business District of the City of Webster Groves, encompassing portions of the Crossroads business area, as a mechanism whereby local merchants and property owners can collectively enhance their environment and promote retail trade activities, as provided by Chapter 71, Sections 797.790 through 71.808, inclusive, of the Revised Statues of Missouri, as amended.

Section 4.991. Boundaries.

The Crossroads Special Business District in the City of Webster Groves is hereby established for that portion of the City of Webster Groves as shown on the map attached hereto as “Exhibit 2” and made a part hereof of this ordinance by reference. The boundaries of the District are generally described as:

All commercially zoned properties east of Gray Avenue and south of a line running parallel with Bid Bend Boulevard from Waverly Avenue east to a point where the Schnuck’s property on Big Bend Boulevard ends and west of the Schnuck’s property on Big Bend Boulevard and north of the Interstate 44 right-of-way. The boundaries will include the parking lot on Alma, but will **exclude** the residential properties at: 8620 Big Bend Boulevard, 427, 437 and 441 S. Maple, and the apartment complex at 463 Alma.

Section 4.992. Revenue.

For the purpose of paying for all costs and expenses incurred in the operation of the District, and/or the provision of services and improvements authorized in Section 4.997 of this ordinance:

a. Commencing with the calendar year 2002 (on a prorated basis) and in every year thereafter, the businesses and individuals licensed by the City of Webster Groves to do business within the District shall be subject to an additional business license tax as follows:

1. For amounts up to and including Four Hundred Ninety-Nine Thousand Nine Hundred Ninety-Nine Dollars and Ninety-Nine Cents ($499,999.99) in gross receipts, the additional business license tax shall be fifty percent (50%) of the business license taxes levied by the City on other businesses within the City; and

2. For any amounts of Five Hundred Thousand Dollars ($500,000.00) or more in gross receipts, businesses within the District shall pay an additional twenty-five percent (25%) of the business license taxes levied by the City on other businesses within the City and in addition to the business license taxes paid pursuant to Section 4.992(1) of this ordinance.

b. Commencing with the calendar year 2002, the real property in the District shall be subject to an additional tax of Eighty-Five Cents ($.85) on the One Hundred Dollar ($100.00) assessed valuation.

Section 4.993. Tax Abatements.

No real property within the District subject to partial tax abatement under the provisions of Chapter 51 of the Code of Webster Groves, the Urban Redevelopment Ordinance, shall be exempt from the taxes levied in Section 4.992.

Section 4.994. Bonds.

For the purpose of paying all costs and expenses to be incurred in the acquisition, construction, improvement, and/or expansion of any of the facilities of the District, the District may incur indebtedness and issue general obligation and/or revenue bonds, or notes for the payment thereof, subject to the provisions of Sections 71.802, 71.804 and 71.806, Revised Statutes of Missouri, as amended.

Section 4.995. Advisory Commission.

The City Council shall have sole discretion as to how the revenues of the District shall be used within the scope of this ordinance. To assist in exercising this discretion, Crossroads Special Business District Advisory Commission is hereby created:

a. **Membership.** The Advisory Commission shall consist of seven (7) members (except that all eight (8) members as of the date of this ordinance may serve until their current terms expire), chosen from individuals who own property or operate a municipally licensed business within the boundaries of the District. No employee or elected or appointed official of the City of Webster Groves shall be a voting member of the Advisory Commission. (Ord. No. 8588. § 1, 5-6-08)

b. **Term of Office.** Upon passage and approval of this ordinance, the City Council shall appoint the members of said Advisory Commission, who shall hold office: one-third (1/3) for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years, from date of their appointment. The members so appointed shall cast lots at their first regular meeting to determine their respective terms. Annually thereafter the City Council shall appoint three (3) members who shall hold office for three (3) years, and/or until their successors are appointed.

c. **Removal.** The City Council may remove any member of the Advisory Commission for misconduct or neglect of duty, and the Council's judgment in such matters shall be conclusive.

d. **Vacancies.** Vacancies on the Advisory Commission shall be filled by appointment by the City Council for the unexpired term.

e. **Compensation.** No member of the Advisory Commission shall receive compensation for his duties.

f. **Conflict of Interest.** The members of the Advisory Commission shall be subject to Section 2.14 of Charter of Webster Groves and Chapter 2, Section 2.070 of the Code of Webster Groves.

Section 4.996. Duties of Advisory Commission.

The Advisory Commission shall have the responsibility of performing the primary administrative functions of the District. These functions shall include, but are not limited to, the following:

a. **Officers and Committees.** The original members of the Advisory Commission shall meet within thirty (30) days of their appointment and organize themselves by the election of one of their number as Chairman, another as Vice-Chairman, and another as Secretary-Treasurer, and by the election of such other officers as they may deem necessary. Thereafter, elections of the officers of the Advisory Commission shall take place annually in the same month in which the first elections were conducted. The Chairman, Vice-Chairman and Secretary-Treasurer of the Advisory Commission shall function as an Executive Committee, and the Advisory Commission may create such other committees, as it deems necessary.

b. **By-Laws.** The Advisory Commission shall make and adopt such by-laws, rules and regulations for their own guidance and for the administration of the District as may be appropriate, but not inconsistent with the Charter or Code of the City of Webster Groves or the Statutes of the State of Missouri.

c. **Development Plan.** The Advisory Commission shall be responsible for the development and maintenance of an overall plan of action for the District. This plan will be construed to be the major policy instrument of the District, and all expenditures and activities are to be reviewed in light of the plan. The plan and amendments thereto, must be submitted to and approved by the City Council.

The Advisory Commission shall be required to hold at least one (1) meeting a year to which all individuals owning property and/or operating a municipally licensed business within the boundaries of the District shall be invited and encouraged to attend, for the purpose of reviewing and update the development plan.

d. **Budget.** The Advisory Commission shall be required to create and maintain a line-item budget for any existing revenue and the anticipated revenue of the District for the year following the date of the last published budget. Such budget must be published annually and submitted to the City Council for approval by the 1st day of March of each year. Prior to the submittal of the budget to the City Council, the Advisory Commission shall conduct at least one (1) meeting to which all individuals owning property and/or operating a municipally licensed business within the boundaries of the District shall be invited to attend for the purpose of reviewing the proposed budget. The Advisory Commission may make recommendations for the modification or elaboration of the budget to the City Council at any time. The budget or any amendment thereof must be approved by the City Council prior to disbursements of any funds pursuant thereto.

e. **Annual Report.** The Advisory Commission shall submit an annual report of its activities to the City Council by the 1st day of March of each year. This report shall inventory the projects undertaken by the District in the preceding year and their status, minutes of all meetings held by the Advisory Commission and any of its Committees, relevant correspondence, a copy of the latest development plan adopted for the District, a financial report of the District, a statement by the Executive Committee on the status of the effectiveness of the District, and such other items as may be deemed relevant by the Advisory Commission. Upon receipt of the annual report, the City Council shall place same on file with the City Clerk and it shall be available for public inspection.

Section 4.997. Allowable Improvements and Activities.

The City Council in establishing this District has found and determined that the benefits to be derived by the District justify its establishment. In order to realize said benefits, the funds of the District may be used for any of the following improvements and activities with the approval of the City Council:

a. Development of a streetscape plan for the District with particular attention to the western entry feature at Big Bend and Gray.

b. Promotion of the entire Special Business District to the public.

c. Installation of appropriate signage indicating the Special Business District area, and off-street parking facilities.

d. Creation of additional off-street parking.

e. Sidewalk improvements, including the removal of utility poles and relocation of utilities.

f. Improve traffic safety.

g. Rehabilitate the railroad station for commercial/educational purposes.

h. Upgrade existing business/building facades.

i. Improve landscaping and green space throughout the district.

j. Promote and create public art throughout the district.

k. Any and all of the powers and purposes set forth in Section 71.796 of the Missouri Revised Statutes, as amended.

Section 4.998. Municipal Services.

The City Council shall not decrease the level of the municipally funded services in the District existing prior to the creation of the District, or transfer the financial burden of providing the services to the District, unless the services at the same time are decreased throughout the City, nor shall the City Council discriminate in the provision of new municipally funded services between areas included in the District and areas not included.

Section 4.999. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate, distinct and independent provision of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance. (Ord. No. 8271, § 1, 04-09-02)

Article XVIII. Commission on Sustainability

Section 4.1000. Purpose.

There is hereby created a Commission on Sustainability of the City of Webster Groves. The purpose of the Commission on Sustainability is to foster policies and programs that will create energy conservation, environmental improvement and sustainability of resources in Webster Groves.

Section 4.1010. Membership.

The Commission on Sustainability shall consist of not less than seven (7) nor more than nine (9) members to be appointed by the Council for terms of three (3) years, except that the first Commission appointed shall be appointed in three (3) groups with the first group of three (3) members appointed to serve for one (1) year, the second group of three (3) members appointed to serve for two (2) years, and the remaining members appointed to serve for three (3) years during their initial terms. Thereafter, all members shall be appointed to three (3) year terms.

Appointed members shall be allowed to serve a maximum of three (3) consecutive terms, shall serve without compensation, and may, for good cause shown and in the discretion of the City Council, serve on one other official City Board or Commission during service with the Commission on Sustainability.

Section 4.1020. Duties.

The Commission shall seek to provide a coordinated effort to advance the energy conservation, environmental improvement and sustainability of resources interests of Webster Groves by identifying opportunities for improvement in these areas and by recommending policies to the City Council that encourage the promotion of these interests within the City.

Section 4.1030. Meetings.

The first meeting shall be set by the Council at the time the Commission members are appointed. Within thirty (30) days of appointment of the first Commission, and annually thereafter, Commission members shall select a Chair from among their members. The Commission may adopt such rules and regulations, as it deems necessary for the conduct of its business. Meetings shall be held regularly at such times as the Commission shall determine, and as called by the Chair of the Committee. All meetings of the Commission, except closed meetings as permitted by Chapter 610 of the Revised Statutes of Missouri, as amended, shall be open to the public. Closed meetings or closed portions of meetings shall be held in a manner consistent with Missouri law. The Commission shall keep minutes of each meeting showing a quorum of the members present, the vote upon each question, and shall keep such other records as the Council or the Commission may from time to time deem necessary. (Ord. No. 8586, § 1, 3-18-08)

Article XIX. Farmers Market Commission

Section 4.1100. Purpose.

There is hereby created a Farmers Market Commission of the City of Webster Groves. The purpose of the Commission is to assist the City Council in promoting, supporting, supervising and regulating the operations of the Webster Groves Farmers Market so that the Market achieves self-sufficiency and sustainability over time while providing an outlet for fresh, regionally grown or produced foods in Webster Groves.

Additionally, the mission of the Webster Groves Farmers Market is to provide locally produced agricultural products, prepared foods and crafts to the consumer for the benefit of both the consumer and the producer, to educate the public on aspects of local farming and craft production to increase the amount of business to the surrounding Webster Groves businesses, to increase the base of the local charitable community for the benefit of the Farmers Market and to do all things legal, necessary and proper to the conduct of and furtherance of the business of the Webster Groves Farmers Market.

Section 4.1110. Membership.

The Farmers Market Commission shall consist of not less than seven (7) nor more than nine (9) members to be appointed by the Council for terms of three years, except that the first Commission appointed shall be appointed in three groups with the first group of

two members appointed to serve for one year, the second group of two members appointed to serve for two years, and the remaining members appointed to serve for three years during their initial terms. Thereafter, all members shall be appointed to three-year terms.

All members shall have those qualifications required by law. Three members shall be nominated by the Old Orchard Taxing District from among its members. Two members shall be nominated by the Old Webster Taxing District from among its members. Provided that sufficient nominees are available, the Council shall appoint to the Commission three (3) members of the Old Orchard Taxing District, two (2) members of the Old Webster Taxing District, and the remaining members from the public at large. In the event that either Taxing District cannot find sufficient nominees from among its members, the City Council shall have sole discretion to appoint such other residents or business owners within Webster Groves as it deems appropriate.

Members shall be allowed to serve a maximum of three consecutive terms, shall serve without compensation, and may serve on other official City boards or commissions during service with the Farmers Market Commission.

Section 4.1120. Duties.

The Commission shall be advisory and provide advice to the City Council and City Manager regarding the promotion, support, supervision, management and regulation of the operations of the Webster Groves Farmers Market with the central and overriding goal of creating a market that is self-sufficient and sustainable and provides an outlet for fresh, regionally grown or produced foods and crafts in Webster Groves.

The Commission shall have no power to take any action prohibited by the Charter of the City of Webster Groves, the Code, the Revised Statutes of Missouri, or the Constitution of the State of Missouri. More specifically, the Commission will undertake the following:

1) Recommend rules for the Farmers Market from year to year, including vendor's fees and commissions;
2) Arrange for the location and establish the duration of the Market;
3) Recommend the hiring, firing, promotion and discipline of employees of the Market, including but not limited to the Market Master;
4) Establish, as necessary, committees that will handle the various business aspects of the Market;
5) Create mailing and office addresses that may be necessary to the conduct of the business of the Market;
6) Establish membership fees for individual and group memberships to the Market and reserved site fees and establish and define special membership categories, if any, for the Market;
7) Make such other and further recommendations to the City Council or City Manager as may be necessary to the success and efficient operation of the Market.

Notwithstanding the foregoing, all final decisions regarding employment, contracts, insurance, fees and site location and use shall be reserved to the City Manager, with advice and consent of the City Council by motion or resolution.

Section 4.1130 Meetings.

The first meeting shall be set by the Council at the time the Commission members are appointed. Within thirty days of appointment of the first Commission, and annually thereafter, Commission members shall select a Chair from among their members. The Commission may adopt such rules and regulations as may be necessary for the conduct of its business; provided, however, that such rules and regulations be consistent with the provisions of this Code. Meetings shall be held regularly at such times as the Commission shall determine, and as called by the Chair of the Committee. All meetings of the Commission, except closed meetings as permitted by Chapter 610 of the Revised Statutes of Missouri, as amended, shall be open to the public. Closed meetings or closed portions of meetings shall be held in a manner consistent with Missouri Law. The Commission shall keep minutes of each meeting showing a quorum of the members present, the vote upon each question, and shall keep such other records as the Council or the Commission may from time to time deem necessary.

Section 4.1140. Annual Plan.

The Commission shall be responsible for the development and maintenance of an overall plan of action for the Farmers Market.

Section 4.1150. Budget.

The Advisory Commission shall submit an annual budget to the City Council by the 1st day of March of each year. Upon receipt of the budget, the City Council shall place same on file with the City Clerk and it shall be available for public inspection.

Section 4.1160. Annual Report.

The Advisory Commission shall submit an annual summary of activities to the City Council by the 1st day of March of each year. Upon receipt of the annual report, the City Council shall place same on file with the City Clerk and it shall be available for public inspection. (Ord. No. 8744, § 1, 3-20-12)

CHAPTER 5. PERSONNEL REGULATIONS

Article I. General Provisions

Section 5.010. Corruption; Conflict of Interest.

a. If the City Council, by a majority vote of all the members elected, after investigation and hearing, determines that any officer of the City has, in his official capacity, or under cover of his office, knowingly or willfully or corruptly voted for or assented to, or reported in favor of, or allowed or certified for allowance, any claim or demand against the City, which claim or demand is on account of or under cover of a contract or agreement not authorized by law and the Charter and the ordinances of the City, then the City Council may recommend the dismissal of such officer to the City Manager.

b. If the City Council, by a majority vote of all the members elected, after investigation and hearing, finds that any City officer has been directly or indirectly interested, which he was serving as a City officer, in any contract of the City, or in any work done by the City, or in furnishing supplies for the City or any of its institutions, the City Council may recommend to the City Manager that he dismiss the officer.

Section 5.020. Bonding Requirements.

Every officer or employee, whether elected or appointed, who is or may be required to give bond by reason of the Charter or ordinances of the City of Webster Groves, must give bond within fifteen (15) days after election or appointment, and before the officer or employee enters upon the discharge of his duties. Each such bond shall be placed with a corporate surety company authorized to insure surety and fidelity bonds in the State of Missouri.

a. **Officers Handling City Funds.** The City Manager, the City Clerk and all other officers and employees receiving, disbursing or responsible for City funds shall be bonded under a public employees' blanket bond, which shall provide coverage for each individual officer or employee included in such public employees' blanket bond in the sum of Five Thousand Dollars ($5,000.00) to be approved by the Council, conditioned upon the faithful and proper performance of duties and upon the prompt accounting for and paying over to the City of all monies or property belonging to the City, that may be received by them.

b. **City Manager and City Clerk.** In addition to the bond required hereinabove, the City Manager and the City Clerk shall be bonded for an additional sum of Five Thousand Dollars ($5,000.00) upon the same conditions as said blanket bond.

c. **Director of Finance.** The Director of Finance must file a good and sufficient bond in the sum of Fifty Thousand Dollars ($50,000.00) to be approved by the Council, conditioned upon the faithful and proper performance of his duties as Director of Finance, and upon the prompt accounting for and paying over to the City all monies or property belonging to the City, that he may receive.

d. **Other Officers or Employees.** All other officers and employees of the City who are required to give bond, but are not bonded under the provisions hereinabove enumerated, shall be bonded as the City Manager may determine, either under the public employees' blanket bond, or by a public employees' blanket bond in the sum of Five Thousand Dollars ($5,000.00) to be approved by the Council, conditioned upon the prompt accounting for and paying over to the City all monies and property belonging to the City, that may be received by them. In the event that any officer or employee of the City holds two (2) positions, he may be bonded only under the highest bond required for either position.

Section 5.030. Withholding Sums for Old Age and Survivors Insurance, Income Tax and Group Insurance Plans.

There shall be deducted and withheld from the wages or salary paid to each officer or employee of the City the amounts required to be deducted:

a. On account of federal old-age and survivors insurance, for covered employees; and

b. On account of federal income tax.

The Director of Finance shall withhold from the wages or salary of each officer or employee of the City the amount required to be paid on account of group hospital or group insurance plans, for participating officers and employees of the City.

Section 5.040. Classified Service.

a. **Full-Time Employees, Generally.** From and after the 1st day of July 1998, and first payable on July 17, 1998, the following shall constitute the Classified Service of the City, and all employees within the Classified Service shall be compensated in such amounts as may be recommended by the appointing authorities and approved by the City Manager, but within the biweekly salary ranges contained in this section, except as provided in subsections (2), (3), and (4) of this section.

CLASSIFIED SERVICE AND SALARY SCHEDULE
OF THE CITY OF WEBSTER GROVES*

Class Title and Occupational Grouping	**Class Grade**
<Need to Update as in Ord. 8033>	
Clerical and administrative:	
File clerk	1
Records and information clerk	2
Secretary	3
Cashier	3
Recreation secretary	3
Account technician	3
Administrative secretary - Police	4
Administrative secretary - Public Works	5
Court clerk	6
Older adults supervisor	6
Community development assistant	7
Purchasing assistant	7
Recreation supervisor	7
Data processing coordinator	8
Accountant	8
Facility supervisor	8
Administrative assistant	8
Operations superintendent	12
Inspectional and technical: Engineering aide	6
Dispatcher	7
Code enforcement officer	7
Engineering assistant	8
Building commissioner	11
Labor and trades:	
Water meter reader	1
Street worker I	1
Part worker I	1
Water worker I	2
Equipment operator I	2
Street worker II	3
Park worker II	3

*__Editor's note__-The salary schedule has been omitted herefrom at the direction of the city, but is kept on file and available for inspection at the office of the city clerk.

Class Title and Occupational Grouping	Class Grade
Water worker II	3
Senior traffic worker	3
Equipment operator II	4
Assistant park supervisor	4
Assistant street supervisor	4
Senior maintenance worker	4
Equipment mechanic I	5
Senior water worker	5
Equipment mechanic II	6
Labor and trades supervision:	
Garage supervisor	8
Water supervisor	8
Park supervisor	9
Street supervisor	9
Fire service:	
Firefighter	8
Firefighter paramedic	9
Senior firefighter	9
Senior firefighter paramedic	10
Captain	11
Fire captain paramedic	12
Fire marshal	13
Deputy fire chief	13
Police service:	
Police officer	8
Sergeant	9
Detective	9
Lieutenant	10
Administrative services director	11
Detective bureau commander	11
Captain	12
Major	13

b. **Part-Time and Seasonal Employees.** The following salary range is established to compensate those part-time and seasonal employees provided for in the 1986-1987 budget, who by definition are classified employees, but who by virtue of their part-time nature or special salary requirements are not eligible for the benefits, commonly known as “fringe benefits,” as provided for classified and unclassified employees in the City’s personnel rules and regulations:

Salary range . . . . . $2.75-$10.50, per hour

c. **Emergency Medical Technicians.** From and after the 18th day of June, 1986, and first payable on July 4, 1986, all uniformed members of the Police and Fire Departments who are licensed by the State of Missouri as Emergency Medical Technicians, and maintain said license, shall be entitled to an additional payment of Twelve Dollars ($12.00) biweekly over and above the salary range adopted by subsection (1) hereof.

(Ord. No. 7221, §§ 1-3, 6-15-82; Ord. No. 7266, §§ 1-4, 6-21-83; Ord. No. 7309, §§ 1-4, 6-19-84; Ord. No. 7347, §§ 1-4, 6-18-85; Ord. No. 7385, §§ 1-4, 6-17-86; Ord. No. 8033, §§ 1-5, 6-23-98).

Section 5.050. Unclassified Service.

a. **Unclassified Employees, Generally.** From and after the 18th day of June, 1986, and first payable on July 4, 1986, the following shall constitute the unclassified service of the City, and all employees within the unclassified service shall be compensated in such amounts as may be approved by the City Manager, but within the biweekly salary ranges adopted by this section, except as otherwise provided in subsection (3) of this section.

Position	Biweekly Pay Range*
Director of public works	
Police chief	
Fire chief	
Assistant city manager	
Director of finance	
Director of recreation	
Community development supervisor	
City clerk	
Executive secretary to the city manager	
City attorney	
Prosecuting attorney	

b. **City Manager and Municipal Judge.** From and after the 18th day of June, 1986, and first payable on July 4, 1986, the biweekly compensation of the City Manager, who is also the Director of Finance and Personnel, shall be One Thousand Eight Hundred Thirty-Eight Dollars and Seventy-Seven Cents ($1,838.77) and [that of] the Municipal Judge shall be Two Hundred Forty-Two Dollars and Eighty-Nine Cents ($242.89).

c. **Emergency Medical Technicians.** From and after the 18th day of June, 1986, and first payable on July 4, 1986, all uniformed members of the Police and Fire Departments who are licensed by the State of Missouri as Emergency Medical Technicians, and maintain said license, shall be entitled to an additional payment of Twelve Dollars ($12.00) biweekly over and above the salary range adopted by subsection (1) hereof.

d. **Longevity Compensations.** From and after the 18th day of June, 1986, and first payable on July 4, 1986, all unclassified employees of the City shall be eligible for additional compensation as longevity payments for continued satisfactory service at the rate of:

*__Editor's note__—The salary schedules for these positions are not set out herein, but are kept on file and available for inspection at the office of the city clerk.

1. Fifteen Dollars ($15.00) biweekly, commencing after the sixth year of full-time employment with the City; or

2. Twenty Dollars ($20.00) biweekly, commencing after the eighth year of full-time employment with the City; or

3. Twenty-Five Dollars ($25.00) biweekly, commencing after the twentieth year of full-time employment with the City; or

4. Thirty Dollars ($30.00) biweekly, commencing after the twentieth year of full-time employment with the City; or

5. Thirty-Five Dollars ($35.00) biweekly, commencing after the twenty-fifth year of full-time employment with the City.

(Ord. No. 7222, §§ 1-3, 6-15-82; Ord. No. 7267, §§ 1-4, 6-21-83; Ord. No. 7310, §§ 1-4, 6-18-84; Ord. No. 7348, §§ 1-4, 6-18-85; Ord. No. 7386, §§ 1-4, 6-17-86)*

Article II. Police and Firefighter's Retirement Plan and Fund

Section 5.110. Creation of Plan of Retirement.

The Police and Firefighters' Retirement Plan (hereafter "**Plan**") herein provided, and as it may be amended from time to time, has been created and is maintained for the retirement of covered employees of the Police and Fire Departments in the City of Webster Groves, Missouri, on account of age and service, or disabilities, and for the payment of pensions to such employees during their retirement, disability, and upon death to their spouses and children, as hereinafter more specifically set forth.

Section 5.120. Creation of Retirement Fund.

The Police and Firefighters' Retirement Fund (the "**Fund**") has been created and is maintained to provide funds for the payment of benefits as herein provided. The Fund is to be derived from taxation, contributions made by the covered employees of the Police and Fire Departments, and other sources, as provided below.

Section 5.130. Provision for Funds.

The Fund shall be derived from:

a. Proceeds of a tax on the value of all taxable property assessed by the City of Webster Groves and levied by ordinance as it may be established from time to time;

b. Net earnings on all investments;

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*__Editor's note—__Each of the ordinances amending this section repeal the prior unclassified service ordinance amending the section; however, since the provisions of these ordinances are substantially the same, reference to the prior ordinances has been retained for historical reference purposes.

c. Funds donated or other gifts, grants, devises, or bequests; and

d. Contributions paid into the Fund by the members of the Police and Fire Departments, as hereinafter provided.

Section 5.140. Contributions from Covered Employees.

Each covered employee shall be assessed and required to pay into the Fund each month, as such employee's contribution, a sum equal to four percent (4%) of his or her earned compensation. "**Earned compensation**" means the salary which as covered employee earns during one month, on the basis of the stated salary for his or her rank or position classification, as provided in the pay plan of the City of Webster Groves, Missouri, including any bonuses paid by the City in lieu of any other salary adjustment for such year to such covered employee. Earned compensation shall also include compensation paid by the City as sick pay, disability leave, and any other leave of absence that does not constitute an interruption in covered employment as provided in Section 5.170(b).

Notwithstanding any other provision contained herein to the contrary, contributions, as provided above, by a covered employee shall cease upon the employee's attainment of age sixty (60) or the completion of thirty-five (35) years of continuous service, whichever occurs earlier.

Section 5.150. Covered Employees.

The term "**covered employee**" as used herein means a person employed in covered employment. The term "**covered employment**" means employment by the City of Webster Groves, Missouri, in the Police Department or Fire Department, as a full-time regular police officer or firefighter in active service. Desk employees, watchpersons, school traffic persons, turn-keys, volunteers and other employees or associates of either such departments who are not full-time regular police officers or firefighters in active service shall not be deemed to be in covered employment.

Section 5.160. Application of Funds.

Neither the City of Webster Groves, Missouri nor the Trustees shall use or cause or permit the diversion of the Fund except as set forth herein.

Section 5.170. Eligibility for Retirement by Reason of Age and Service.

a. A covered employee shall qualify for retirement benefits as hereinafter set forth by reason of age and service as follows:

1. **Normal Retirement.** A covered employee shall qualify for a normal retirement benefit as hereinafter set forth upon either of the following conditions:

A. Upon the attainment of age sixty (60) and the completion of ten (10) continuous years of covered employment, or

B. Upon the attainment of age fifty-five (55) and the completion of twenty-five (25) continuous years of covered employment.

2. **Early Retirement.** A covered employee shall qualify for an early retirement benefit as hereinafter set forth upon the attainment of age fifty-five (55) and the completion of twenty (20) continuous years of covered employment.

3. **Deferred Retirement.** A covered employee shall qualify for a deferred retirement benefit as hereinafter set forth upon the termination of such employee's employment after having completed five (5) continuous years of covered employment, provided that such employee's contributions are not withdrawn from the Fund.

b. For purposes herein, "**continuous years of covered employment**" shall mean uninterrupted years of covered employment. In determining the number of continuous years of covered employment, the total number of completed months of covered employment shall be divided by twelve (12). Completed months of covered employment shall include all completed months during which contributions were withdrawn from the employee's "earned compensation." Unless otherwise provided below, the period during which an employee is absent from covered employment for any of the reasons stated below shall not be deemed credited service for the computation of covered employment; however, provided the employee has not withdrawn his or her contributions from the fund, such absences shall not constitute an interruption in covered employment:

1. Voluntary service in the armed forces of the United States in time of national emergency, provided that the employee returns to covered employment within ninety (90) days of the employee's discharge from such service;

2. Involuntary service in the armed forces of the United States, provided that the employee returns to covered employment within ninety (90) days of the employee's discharge from such service, and for such service the employee may be credited for covered employment not in excess of four (4) years;

3. Disability, whether duty or non-duty, provided that the employee returns to covered employment immediately upon the cessation of such disability, and during such disability the employee shall be credited with covered employment to the extent the employee is receiving "earned compensation" as provided in Section 5.140.

4. An authorized leave of absence without pay provided the employee returns to covered employment immediately upon the termination of such authorized leave period.

Section 5.180. Eligibility for Benefits by Reason of Duty Disability or Death.

a. **Disability.** A covered employee shall be eligible for a duty disability benefit if such employee, while in covered employment, and as a result of the discharge of the duties of covered employment, sustains an injury at some definite time and place or contracts a disease, which, within a two (2) year period from the date it was sustained or contracted, renders the employee unfit for such employee's regular duties of covered employment. The employee shall be entitled to the disability benefit as long as the disability continues. Notwithstanding the above, the two (2) year period requirement shall be inapplicable to any disabling disease which on the basis of appropriate medical authority would be deemed to be manifested within such two (2) year period from the date the disease was contracted.

b. **Death.** The spouse and children, as provided in Section 5.220(c)(1), of a covered employee shall qualify for a duty death benefit if the primary cause of such employee's death is an injury sustained or disease contracted while the employee was in the actual discharge of the duties of covered employment.

c. **Presumption of Duty Disability or Death.** After five (5) years of service, any condition or impairment of health caused by any disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart resulting in total or partial disability or death to a uniformed member of the Police or Fire Department, who successfully passed an appropriate physical examination within five (5) years prior to the time a claim is made for such disability or death, which upon examination failed to reveal any evidence of such condition, shall be presumed to have been suffered in the line of duty, unless the contrary be shown by competent evidence.

Section 5.190. Eligibility for Benefits for Non-Duty Disability or Death.

a. **Disability.** A covered employee shall be eligible for a non-duty disability benefit if such employee, having completed one continuous year of twelve (12) months of covered employment, becomes disabled by injury or disease under circumstances that such employee is not entitled to the duty disability benefit, but that the employee is unfit for such employee's regular duties of covered employment. The employee shall be entitled to the disability benefit as long as the disability continues, subject to the provisions of Section 5.220(b)(4), pertaining to subsequent employment.

b. **Death.** The spouse and children, as provided in Section 5.220(c), of a covered employee shall qualify for a non-duty death benefit under circumstances as follows:

1. If a covered employee, after having completed one continuous year of twelve (12) months of covered employment, dies under circumstances that such employee's spouse and children are not entitled to the duty death benefit, or

2. If a person dies while receiving a non-duty disability benefit, or

3. If a person dies while receiving a duty disability benefit and the primary cause of such employee's death is an injury or disease not sustained or incurred while in and as a result of the discharge of the duties of covered employment.

c. **Exclusions.** The non-duty disability benefit shall not be payable if the disability is the result of an intentional self-inflicted injury. The non-duty death benefit shall not be payable if the death occurs more than one (1) year after the event of the intentional self-inflicted act. No disability or death benefit shall be payable if the disability or death occurs during an employee's military service.

Section 5.200. Conditions for Employment. – Repealed.

Section 5.210. Service Records to be Filed and Certified. – Repealed.

Section 5.220. Benefits.

a. **Retirement Benefits Due to Age and Service.** A covered employee eligible to retire as provided in Section 5.170 shall receive the following benefits:

1. **Normal Retirement Benefits.** A covered employee eligible to retire as provided in Section 5.170(a)(1), pertaining to normal retirement, shall receive a normal retirement benefit payable monthly during such employee's life beginning as of the last day of the month following the month in which covered employment is terminated equal to two percent (2%) of such employee's final average salary, as defined below, multiplied by the number of years of continuous service, as defined in Section 5.170(b). With respect to a person who is a covered employee on March 7, 1961, and who later becomes eligible to receive a normal retirement benefit, such benefit shall be not less than two and one-half percent (2½%) of the base monthly pay in effect for a first grade employee in such employee's department at the date of retirement multiplied by the number of continuous years of service of such employee not to exceed twenty (20) years.

2. **Early Retirement Benefit.** A covered employee eligible to retire as provided in Section 5.170(a)(2), pertaining to early retirement, shall receive an early retirement benefit payable monthly during such employee's life beginning as of the last day of the month following the month in which covered employment is terminated equal to two percent (2%) of such employee's final average salary, as defined below, multiplied by the number of years of continuous service, as defined in Section 5.170(b), and reduced to the actuarial equivalent of the amount the employee would otherwise be entitled to upon attaining age sixty (60).

3. **Deferred Retirement Benefit.** A covered employee whose employment is terminated as provided in Section 5.170(a)(3), pertaining to deferred retirement, shall, upon attaining age sixty (60), receive a retirement benefit, payable monthly as of the last day of the month following the month the employee attains age sixty (60), during such employee's life

equal to two percent (2%) of such employee's final average salary, as defined below, multiplied by the number of years of continuous service, as defined in Section 5.170(b).

4. **Employment in Covered Employment After Qualification for Normal Retirement Benefit.** A covered employee who continues in covered employment after having qualified for a normal retirement benefit as provided in Section 5.170(a) shall continue to be credited with years of service for the extended period of continued employment until completing (35) years of continuous years of service.

5. **Final Average Salary.** For purposes herein, "**final average salary**" means the average earned compensation, as defined in Section 5.140, of a covered employee during his or her last three (3) years of service.

6. **Determination of Years of Continuous Service.** For purposes herein, years of continuous service shall be calculated as set forth in Section 5.170(3).

b. **Benefits Due to Disability.** A covered employee who becomes eligible for a disability benefit as provided in Sections 5.180(a) and 5.190(a), pertaining to duty and non-duty disability benefits respectively, shall, during the period of such disability, be entitled to receive the following benefits:

1. **Duty Disability Benefit.** A covered employee who becomes eligible for a duty disability benefit, as provided in Section 5.180(a), shall receive a monthly benefit during such employee's life, beginning as of the last day of the month following the month for which such disabled employee last received regular pay for covered employment, equal to sixty percent (60%) of his or her final average salary, as defined in Section 5.220(a)(5) above, plus ten percent (10%) of such final average salary for each unmarried dependent child of such employee of the age of eighteen (18) or under who resides with such employee or is in such employee's care, as defined below, or the age of twenty-three (23) or under and is a full time student, as defined below, not however in excess of three (3) children.

2. **Non-Duty Disability Benefit.** A covered employee who becomes eligible for a non-duty disability benefit, as provided in Section 5.190 shall receive a monthly benefit during such employee's life, beginning as of the last day of the month following the month for which such disabled employee last received regular pay for covered employment, equal to thirty percent (30%) of his or her final average salary, as defined in Section 5.220(a)(5) above, plus ten percent (10%) of such salary for each unmarried dependent child of such employee: (i) the age of eighteen (18) or under who resides with such employee or is in such employee's care, as defined below, or (ii) the age of twenty-three (23) or under and is a full-time student, as defined below, not however in excess of three (3) children.

3. **Non-Duty Disability and Attaining Age Sixty (60).** A person who is receiving a non-duty disability shall, upon the attainment of age sixty (60), be entitled to elect to receive either the non-duty disability benefit or a monthly benefit equal to two percent (2%) of such person's final average salary, as defined in Section 5.220(a)(5), multiplied by the number of his or her continuous years of covered employment, as defined in Section 5.170(3).

4. **Non-Duty Disability and Subsequent Employment.** Notwithstanding any other provision herein to, the contrary, an employee's entitlement for a non-duty disability benefit shall be reduced or eliminated, as provided below, when he or she becomes gainfully employed or engages in gainful work. A person shall be considered to be gainfully employed or engaging in gainful work when he or she earns in a calendar year the sum of Six Thousand Dollars ($6,000.00). Upon attaining such earning level, the person receiving the disability benefit shall report this fact to the Board and entitlement to such disability benefits may be reduced or eliminated as follows: the amount of the non-duty disability benefit shall be reduced or eliminated, as necessary, so that the amount of such payment, when added to the amount earned by such person through such gainful employment or work, shall not exceed the then current earned compensation for the rank or position held by such person at the time he or she became disabled. The Board may require from such person from time to time information and documentation, including copies of tax returns, concerning such employment or work and the income so derived. The failure to furnish such information and documentation may be considered cause for the forfeiture of all such disability benefits.

5. **Definitions.** For purposes herein, a child the age of eighteen (18) or under shall be deemed to reside with an employee if such child lives with the employee for at least six (6) months during a twelve (12) month period and shall be deemed in the case of such employee if such employee is paying child support payments on behalf of such child under a court order. A full-time student means a student attending high school or enrolled in a college or trade school in the pursuit of a degree or certificate taking at least twelve (12) hours per term.

c. **Benefits Due to Death.** Upon the death of a covered employee, benefits shall be paid as follows:

1. **Duty Connected Death.** In the event that a covered employee dies from a duty connected injury or disease, as determined in Section 5.180(b), a duty death benefit shall be paid as follows:

A. **Spouse's Benefit.** A monthly benefit shall be paid to the spouse of the covered employee with whom the employee was residing at the time of the employee's death until such spouse's death or remarriage, beginning as of the last day of the month following the month in which the death occurred, equal to forty percent (40%) of

the deceased employee's final average salary, as defined in Section 5.220(a)(5).

B. **Child's Benefit.** A monthly benefit shall be paid for each unmarried child of the covered employee (i) the age of eighteen (18) or under who resides with such employee or is in such employee's care, as defined in Section 5.200(b)(5), above, or (ii) the age of twenty-three (23) or under and who is a full-time student, as defined in Section 5.220(b)(5) above, an amount equal to ten percent (10%) of the deceased employee's final average salary, as defined in Section 5.200(a)(5), for each such child, not to exceed three (3) children, which total amount shall be prorated and allocated among all of such children if there are four (4) or more of such children. Each such allocated amount shall cease upon such child's attainment of age nineteen (19) or twenty-four (24), as applicable, or earlier if eligibility shall cease. The benefit payment for such child identified in (i) above shall be paid to the custodial natural parent of such child or if there is no custodial natural parent, then such benefit shall be paid to the legally appointed guardian for such child. The benefit payment for such child identified in (ii) above shall be paid to such child.

If no benefit, as provided in paragraph (A) above, is payable to the spouse of the covered employee or if such payment ceases due to the death or remarriage of such spouse, then fifty percent (50%) of such benefit shall be divided equally among, allocated to, and payable on behalf of each such eligible child as provided above until such child attains such respective age or ceases to be entitled thereto.

2. **Non-Duty Connected Death.** In the event that a covered employee dies under circumstances in which a non-duty death benefit is payable, as provided in Section 5.190(b), a non-duty death benefit shall be paid as follows:

A. **Spouse's Benefit.** A monthly benefit shall be paid to the spouse of the covered employee with whom the employee was residing at the time of the employee's death until such spouse's death or remarriage, beginning as of the last day of the month following the month in which the death occurred, equal to twenty percent (20%) of the deceased employee's final average salary, as defined in Section 5.220(a)(5).

B. **Child's Benefit.** A monthly benefit shall be paid for each unmarried child of the covered employee (i) the age of eighteen (18) or under who resides with such employee or is in such employee's care, as defined in Section 5.200(3)(5), above, or (ii) the age of twenty-three (23) or under and who is a full time student, as defined in Section 5.220(b)(5) above, an amount equal to ten percent (10%) of the deceased employee's final average salary, as defined in Section 5.200(a)(5), for each such child, not to exceed three (3) children, which total amount shall be prorated

and allocated among all of such children if there are four (4) or more of such children. Each such allocated amount shall cease upon such child's attainment of age nineteen (19) or twenty-four (24), as applicable, or earlier if eligibility shall cease. The benefit payment for such child identified in (i) above shall be paid to the custodial natural parent of such child or if there is no custodial natural parent then such benefit shall be paid to the legally appointed guardian for such child. The benefit for such child identified in (ii) above shall be paid to such child.

If no benefit, as provided in paragraph (A) above, is payable to the spouse of the covered employee or if such payment ceases due to the death or remarriage of such spouse, then fifty percent (50%) of such benefit shall be divided equally among, allocated to, and payable on behalf of each such eligible child as provided above until such child attains such respective age or ceases to be entitled thereto.

3. **Death After Receipt of Retirement Benefit.** Upon the death of a former covered employee who is retired under the provisions of Section 5.1-1170 and receiving a benefit, a monthly benefit shall be paid to the spouse of such former covered employee with whom the employee was residing at the time of the employee's death until such spouse's death or remarriage, beginning as of the last day of the month in which death occurred, equal to one-third (1/3) of such former covered employee's retirement benefit.

4. **Death After Eligibility For Retirement Benefit.** In the event a former covered employee becomes eligible to receive a retirement benefit under the provisions of Section 5.170(a)(3), pertaining to the deferred retirement, and dies prior to receiving the initial monthly pension benefit, the spouse of such former covered employee with whom the employee was residing at the time of the employee's death shall receive a monthly benefit until such spouse's death or remarriage, beginning as of the last day of the month in which death occurred, equal to one-third (1/3) of the retirement benefit such employee would have been entitled to receive had such employee lived to age sixty (60), actuarially adjusted to reflect the benefit payment made before attainment of age sixty (60).

5. **Funeral Benefit.** A funeral death benefit of Six Hundred Dollars ($600.00) shall be payable upon the death of a covered employee who has completed one continuous year or more of covered employment or upon the death of a former covered employee who is receiving retirement or disability payments as provided hereunder. Such benefit shall be paid to the personal representative of such employee's estate, or if a personal representative is not appointed within forty-five (45) days of such employee's death, then such benefit shall be paid to the person who paid the funeral and burial expense upon proof of such payment, or if proof of such payment has not been submitted within sixty (60) days of such employee's death, then payment shall be to the mortuary that performed such funeral and burial service for which it has not been paid.

6. **Death of Former Covered Employee Receiving Disability Benefits.**

A. If a former covered employee who was receiving a duty-disability benefit under Section 5.220(b)(1) dies as a result of his or her duty connected injury or disease, a duty death benefit shall be payable under the provisions of paragraph (1) above, pertaining to the duty connected death benefit paid to a covered employee who dies from a duty connected injury or disease.

B. If a former covered employee who was receiving a duty-disability benefit under Section 5.220(b)(1) dies for reasons other than his or her duty connected injury or death, a non-duty death benefit shall be payable under the provisions of paragraph (2) above, pertaining to a non-duty connected death benefit paid to a covered employee who dies under circumstances in which a non-duty death benefit is payable.

C. Upon the death of a former covered employee who was receiving a non-duty disability benefit under Section 5.220(b)(2), a non-duty death benefit shall be payable under the provisions of paragraph (2) above, pertaining to a non-duty connected death benefits paid to a covered employee who dies under circumstances in which a non-duty death benefit is payable.

(Ord. No. 7866, § 1, 4-4-95)

d. **Child To Include Adopted Child.** The terms "**child**" or "**children**" as used in this article shall include a legally adopted child or children.

e. **Benefits Under Prior Ordinance.** Any person who, prior to the effective date of Ordinance No. 6149, was receiving, or who had made application for any benefit under the provisions of the ordinance prior to Ordinance No. 6149, shall receive only the benefit as provided by such prior ordinance. However, the funeral benefit provided in Section 5.220(c)(5) shall be payable with respect to all such qualified persons who die after the effective date of amending Ordinance No. 6149.

f. **Social Security Benefits.** If a covered employee shall become eligible for benefits provided under any state or national social security legislation by reason of his or her covered employment, then, in such event, there shall be an appropriate reduction in the amount of such benefit payment provided for hereunder, so that the amount of such benefit, when added to the amount received pursuant to such social security legislation, shall not exceed the amount of the appropriate benefit payment provided in this ordinance. If such social security legislation shall require any payment or contributions from the covered employees, then the contributions required of such covered employees under the provisions of Section 5.140 of this ordinance shall be reduced accordingly.

g. **Worker's Compensation Benefits.** If a covered employee shall become eligible for benefits provided under any national or state worker's compensation

legislation, then, in such event, any benefit payable hereunder on the account of the disability or death of a covered employee shall be appropriately reduced, in the manner determined by the Trustees, to the extent of any such national or state worker's compensation benefit paid to or for the employee, so that the amount of the monthly benefit payable hereunder, when added to the amount of the worker's compensation payable with respect to that month (or calculated for that month if paid or payable in a lump sum), shall not exceed the amount of the appropriate benefit payment provided in this ordinance.

h. **Post-Retirement Adjustment.** Upon recommendation of the Board, the City Council may increase existing benefits in a manner as the Council shall determine but in an amount not to exceed two and one-half percent (2½%) in any one (1) year. If the Council fails to increase such benefits in any one (1) year, this provision is not accumulative so as to permit an increase in excess of two and one-half percent (2½%) in a succeeding year. Except as provided above, there shall be no ceiling on the aggregate of such increases and the twelve and one-half percent (12½%) ceiling is therefor abolished.

i. **Lump Sum Distribution of Accumulated Contributions.** A lump sum payment equal to one hundred percent (100%) of the total amount of the accumulated contributions paid into the Fund by an employee (calculated without interest) shall be distributed to an employee at his or her retirement upon becoming eligible for normal or early retirement or due to a duty or non-duty disability, or upon the employee's death prior to retirement or termination of employment to the employee's spouse or if there is no spouse then in equal shares to such of the employee's children who are entitled to death benefits under the provision of Section 5.220(c) above.

The lump sum distribution provided above for payment upon retirement, disability, or death shall be reduced by the sum of one hundred percent (100%) of the total accumulated contributions (calculated without interest) not charged or paid by the employee into the Fund during the period prior to his or her completion of thirty-five (35) years of service. (Ord. No. 7925, §§ 1-2, 5-21-96)

Section 5.230. Application for Benefits; Review.

An application for benefits shall be made on the form provided by the Trustees. No benefit shall be considered unless a complete application containing the appropriate information and documentation is submitted by the applicant.

If the application is based upon disability, complete information and documentation concerning the nature and extent of the injury or disease must be furnished with the application. The applicant shall also submit to examination by a physician or medical board designated by the Trustees.

If an application is denied, in whole or in part, the Trustees shall furnish the applicant with a written notice of this denial. This written notice shall be provided to the applicant within a reasonable period of time (generally ninety (90) days) after the receipt of the application by the Trustees. This written notice shall contain the following information:

a. The specific reason or reasons for the denial;

b. Specific reference to the Plan provisions on which the denial is based;

c. A description of any additional information or material necessary to correct the application, if applicable, and an explanation of why such material or information is necessary; and

d. Appropriate information as to the steps to be taken if the applicant or beneficiary wishes to submit a claim for review.

If the application has been denied, and the applicant wishes to appeal the denial, a written request for a claim for review shall be filed with the Trustees no later than ninety (90) days after written notification of the denial of the application for benefits. The applicant may then review all pertinent documents relating to the denial of the application and submit any relevant information and comments in writing to the Trustees. The applicant may also submit any new or additional evidence to support the benefit application. The Trustees may, but are not required to, hold a hearing on the claim for review.

The Trustees' decision on the claim for review shall be given in writing to the applicant. If the claim for review is denied, the Trustees shall give written notice of this denial within sixty (60) days of the Trustees' receipt of written claim for review. Under special circumstances the Trustees may, in their sole discretion, extend this sixty (60) day period, but no later than one hundred twenty (120) days after receipt of the claim for review. If however the Trustees' decision on review is not furnished to the applicant within the time limitations described above, the claim for review shall be deemed denied.

The Trustees, when approving an application for retirement, shall immediately notify in writing the chief of the department in which the applicant is employed. No further compensation shall thereafter be paid by the City of Webster Groves to such employee.

No application shall be approved to provide more than one of the monthly benefit payments provided herein at the same time.

Section 5.240. Annual Physical Examination.

An employee receiving disability benefits hereunder (except in the case of an employee over the age of sixty (60) years) shall submit to and undergo a physical examination by a physician or medical board designated by the Trustees at such times as may be required by the Trustees. The Trustees may require an annual physical, any other periodic physical, or on any other occasion as the Trustees shall determine. If the examination discloses that the disability no longer exists, the right of the employee to such benefits shall cease. An employee receiving disability benefits who refuses to submit to such examination shall forfeit his or her right to further disability benefits, and if such refusal continues for a period of one (1) year, all rights of such employee to disability benefits hereunder shall be terminated. In the event an employee receiving disability benefits should subsequently be found to have recovered from such disability and be determined to be fit for duty, then the Trustees shall promptly notify the City Clerk of Webster Groves in writing that such employee is eligible to be restored to his or her former active service.

Nothing however contained in this ordinance shall require the City of Webster Groves to rehire such employee.

Section 5.250. Refund of Contributions.

Contributions made by a covered employee, as provided in Section 5.140, shall be refunded as follows:

a. **Termination of Covered Employment.** In the event of the termination of covered employment of an employee, whether voluntary or involuntary, under circumstances that no benefit hereunder is payable now or in the near future or any such benefit has ceased, the excess of the sum of the total amount of the contributions of such employee, plus interest thereon as provided in subsection (c) below, less the sum of any benefit payments made hereunder, shall be refunded to such employee.

b. **Death.** In the event of the death of a covered employee or any other person who has made contributions hereunder, refunds shall be made as follows:

1. **Death of a Covered Employee Not Receiving Benefits.** In the event of the death of a covered employee who has completed one continuous year or more of covered employment, and for whom no death benefits are payable as provided herein, the excess of the sum of the total amount of the contributions of such employee, plus interest thereon as provided in subsection (c) below, less any funeral benefit paid hereunder, shall be paid to the spouse of such employee with whom such employee was residing at the time of such employee's death, or if there is no such spouse, then to such employee's designated beneficiary, or if there is no designated beneficiary, then to the estate of such employee.

2. **Death of a Covered Employee Receiving Benefits.** In the event of the death of a former covered employee who was receiving retirement or disability benefits hereunder at the time of his death, and for whom no further benefits are payable as provided herein, the excess of the sum, if any, of the total contributions of such employee, plus interest thereon as provided in subsection (c) below, less any funeral benefit paid hereunder and further less the total amount of benefits paid hereunder to such employee shall be paid to such employee's designated beneficiary, or if there is no designated beneficiary, then to the estate of such employee.

3. **Death of Any Other Person Who Has Made Contributions.** In the event of the death of a person while in military service or under circumstances so that no benefit is payable or refund is due under any other provisions herein, and who has made contributions hereunder as a former covered employee, then refund shall be made of a sum equal to such person's contributions, plus interest thereon as provided in subsection (c) below, less the total amount of any benefit payment made hereunder to the spouse of such person with whom such person was residing at the time of such spouse's death or would have been so residing except for the fact of military service, or if there is no such

spouse, then to such person's designated beneficiary, or if there is no designated beneficiary, then to the estate of such person.

c. **Interest.** The amount of interest calculated on the contributions hereunder shall be at the rate of 5.5 percent per annum compounded annually from the effective date of this ordinance amendment or at some other rate as the Trustees may from time to time establish, plus interest at the rate previously established by the Trustees for the period or periods of time the contributions are held prior to the effective date of this ordinance amendment.

Section 5.260. Benefits Not Assignable or Subject to Execution.

The benefits payable hereunder, whether before or after such benefits are authorized by the Trustees, are not assignable or subject to counter-claim, recoupment or set off; nor shall such benefits be subject to assessment, garnishment, execution, injunction, or any other decree, order, process, or proceeding in any court for the payment of any debt of any employee or beneficiary. The Fund shall be held and distributed for the purpose of this ordinance and for no other purpose.

Section 5.265. Alternate Payee's Right to Receive Benefits Payable.

Notwithstanding the provisions of Section 5.260, relating to benefits not assignable or subject to execution, a court of competent jurisdiction may divide as marital property the pension, annuity, benefits, or rights provided in this Chapter 5 between a Participant and the Participant's spouse (hereinafter "**alternate payee**") in any action for a dissolution of marriage by issuing a division of benefits order, which:

a. Shall not require the Plan to provide any form or type of annuity or benefit not selected by the Participant and not normally made available by the Plan;

b. Shall not require the Plan to commence payments until the Participant submits a valid application for a benefit and the benefit becomes payable in accordance with the application;

c. Shall not require the Plan to commence payments until the alternate payee submits a valid application for a benefit under the terms of the division of benefits order;

d. Shall identify the dollar amount to be paid to the alternate payee, which shall not exceed:

1. Fifty percent (50%) of the amount of the lump sum which would be payable to the Participant or on behalf of the Participant as if the Participant had retired, terminated employment, or died on the date of the order, and

2. A monthly dollar amount which shall not exceed fifty percent (50%) of the amount of the Participant's accrued vested annuity benefit at the time of the order, and the amount shall be adjusted proportionately if the Participant's annuity is reduced due to early retirement;

e. Shall not require the payment of an annuity amount or other benefit to the Participant and alternate payee which in the aggregate exceeds the amount which the Participant would have received without regard to the order;

f. Shall provide that any benefit formula increases, additional years of service, increased final average salary or other type of increase accrued after the date of the order shall accrue solely to the benefit of the Participant, except that any cost of living increase will be applied to the amount received by both the Participant and the alternate payee;

g. Shall, in the case of the monthly annuity benefit, terminate upon the death of either the Participant or the alternate payee, whichever occurs first;

h. Shall not create an interest which is assignable or subject to any legal process;

i. Shall include the name, address and social security number of both the Participant and the alternate payee, and the identity of and its applicability to this Plan;

j. Shall be consistent with any other division of benefit orders which are applicable to the same Participant.

The Trustees shall, upon written request of the parties, provide the court having jurisdiction of a dissolution of marriage proceeding or the parties to the proceedings with the information necessary to issue a division of benefit order.

The Trustees shall have discretionary authority to reject a division of benefit order if the order (a) does not clearly state the rights of the Participant and the alternate payee, or (b) is inconsistent with the provisions of this Plan.

The benefits otherwise payable to the Participant or on behalf of the Participant under the terms of the Plan shall be adjusted in accordance with the provisions of the order. (Ord. No. 7891, § 1; 11-29-95)

Section 5.270. Treasurer.

The Treasurer of the Trustees shall be custodian of all monies, securities and other property of the Fund, subject to the control and direction of the Trustees. As prescribed by the Trustees, the Treasurer shall keep separate books and complete accounts of the Fund, and the books and accounts shall always be subject to the inspection of the Trustees or any of its members. The Trustees shall furnish a bond for the faithful performance of the duties of the Treasurer in such amount as determined by the Trustees. The expense for the bond shall be chargeable to the Fund. On the expiration of the term of office, the Treasurer shall deliver and transfer to the successor Treasurer all money, securities, and other assets of the Fund, in addition to books, records and other property of the Fund which may have come into the Treasurer's possession. The Trustees shall designate, by resolution, annually, the name of the banks or trust companies in which the funds of the Fund shall be deposited during the succeeding year.

Section 5.280. Disbursements.

All disbursements from the Fund shall be by voucher, stating the purpose and name of payee. After approval by the Trustees, the voucher shall be certified by any two (2) officers from among the President, Vice-President and Secretary of the Trustees, and the Treasurer shall be directed to draw a check therefor from the Fund to the payee for the amount therein specified. The direction shall be delivered to the Treasurer and constitute the Treasurer's authority for issuing signing such check.

Section 5.300. Legal Advice and Compensation.

Trustees shall select a competent attorney to advise them in all legal matters affecting the affairs of the Trustees and to prosecute for, or defend, the Trustees in their representative capacity in any litigation affecting the Trustees. The Trustees may pay reasonable compensation therefor from the Fund.

Section 5.310. Penalty.

Any person who shall knowingly or willfully make any false statement or document in regard to applying for or securing a pension or disability benefit under this Plan, or shall falsify, cause or permit to be falsified, any record or records, of this Plan in any attempt to defraud this Plan, shall be guilty of a misdemeanor and shall be subject to a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00). Any benefit hereunder derived by virtue of such fraudulent act shall be forfeited ab initio and subject to recovery by the Trustees.

Section 5.320. Validity.

If any provision of this ordinance shall be determined illegal, inoperative, or invalid by any court of competent jurisdiction, such determination shall not affect the remainder of this ordinance.

Section 5.330. Limit of Liability of City of Webster Groves.

Nothing contained in this ordinance shall be held or construed to impose upon the City of Webster Groves, Missouri a liability in excess of the amount of taxes levied, collected, and paid to the Trustees for purposes herein.

Section 5.340. Right of City Council to Amend Ordinance.

The Council of the City of Webster Groves shall have the right to amend this ordinance, any amendment thereto, in whole or in part.

Article III. Non-Uniformed Employees Retirement Plan

Section 5.400. Definitions.

The following words and phrases when used in this article shall have for the purpose of this article the meanings respectively ascribed to them in this section:

a. "**Accumulated Contributions**" when used with respect to an individual Participant as of any specified date, means the sum of all unrefunded contributions made by the Participant into the Plan, plus interest on such contributions from the end of the Plan Year in which they were made to the first day of the Plan Year next preceding or coinciding with the specified date. The Board shall annually establish for the previous year the rate of interest to be paid. If he fails to do so, the interest established shall continue until changed. Interest will be compounded annually at the established rates.

b. "**Beneficiary**" means any of the following persons designated by a Participant to receive certain benefits or Accumulated Contributions payable according to the Plan on or after a Participant's death, to-wit: wife, children, next of kin, estate, or written designee.

c. "**Compensation**" means the compensation paid in cash to an employee by the City of Webster Groves for personal services rendered during a calendar year.

d. "**Average Monthly Compensation**" means the average monthly compensation paid to an employee during the five (5) consecutive years within the last ten (10) consecutive years of credited service which yield the highest average; provided, however, that if retirement occurs prior to the completion of five (5) consecutive years of credited service, Average Monthly Compensation means the total compensation paid to an employee during his total period of credited service divided by the number of completed full months for which such compensation was received.

e. "**Credited Service**" means all periods of continued employment.

f. "**Disability**" means a physical or mental condition incurred which, in the judgment of the Board, totally and presumably permanently prevents an employee from engaging in any gainful occupation or employment, not including any condition resulting from an employee's engagement in commission of a felony, from his habitual use of drugs, intoxicants, or narcotics, from his deliberately self-inflicted injury or self-induced illness, or from injury received or disease contracted in the service of the armed forces of the United States or of any other country or of any private para-military organization. A determination of Disability shall be based upon a certification from the employee's physician and upon such other medical evidence that may be required by the Board, which shall be uniformly required of all employees claiming disability under the Plan for physical or mental conditions of similar nature.

g. "**Effective Date**" of the Plan shall be January 1, 1969.

h. "**Employee**" means any person who is employed by the City of Webster Groves, classified or unclassified, full-time, one thousand five hundred (1,500) hours per year, except, that it shall not include employees of the Municipal Library District of Webster Groves, and Fire or Police Department personnel who are covered by the City's Police and Firemen's Retirement Fund, provided that the City may contract with the Board of Trustees of the Municipal Library District of Webster Groves to include its employees upon appropriate contribution to the Plan. The

determination of who shall constitute an employee shall be made by the Board of Trustees using uniform rules consistently applied with respect to all persons similarly situated.

i. "**Participant**" means any employee or former employee of the City of Webster Groves who is or was covered under the Plan.

j. "**Plan**" means the Retirement Plan for the non-uniformed employees of the City of Webster Groves as set forth herein and as hereafter amended from time to time.

k. "**Plan Year**" means a calendar year.

l. "**Retirement**" means the termination of employment after an employee has fulfilled all requirements for retirement benefits of a type set forth herein. Retirement shall be considered as commencing on the first day of a month immediately following an employee's last day of employment or last day of an authorized leave of absence, if later.

m. "**Retirement Benefits**" means the monthly amount which is payable to a Participant who is entitled to receive benefits under the Plan.

n. "**Retirement Date**" means the first day of the month coincident with or next following a Participant's satisfaction of the requirements for retirement according to the Plan and his termination of employment.

o. "**Retirement Fund**" means the total fund derived from the appropriations of the City of Webster Groves, from contributions made by Participants of the Plan, from any property given or donated from any source, and any income derived therefrom, to be used exclusively for the payment of benefits of eligible employees, and of spouses, beneficiaries, and annuitants of deceased eligible employees, of the City of Webster Groves, Missouri, after payment of reasonable and necessary expenses.

p. "**Board of Trustees**" sometimes referred to as Board, means the persons appointed by the City Council to administer the Plan and to act as Trustees of the Retirement Fund.

q. "**Dependent Children**" shall mean the children born to the Participant or legally adopted by him, or the Participant's step-children living with the Participant in a normal parent-child relationship. Such child shall be unmarried, primarily dependent upon the Participant for support, and under eighteen (18) years of age, or if a full-time student at an accredited secondary school, college or university, twenty-three (23) years of age.

(Ord. No. 7587, § 1, 2-20-90)

Section 5.410. Administration of the Plan.

a. There shall be a Board of Trustees of the Non-Uniformed Employees Retirement Fund consisting of eight (8) members, one of whom shall be the City Manager, serving ex-officio with vote. The City Manager may, however, designate another City official to sit as a member of the Board of Trustees in place of the City Manager. The City Manager or such designated City official sitting in place of the City Manager shall act as Treasurer of the Fund. The other seven (7) members, to be appointed by the Council, shall be electors of the City; provided, however, that of the seven (7), three (3) shall be employee members of the Plan elected by members of the Plan, provided, preferable, that each shall be from a different Department, and need not be an elector of the City. The Council shall fill vacancies for any unexpired term. The Board shall elect its own President, Vice-President and Secretary, annually, and shall delegate to them their respective duties, except that the Secretary shall make a record of all meetings. The President shall have a vote on all matters. A majority vote of the members present at a regular or special meeting of the Board shall be necessary to decide all matters coming before it. Five (5) members shall constitute a quorum, except that at least two (2) employee-members shall be present. (Ord. No. 7468, § 1, 11-3-87; Ord. No. 7963, § 1, 1-21-97)

b. The Board of Trustees shall be vested with the exclusive management and control of all matters pertaining to the administration of the affairs of the Non-Uniformed Employees Retirement Fund and the investment and reinvestment thereof. They may sue or be sued in their capacity as such Board of Trustees. They shall receive and hold all money, securities, and real estate or other property in the name of said Board of Trustees for the use and benefit of said Retirement Fund. The Board shall be vested with full power and authority to employ and fix the compensation of all necessary employees, and to incur and pay such other expenses as may be found necessary and desirable in the management of the Fund. Full and complete records of all receipts, securities, and other property coming into its hands shall be kept at all times; the books shall be audited by a competent auditor at least once annually and a full statement shall be furnished to the Mayor of the City of Webster Groves and be available for review by members of the Plan. The Board shall establish by resolution the fiscal year for the Fund. An accurate record shall be kept of all the proceedings of the Board, which record shall be open to public inspection; provided, however, the records of medical examination made of any Participant shall not be subject to inspection by the public. The Board shall have exclusive, original jurisdiction to receive, hear and rule upon all claims for benefits from the Fund and to hear and determine all such claims in the first instance. The decision of the Board shall be in writing, and the Board may take and preserve the evidence on any disputed claim and such evidence, records, findings and decision of the Board shall be subject to judicial review on certiorari or other proper legal procedure with the full right of appeal from the decision of the reviewing court on appeal, as in other civil cases.

c. The Board shall provide suitable forms of application and other forms to be used in making claims for benefits from the Retirement Fund, to prescribe rules and regulations, not inconsistent with state laws or this ordinance, to govern and

control the hearing, consideration and disposition of all claims, and other administrative matters and proceedings before such Board.

d. The Board shall exercise a high degree of care to keep the surplus funds in its hands safely invested in such securities as will afford the greatest return consistent with safety of principal, but such investments shall be limited to such securities as are, or may be, eligible by the laws of the State of Missouri, for the investment of funds of a casualty or life insurance company domiciled in the State of Missouri. The Board may employ and compensate investment counsel in its management of the Retirement Fund. Notwithstanding any other provision herein to the contrary any investment in stocks and other equities shall be allowed in an amount not to exceed forty percent (40%) of the Fund principal.

e. The Board shall set up a system of accounts such as will be required from time to time in order to determine actuarially the valuation of the Funds in its hands and the experience in the operation of the affairs of the system, and shall furnish to the City Council of the City of Webster Groves, upon request, such information so compiled.

f. The Board shall hold one (1) regular meeting each month at a time to be fixed by it and may hold such additional meetings as may be required for the transaction of the business of the Board.

g. The Board shall provide for medical examination or examinations of all applicants for benefits on account of claims of disability, and the result of such examinations shall be submitted to and become the property of the Board; provided, however, the applicant shall have the right to submit the report of any physician of his own choice, and such report, if so submitted, shall likewise become a part of the permanent records of the Board.

h. The enumeration of the specific powers and authority of the Board of Trustees herein shall not be construed in limitation of their powers and authority to do all other things necessary or reasonably required to carry out and make effective the specific powers herein granted.

i. No person shall be employed unless he shall first submit to a physical examination by the physician or medical board designated by the Board of Trustees and be certified by such physician or medical board as being physically fit for the performance of the duties of employment. No person shall be so certified if he be found to have any deformity or physical condition that may directly or indirectly cause or contribute to the physical condition that may directly or indirectly cause or contribute to the physical disability of such employee, in the event he be so employed. The Board may require any covered employee to furnish a copy of his birth certificate or other evidence of the date of his birth.

j. The Treasurer of the Board shall be custodian of all monies, securities and other property of the said Non-Uniformed Employees Retirement Fund, subject to the control and direction of the Board of Trustees. As prescribed by the said Board of Trustees, he shall keep separate books and complete accounts of the Non-Uniformed Employees Retirement Fund, and his books and accounts shall

always be subject to the inspection of the said Board of Trustees or any of its members. He shall furnish bond in such sum as required by the Board of Trustees, the expense thereof to be chargeable to the Fund, for the faithful performance of his duties as such Treasurer. On the expiration of his term of office, he shall deliver to his successor all unexpended money, securities, books, records, and other property which may have come into his possession as Treasurer of the Non-Uniformed Employees Retirement Fund. The Board of Trustees shall designate by resolution, annually, the names of the banks or trust companies in which the Funds of the Board may be deposited during the ensuing year.

k. All disbursements of Funds from the Retirement Fund herein created shall be by check, and shall be signed by any two (2) of the following officers of the Board: President, Vice-President or Secretary, and the Treasurer of the Board.

l. The Board of Trustees may select a competent attorney to advise them in all legal matters affecting the affairs of the Board, and to prosecute for or defend the Board of Trustees in their respective capacity in any litigation affecting the Board, and may pay reasonable compensation therefor from the Retirement Fund. (Ord. No. 7214, § 1, 3-16-82; Ord. No. 7420, § 1, 2-3-87)

Section 5.420. Eligibility and Participation.

a. Any person who is now employed by the City or becomes employed by the City after the effective date of the Plan, except as provided in Section 5.400(h) and subparagraph (b) hereunder, shall be eligible to participate in the plan immediately upon employment with the City of Webster Groves, and shall so participate as a condition of his employment; provided, however, that any eligible employee in the unclassified service of the city shall have the option not to participate for such period of unclassified service.

b. After the effective date, each eligible employee shall become a Participant under the Plan and shall contribute to the Plan commencing with the first day of the payroll period coincident with employment with the City of Webster Groves.

c. Each Participant shall remain a Participant in the Plan until the earliest of his death, retirement, or termination of employment.

d. All eligible employees, prior to their participation in the Plan, shall complete a participation form to be furnished by the Board, upon which the employee shall indicate all required information. In addition, all eligible employees shall, on a form furnished by the Board for that purpose, designate a beneficiary, as defined herein, to receive the benefits payable in the event of the death of the Participant. A Participant may also designate a contingent beneficiary. The Participant may from time to time change the beneficiary by written notice to the Board and upon receipt by the Board of such change, the rights of all previously designated beneficiaries to receive any benefit under the Plan shall cease. In the event any Participant dies without having designated a beneficiary or in the event any Participant dies but is the survivor of the designated beneficiary or contingent

beneficiary, then and in either event, the benefits payable by the Plan shall be paid to the estate of the deceased Participant.

(Ord. No. 7587, § 2, 2-20-90)

Section 5.430. Contributions.

a. The City Council shall appropriate annually such funds as are necessary to meet the full current cost of the Plan, other than employee contributions as defined elsewhere, and to fund the initial accrued liability of the Plan over a period of not more than thirty (30) years from the date of this amendment.

b. Each Participant shall contribute four percent (4%) of his annual compensation to the Retirement Fund by automatic payroll deduction from his compensation; except that upon reaching sixty-five (65) years of age, a Participant shall no longer make such a contribution. Such deduction shall be credited to the Participant's individual contribution account in the Retirement Fund.

Section 5.440. Requirements for Retirement Benefits.

a. A Participant's normal retirement date shall be the first day of the month coincident with or next following the attainment of age sixty (60) and completion of at least five (5) years of credited service. Payment of normal retirement benefits shall commence on the first day of the month coincident with or next following the Participant's normal retirement, and the last payment shall be made to Participant's designee or estate, if there is no designee, in an amount prorated for the number of days Participant lived during the month of his death.

b. A Participant's early retirement date shall be the first day of the month coincident with or next following his election for early retirement after the attainment of age fifty-five (55) and the completion of at least five (5) years of credited service. Payment of early retirement benefits shall commence on the first day of the month coincident with or next following the Participant's early retirement, and the last payment shall be made to Participant's designee or estate, if there is no designee, in an amount prorated for the number of days Participant lived during the month of his death.

c. If a Participant has completed at least five (5) years of credited service prior to his normal retirement date and terminates employment, he may withdraw his accumulated contributions from the Retirement Fund or he may leave his contributions in the Retirement Fund and shall be eligible to receive a deferred vested retirement benefit commencing no sooner than the first day of the month following his normal retirement date in an amount according to the following table; or the Participant shall be eligible to receive actuarially reduced deferred vested retirement benefits under which payment shall commence no sooner than the first day of the month following his early retirement date. The deferred vested retirement benefit shall be a percentage of full retirement benefits, as shown in the table, computed in the same manner as normal retirement benefits but based upon his average monthly compensation and credited service as of the date of his termination.

Credited Service	Vesting Percentage of Accrued Benefit
At least 5 years	50%
At least 6 years	60%
At least 7 years	70%
At least 8 years	80%
At least 9 years	90%
At least 10 year	100%

d. If a Participant shall sustain injuries resulting in disability as defined in the Plan while in the actual discharge and performance of the duties of his employment with the City at some definite time and place, he shall be entitled to retire and to receive immediate payment of normal retirement benefits based upon his compensation at the time of suffering the disability and based upon credited service.

e. If a Participant after having completed five (5) years of credited service shall sustain injuries from an incident not related to his employment with the City resulting in disability as defined in the Plan, he shall be entitled to retire and to receive immediate payment of normal retirement benefits based upon his compensation at the time of suffering the disability and based upon credit service earned to the date of his disability.

f. At least once each year during the first five (5) years following a Participant's disability retirement, and at least once in each three (3) year period thereafter, the Board may require such Participant, if he has not attained his normal retirement age, to undergo a medical examination to be made by or under the direction of a physician designated by the Board. If such medical examination reveals that the Participant is physically and mentally able and capable of resuming employment with the City, the Board shall arrange a further medical committee consisting of three (3) physicians, one of whom shall be selected by the Board, one by or on behalf of the Participant, and the third by the first two (2) physicians so named. Should the medical committee concur, by majority opinion in writing to the Board that the Participant is capable of resumption of duty, his disability retirement benefits shall terminate.

If the Participant is thereafter re-employed by the City within two (2) years, his credited service to the date of his disability retirement, but excluding the entire period of his total disability, shall be restored in full, provided that he does not again terminate his employment, except for retirement or disability, as defined in the plan, during the five (5) year period following his re-employment. If he is thereafter not so re-employed, he shall be considered to have terminated his employment with the City as of the date his disability commenced and he shall thereafter be entitled only to those benefits, if any, determined as of such date, or to a return of his accumulated contributions less the amount of disability benefits he may have already received.

If any Participant receiving disability retirement benefits refuses to submit to any medical examination, as provided by this section, within thirty (30) days of the notice of the Board to report to such examination, his disability benefits may be suspended by the Board

until he consents to such examination. If such refusal continues for one (1) year, all his rights in and to service disability retirement benefits may be revoked by the Board.

Should a Participant who is receiving disability retirement benefits receive remuneration for his personal services rendered in any gainful activity, occupation, or employment, then in no event shall the amount of his disability retirement benefits exceed the difference between his prior monthly compensation and the total of the following amounts:

1. Such remuneration; and

2. The benefits, if any, payable under the Federal Social Security Act on account of his disability, whether or not actually received.

g. Should a Participant die prior to retirement after the attainment of age fifty (50) and completion of at least five (5) years of credited service, the Participant's spouse and dependent children shall be entitled to a retirement benefit as follows:

1. The Participant's surviving spouse is entitled to a retirement benefit equal to seventy-five percent (75%) of the Participant's retirement benefit, based upon his compensation at the time of death and his credited service earned to the time of his death. The benefit shall terminate upon the death or remarriage of the surviving spouse.

2. In the event that the Participant leaves no surviving spouse or the Participant's spouse dies while receiving benefits, the Participant's dependent children are entitled to a benefit equal to sixty percent (60%) of the Participant's retirement benefit, in equal shares. This benefit shall terminate when the youngest dependent child of the Participant no longer qualifies as a dependent child.

h. A Participant shall not be entitled to receive retirement benefits under more than one of the foregoing provisions of this article. Should a Participant be discharged from employment because of embezzlement, fraud, or dishonesty, he shall not be entitled to receive retirement benefits under the Plan, regardless of his age and service on the date of his discharge.

(Ord. No. 7587, §§ 3-4, 2-20-90)

Section 5.450. Amount of Retirement Benefits.

a. A Participant who meets the requirements for normal retirement shall receive a monthly retirement benefit for life equal to one and thirty-fifth over one hundred percent (1.35%) of his average monthly compensation multiplied by his number of years of credited service. In addition, if such Participant is retiring as provided in Sections 5.440(a), 5.440(b), or 5.440(c), and if such Participant's age at retirement is younger (i) than the Federal Social Security's minimum age for an immediate retirement benefit, and (ii) than age sixty-two (62), then such Participant shall receive a temporary benefit equal to three-fourths of one

percent (3/4%) of his average monthly compensation multiplied by his number of years of credited service. Such temporary benefit shall terminate at the end of the calendar month in which the earliest of the following events occurs: such Participant's death; or his attainment of such social security minimum age; or his attainment of age sixty-two (62).

b. A Participant who meets the requirements for early retirement shall receive a certain percentage of the retirement benefits provided for in Section 5.450(a). Such percentage shall be one hundred percent (100%) reduced by: one-half of one percent (1/2%) multiplied by the number of months by which his age at early retirement is less than sixty (60) years.

c. In the event a Participant retires, but dies before receiving total retirement benefits equal to or exceeding the Participant's total accumulated contributions on his retirement date, the difference shall be paid to the Participant's designated beneficiary, provided retirement benefits do not continue to be paid on behalf of said Participant under Section 5.460 (Ord. No. 7206, § 1, 11-17-81)

Section 5.460. Optional Retirement, Election, When Made, Benefits, How Computed.

Before the date the first payment of his retirement benefits becomes due but not thereafter, a person about to retire may elect to have his retirement benefits for life reduced but not any temporary retirement benefits which may be payable, and nominate a beneficiary, as provided by Option A or Option B or Option C or Option D set forth below:

a. **Option A.** Under Option A, a Participant's retirement benefits payable to him shall be reduced to a certain percent of the retirement benefits otherwise payable to him. Such percent shall be eighty percent (80%) if the Participant's age and his beneficiary's age are the same on such first due date, which shall be decreased by three-quarters of one percent (3/4%) for each year that the beneficiary's age is less than the Participant's age, or which shall be increased by three-quarters of one percent (3/4%), up to a maximum of ninety percent (90%), for each year that the beneficiary's age is more than the Participant's age. Upon his death three-quarters (3/4) of his reduced retirement benefits to which he would have been entitled had he lived shall be paid to his surviving beneficiary, nominated before such first payment due date but not thereafter, who was his spouse for not less than the two (2) years immediately preceding such first payment due date or another person aged forty (40) years or older receiving more than one-half (1/2) support from the Participant for not less than the two (2) years immediately preceding such first payment due date.

b. **Option B.** Under Option B, a Participant's retirement benefits payable to him shall be reduced to a certain percent of the retirement benefits otherwise payable to him. Such percent shall be eighty-five percent (85%) if the Participant's age and his beneficiary's age are the same on such first payment due date, which shall be decreased by one-half of one percent (1/2%) for each year that the beneficiary's age is less than the Participant's age, or which shall be increased by one-half of one percent (1/2%), up to a maximum of ninety-five percent (95%),

for each year that the beneficiary's age is more than the Participant's age. Upon his death one-half (1/2) of his reduced retirement benefits to which he would have been entitled had he lived shall be paid to his surviving beneficiary, nominated before such first payment due date but not thereafter, who was either his spouse for not less than the two (2) years immediately preceding such first payment due date, or another person aged forty (40) years or older receiving more than one-half (1/2) support from the Participant for not less than the two (2) years immediately preceding such first payment due date.

c. **Option C.** Under Option C, a Participant's retirement benefits payable to him shall be reduced to ninety percent (90%) of the retirement benefits otherwise payable to him. If he dies before having receiving one hundred twenty (120) monthly payments of his reduced retirement benefits, his reduced retirement benefits to which he would have been entitled had he lived shall be paid for the remainder of the one hundred twenty (120) month period to such person as he shall have nominated by written designation duly executed and filed with the Board. If there be no such beneficiary surviving the Participant, the reserve for such retirement benefits for the remainder of such one hundred twenty (120) month period shall be paid to the Participant's estate.

d. **Option D.** Some other option approved by the Board which shall be the actuarial equivalent of the retirement benefits to which the Participant is entitled under this article.

Section 5.470. Termination of Employment, Re-Employment and Leaves of Absence.

a. Any Participant whose employment is terminated for any reason shall be entitled to withdraw his accumulated contributions from the Retirement Fund. Any Participant who shall return to employment with the City of Webster Groves as an eligible employee under this Plan after his previous termination of employment after the effective date may receive credit for his past accumulated credited service in the Plan if he returns to employment within four (4) years and if he restores to the Retirement Fund the accumulated contributions applicable to his prior period of employment together with interest up to the date they are returned to the Retirement Fund. The rate of interest shall be determined by the Board. The accumulated contributions and interest shall be restored to the Retirement Fund within twelve (12) months of the date of re-employment. Should the employee become eligible for any benefits before this amount is fully paid, the amount to be restored to the Retirement Fund by him shall be deducted from such benefits at a rate to be determined by the Board.

If the returning Participant waives his past accumulated credited service in writing, he shall not restore to the Retirement Fund his previous accumulated contributions plus interest.

Notwithstanding anything to the contrary in this section, any employee who returns to employment within four (4) years of his prior termination of employment and who restores to the Retirement Fund his past accumulated contributions plus interest in accordance with this section but who again

terminates his employment within a period of five (5) years following his re-employment shall not receive credited service for his participation in the Plan during his prior period of employment. This provision, however, shall not apply to any employee who may become eligible, following re-employment, for any benefits, except vested accrued benefits, provided by this Plan and who elects or is granted retirement in accordance with the Plan.

b. If any Participant is re-employed in full-time employment by the City after retirement, payment of the retirement benefits for which he may already be eligible because of prior participation shall be discontinued until he again retires.

Except for the retirement benefits for which he is already eligible, a Participant who is re-employed after retirement, irrespective of the length of time he has been retired, shall participate in the Plan as though he had never previously participated.

c. A Participant who is granted a leave of absence for military purposes by the City Manager shall be recognized by the Board for continued participation in the Plan and shall not be deemed to have interrupted his service with the City of Webster Groves, and shall receive credited service for the duration of the leave.

d. Any Participant who is granted a leave of absence for any other purpose may receive credited service for the duration of such leave of absence by paying into the Retirement Fund the contributions he would have made, had he not been granted the leave of absence. This amount shall be paid within twelve (12) months from the date of his return to employment; provided, however, that should such a Participant become eligible for benefits before this amount is fully paid, the amount due the Retirement Fund shall be deducted from such benefits at a rate to be determined by the Board.

During the recognized leave of absence, the Participant's accumulated contributions shall remain in the Retirement Fund.

Section 5.480. Post Retirement Adjustment.

Upon recommendation of the Board, the Council may increase existing retirement benefits in an amount not to exceed two percent (2%) in any one (1) year. If the Council fails to increase the benefits in any year, this provision is not accumulative so as to permit an increase in excess of two percent (2%) in a succeeding year.

Notwithstanding the above provisions relating to the allowance of a two percent (2%) per year increase in retirement benefits in any one (1) year, upon recommendation of the Board of Trustees, the Council may approve a one-time increase in retirement benefits (which increase will not affect future increases under the limitation as set forth above), as follows:

a. Ten percent (10%) increase in retirement benefits for Participants who retired prior to June 19, 1979, and to their spouses and dependent children, and

b. Five percent (5%) increase in retirement benefits for Participants who retired on or after June 19, 1979, and to their spouses and dependent children. (Ord. No. 7436, §§ 1-2, 5-19-87)

Section 5.490. Amendment or Termination of Plan.

a. The City Council reserves the right to make from time to time any amendment or amendments to this Plan which does not cause any part of the Funds of the Retirement Fund to be used for, or diverted to, any purpose other than the exclusive benefit of employees included in the Plan.

b. In the event the Plan shall, at any time, be partially or totally terminated or there shall be a complete discontinuance of contributions by the City, the assets of the Retirement Fund shall be allocated, after providing for necessary expenses and subject to the provisions below, so that each of the following provisions shall be given full effect in the order set forth; further, if in so giving effect to any provisions the assets remaining in the Retirement Fund are insufficient to carry out such provision in full, the assets available therefor shall be prorated in the payment of accrued benefits so that all eligible Participants shall receive the same percentage of their full monthly benefits:

1. To provide that part of benefits provided by a Participant's contributions and to return the contributions of those Participants not drawing benefits;

2. To provide the retirement or death or disability benefits thereafter to be paid to each retired or disabled Participant, annuitant or beneficiary of a deceased Participant;

3. To provide the retirement benefits accrued by each eligible Participant who has reached his earliest eligible normal retirement date or early retirement date and who has not yet retired;

4. To provide the accrued benefits which are vested in a terminated Participant, or which would be vested in an eligible Participant who has not reached his earliest eligible early retirement date;

5. To provide the retirement, termination, or death or disability benefits accrued by each eligible Participant who was not included in the provisions above; and

6. To return to the City of Webster Groves, in the case of termination of the Plan, any balance which arises because of erroneous actuarial computations and which remains in the Retirement Fund after all fixed and contingent liabilities under the Plan have been fully satisfied.

c. The allocations provided for the groups of Participants above may be accomplished as determined by the Board; either by:

1. Continuance of the Plan or establishment of a new retirement plan or plans; or,

2. Purchase of annuity contracts from an insurance company; or,

3. Any other allocation of assets for such group or groups which is in the interest of the City, the respective Participants, and the Retirement Fund.

Section 5.500. Miscellaneous Provisions.

a. Nothing contained in this Plan shall be construed as a contract of employment between the City of Webster Groves and any employee, or as a right of any employee to be continued in the employment of the City, or as a limitation of the right of the City to discharge any of its employees.

b. No employee shall have any right to, or interest in, any part of the Retirement Fund's assets upon termination of his employment or otherwise, except as provided from time to time under this Plan, and then only to the extent of the benefits payable to such employee out of the assets in the Retirement Fund or of his personal accumulated contributions. All payments of benefits as provided for in this Plan shall be made solely out of the assets in the Retirement Fund.

c. Except with respect to any indebtedness owing to the City of Webster Groves, benefits payable under this Plan shall not be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, charge, garnishment, execution, or levy of any kind, either voluntary of involuntary, including any such liability which is for alimony or other payments for the support of a spouse or former spouse or any other relative of the employee, prior to actually being received by the person entitled to the benefits under the terms of the Plan, and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge or otherwise dispose of any right to benefits payable hereunder shall be void. The Retirement Fund shall not in any manner be liable for, or subject to, the debts, contracts, liabilities, engagements or torts of any person entitled to benefits hereunder.

d. Neither the City nor any member of the Board shall guarantee the Retirement Fund in any manner against loss or depreciation; nor shall they be liable for any act or failure to act which is made in good faith pursuant to the provisions of the Plan. The City of Webster Groves shall not be responsible for any act or failure to act of the Board or of any agent, trustee, or insurance carrier holding, managing or investing the Retirement Fund. The members of the Board shall not be responsible for any act or failure to act of the City Council, or any agent, employee, or official of the City or of any agent, trustee, or insurance carrier holding, managing, or investing the Retirement Fund.

e. If the Board in good faith believes that (a) a person entitled to receive any payment under the Plan is physically or mentally incompetent to receive such payment and to give a valid release therefor, and (b) another person or an institution is then maintaining or has custody of such person, and no guardian, committee, or other representative of the estate of such person has been duly appointed by a court of competent jurisdiction, then payment shall be made to such other person or institution referred to in (b) above, and the release to such

other person or institution shall be a valid and complete discharge for the payment.

f. Each person entitled to benefits under the Plan shall file with the Board in writing, his post office address and each change of post office address. Any communication, statement, or notice addressed to such person at his latest post office address as filed with the Board will be binding upon such person for all purposes of the Plan, and neither the Board nor the City shall be obliged to search for or to ascertain the whereabouts of any such person. If the Board notifies any such person that he is entitled to benefits under the Plan and of the provisions of this section, and if such person fails to claim his benefits or make his whereabouts known to the Board within two years after any benefits hereunder shall become payable, such person shall lose all benefits under the Plan. The Board may, however, reinstate any benefits so forfeited.

g. Forfeiture of any Participant's rights to receive benefits under this Plan by application of paragraph (6) or any other paragraph shall be used only to reduce the City's contributions to the Retirement Fund and shall not be used to increase the benefits of any other Participant.

h. Any person who shall knowingly or willfully make any false statement in regard to applying for or securing a pension or disability benefit under this Retirement Plan, or shall falsify, cause or permit to be falsified, any record or records, of such Retirement Plan in any attempt to defraud such Retirement Plan as a result of such act, shall be guilty of a misdemeanor and shall be subject to a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), as well as having all his rights, interest and privileges under and by virtue of this Retirement Plan revoked and canceled.

i. If any clause, phrase, sentence, paragraph, or subparagraph of this article be declared illegal, inoperative, or invalid by any court of competent jurisdiction, such illegal, inoperative or invalid clause, phrase, sentence, paragraph, or subparagraph shall not affect the remainder of this article.

j. When the sense so requires, words of any gender used herein shall be held to include any other gender, and words in the singular shall be held to include the plural.

Section 5.500.13. Alternate Payee's Right to Receive Benefits Payable.

Notwithstanding the provisions of Section 5.500(3), relating to benefits not assignable or subject to execution, a court of competent jurisdiction may divide as marital property the pension, annuity, benefits, or rights provided in this Chapter 5 between a Participant and the Participant's spouse (hereinafter "**alternate payee**") in any action for a dissolution of marriage by issuing a division of benefits order, which:

a. Shall not require the Plan to provide any form or type of annuity or benefit not selected by the Participant and not normally made available by the Plan;

b. Shall not require the Plan to commence payments until the Participant submits a valid application for a benefit and the benefit becomes payable in accordance with the application;

c. Shall not require the Plan to commence payments until the alternate payee submits a valid application for a benefit under the terms of a division of benefits order;

d. Shall identify the dollar amount to be paid to the alternate payee, which shall not exceed:

1. Fifty percent (50%) of the amount of the lump sum, if any, which would be payable to the Participant or on behalf of the Participant as if the Participant had retired, terminated employment, or died on the date of the order, and

2. A monthly dollar amount which shall not exceed fifty percent (50%) of the amount of the Participant's accrued vested annuity benefit at the time of the order, and the amount shall be adjusted proportionately if the Participant's annuity is reduced due to early retirement.

e. Shall not require the payment of an annuity amount or other benefit to the Participant and alternate payee which in the aggregate exceeds the amount which the Participant would have received without regard to the order;

f. Shall provide that any benefit formula increases, additional years of service, increased final average salary or other type of increase accrued after the date of the order shall accrue solely to the benefit of the Participant, except that any cost of living increase will be applied to the amount received by both the Participant and the alternate payee;

g. Shall terminate upon the death of either the Participant or the alternate payee, whichever occurs first;

h. Shall not create an interest which is assignable or subject to any legal process;

i. Shall include the name, address and social security number of both the Participant and the alternate payee, and the identity of and its applicability to this Plan;

j. Shall be consistent with any other division of benefit orders which are applicable to the same Participant.

The Trustees shall, upon written request of the parties, provide the court having jurisdiction of a dissolution of marriage proceeding or the parties to the proceedings with the information necessary to issue a division of benefit order.

The Trustees shall have discretionary authority to reject a division of benefit order if the order (a) does not clearly state the rights of the Participant and the alternate payee or (b) is inconsistent with the provisions of this Plan.

The benefits otherwise payable to the Participant or on behalf of the Participant under the terms of the Plan shall be adjusted in accordance with the provisions of the order. (Ord. No. 7890, § 1; 11-29-95).

PART II. PUBLIC WAYS AND FACILITIES

CHAPTER 10. PUBLIC WAYS AND PLACES

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CHAPTER 10. PUBLIC WAYS AND PLACES

Article I. Street Naming and Numbering

Section 10.010. Street Naming.

When a plat of a new subdivision is presented for approval, containing the name of a new street which is a duplicate of the name of an existing street, or where similar names which sound alike exist in the City, the City Council may require that such new street be renamed, and may withhold approval of the plat pending compliance.

Section 10.020. Street Numbering System.

The number of every building fronting on a public street in Webster Groves shall conform with the following rules:

a. The odd numbers shall apply to the north and west sides of the streets and the even numbers shall apply to the south and east sides of the streets.

b. On all streets running north and south, the numbering shall commence with number one, at Lockwood Avenue, and shall increase north and south at the rate of one hundred for each block.

c. On all streets, running east and west, the numbering shall commence with number one, at Elm Avenue, and shall increase east and west at the rate of one hundred numbers for each block, except that this requirement shall not apply to any property facing United States Highway #66 or Big Bend Boulevard, the numbering thereon to be in accordance with the numbers adopted by the United States Post Office Department.

d. One number shall be allowed for each twenty-five (25) feet of ground.

e. The owner or occupant of every structure situated within the City limits shall display the officially designated street number in such manner as to make said number clearly observable from the street on which the structure fronts.

Section 10.030. Certification of Street Numbers.

The Director of Public Works shall make plats showing the numbers for all property in this City, and shall file same with the City Clerk. The City Clerk shall furnish any person owning or occupying a house with the information necessary for placing a number on his house, giving in each a certificate of the number properly applicable to it. All numbering shall be done strictly in conformity with the directions of the City Clerk.

Section 10.040. Penalty for Violation.

Every person owning or occupying a house shall number his house in conformity with the provisions of this article, and any person who numbers or attempts to number a house otherwise, or who fails to change his number, if wrong, upon notification by the City Clerk, will be subject to a fine of not less than One Dollar ($1.00) or more than Ten Dollars ($10.00).

Article II. Excavations

Section 10.110. Permit Required.

No person shall make or cause to be made any excavation in any public way or place without first obtaining a permit from the City Engineer as hereinafter provided, except public work done under the authority of the Council by the employees of the City, and except as otherwise provided in emergency cases. All work done by the employees of the Metropolitan St. Louis Sewer District shall be immune from the requirements of this article regarding the payment of fees and submission of approved insurance policies. Each excavation shall require a separate permit for which a fee of Fifty Dollars ($50.00) shall be paid. If excavation is commenced prior to obtaining a permit as required above, the fee for obtaining a permit shall be One Hundred Dollars ($100.00). All excavation work shall cease unless and until a permit is issued. Permits shall expire without further action by the City at 12:00 a.m. midnight of the ninetieth (90th) day after the date of issuance.

Section 10.120. Application for Permit.

a. Application for an excavation permit shall be made in person to the City and application shall provide information regarding the purpose, location and size of the proposed excavation and the approximate time when the excavation work will be commenced. Before any permit is issued, the applicant shall furnish proof of adequate insurance and protection to the City against all claims for damage arising from the performance of the work, and shall deposit with the City an estimate of the cost to repay the City for its cost of backfilling and pavement restoration or inspection.

b. The deposit will be as follows:

1. Excavation through sod and sidewalks - $150.00

2. Excavation through asphalt street-small (150 cubic feet or less) - $600.00

3. Excavation through asphalt street-large (more than 150 cubic feet) - $1,000.00

4. Excavation through concrete street - $1,400.00 per slab

5. The deposit will be based upon the above guidelines, or based upon the location, purpose, extent of work, and/or previous experience with the contractor. The minimum deposit shall be One Hundred and Fifty Dollars ($150.00). At the discretion of the Director of Public Works, or his authorized representative, a maximum deposit not to exceed Five Thousand Dollars ($5,000.00) shall be collected.

The security deposit, or the balance thereof, if any, shall be refunded upon certification that the applicant has not and no longer intends to engage in any activity related to excavation in a public way or place in the City or has completed the excavation work to the satisfaction of the City Engineer, and after payment of all amounts due to the City for

permits issued or services performed by the City in securing compliance by the applicant with the provisions of this article.

Any public utility company that is regulated by the Missouri Public Service Commission having occasion to make frequent excavations in any public place, street, highway, walkway, alley, right-of-way or easement in the City of Webster Groves, who shall make any such excavation using their own employees may elect to not pay the required permit fee each time application for the same is made, nor the estimated cost for the backfilling and inspection, but may be billed on a monthly basis for such fees and costs. (Ord. No. 8791, § 1, 3-19-13).

Section 10.130. Safety Precautions.

In the making of excavations in any public way or place, the excavated material from the trenches must be placed where they will cause the least possible inconvenience to the public. In such locations excavated materials are to be removed from the site of the work as soon as practicable after the excavation is made and no such material unduly allowed to accumulate on the site. The width of excavation must be no greater than is necessary for doing the work, and sheathing and bracing must be used as necessary, to keep the sides of the trench vertical and to prevent caving. Adequate provision for proper drainage of the areas surrounding the work must be maintained at all times and provisions must be incorporated to prevent erosion of the excavation site.

All excavations must be made in such manner as not to inconvenience or interfere with the public use or travel upon the public ways or places when possible. When such use is unavoidably obstructed, the person making such excavation must exercise all reasonable dispatch in progressing the work so that the public use will not be obstructed beyond a reasonable time. Where an excavation is made entirely across a public highway, and adequate detour for traffic is not available, substantial driveway must be maintained across such excavation until such excavation is refilled. Any excavation left open overnight on any arterial or collector type street shall be securely covered. The permittee assumes the sole responsibility for maintaining proper barricades, plates, safety fencing and/or lights as required from the time of opening of the excavation until the excavation is surfaced and opened for travel. Detours may not be established except on special permit from the City Engineer, and then only after notice to the Fire Department and Police Department of the City. Any public ways or place disturbed, interfered with or injured in making any excavation must be restored, replaced and repaired to as good condition as it was before such excavation was made.

In the event the permittee severely disturbs or damages the root structure of any tree in the right-of-way to the detriment of the health or safety of the tree, the permittee will be required to remove and replace the tree at the permittee's expense. Further, in review of the permittee's plan, the City Engineer, at his discretion, may require the permittee to directionally bore around any tree in the public right-of-way.

Every person who makes or causes to be made any excavation in or adjoining any public way or place shall provide, erect and maintain at all times along the line of work all such barricades, signs, lights, and warning signals in accordance with the Manual on Uniform Traffic Control Devices, Part 6, Temporary Traffic Control; and as may be necessary to protect the public from the hazards arising from the operation.

Section 10.135. Pavement Removal and Excavation.

The initial cut in a street pavement shall be equal to the width of the trench with the option of being jack hammered or saw cut. The final cut in an asphaltic concrete street pavement shall be one (1) foot wider than the trench width and shall be made only by saw cutting of the pavement.

For cuts in concrete paved streets, concrete pavement replacement shall be full slab length (joint-to-joint) and full slab width (curb or gutter to street centerline) unless specifically authorized otherwise by the City Engineer.

Utilities installed in the public right-of-way shall be located to a depth such that the minimum distance from the top surface of the installed pipe, conduit, or duct to the finished surface grade shall not be less than the following, unless specifically authorized by the City Engineer:

a. Thirty-six (36) inches under paved streets and alleys; or

b. Twenty-four (24) inches under sidewalks and other public rights-of-way.

Section 10.140. Granular Backfilling Required.

Excavations made in or under the street, walk or driveway pavements shall be backfilled with granular material thoroughly compacted into place, and the pavement surface restored to its original condition.

Substitution may be made for granular backfill only with specified approval of the City Engineer in each instance.

Section 10.145. Composition of Granular Materials.

Approved granular backfill material shall conform to Type I aggregate base material as per St. Louis County Standard Specifications for Highway Construction. Other materials may be used only with the approval of the City Engineer. The maximum size of aggregate used shall not exceed one inch. Backfill shall be placed in horizontal layers no greater in final thickness than twelve (12) inches and shall be densified by mechanical tamping in accordance with City standards.

Compaction tests of the backfill may be required at the discretion of the City Engineer. All costs related to these tests shall be borne by the permittee when such tests are required. If the results of these tests indicate that compaction of the backfill does not meet the specified requirements, the backfill shall be excavated, replaced, compacted and retested at the expense of the permittee.

Section 10.150. Earth Backfill for Parkways.

Excavations in parkways, outside of the paved area of streets, driveways or walks, may be backfilled with earth and all grassed areas returned to their original condition. Earth backfill is to be placed and compacted in lifts not over six (6) inches in initial thickness with pneumatic tamping at air pressure of at least eighty (80) p.s.i. on the surface of

each lift a minimum of ten (10) seconds per square foot of area on all portions of the lift. As soon as the excavation has been backfilled, all excess excavated materials shall be removed from the area and disposed of. If granular fill is used, the granular fill shall not come closer to the surface than twelve (12) inches and shall be placed in accord with Section 10.145 above. The top twelve (12) inches of the fill shall be made as outlined above, with the shallower soil removed from the excavation.

Section 10.160. Performance of Backfilling and Repaving; Inspection.

The work of placing and compacting granular backfill and repaving excavated areas in paved streets and walks is to be performed by the Street Division of the City of Webster Groves at the sole cost of the person, firm or corporation making the excavation. Authorized contractors, subcontractors, and utility companies engaged in the construction, replacement, or repair of utility lines in paved areas shall be required to perform granular backfill and repaving operations as part of the construction or placement project.

In the restoration of paved areas (including any street constructed with a soil-cement base), the paved surface shall be the same as those which were removed, and such replacement shall be accomplished in compliance with the requirements of the City Engineer or his authorized representative.

In concrete paved streets, concrete pavement replacement shall be twelve (12) inches thick for streets classified as arterials and collector streets and eight (8) inches thick for streets classified as local (residential) streets or alleys. In asphalt paved streets, a concrete cap, of thickness as stated above, shall be installed on top of the granular backfill and shelved a minimum of six (6) inches into undisturbed soil on each side of the excavation and topped with a two (2) inch thick course of asphaltic concrete overlay.

Utility companies, their contractors, and other contractors allowed by the City to backfill and repave their excavations shall guarantee their work and shall maintain it for twenty-four (24) months following its completion. During the twenty-four (24) month period, should the backfill and final paving settle in excess of one-half (1/2) inch over any one (1) square foot segment of paved area, upon notification by the City Engineer, the utility company or contractor shall repair the defect to the satisfaction of the City Engineer at no cost to the City.

Section 10.165. Notification for Backfilling.

Any person who desires backfill to be made by the City must notify the City Engineer not later than 3:00 p.m. of the day before the work is to be done in order to properly coordinate the work.

Section 10.170. Computation of Costs.

The approximate cost of granular backfill and repaving operations to be performed by the street division of the City for the person desiring to make an excavation under or through any public way or place will be determined by a schedule of reimbursement rates prepared and periodically updated by the City Manager or his designee and based primarily on the costs to the City to complete the work.

Upon completion of the backfilling and repaving by the Street Division a final estimate of the actual quantities of work done will be prepared by the City Engineer based on the schedule of reimbursement rates; if such final estimate is less than the original deposit, refund will be made; if it is greater, a charge will be made for the balance and no subsequent excavation permit will be issued to any permittee who has payments due and owing the City until such balance has been paid.

Section 10.180. Liability Insurance Required.

Every applicant for an excavation permit shall provide to the City proof that the applicant is maintaining liability insurance in the sum stated below, insuring against any injuries or damages received or sustained by any person, persons, or property on account of the excavation work or on account of or in consequence of any neglect in safeguarding the work. Such insurance must be carried in a firm or corporation that has been licensed or permitted to carry on such business in the State of Missouri, and must be kept continuously in force as long as the excavation work is in process. An Insurance Certificate must be filed with the City, along with the Certificate of the Insurer that the policy is in full force and effect and that said insurance will not be altered, amended, terminated or ended without notice having been given to the City.

If the applicant is a commercial contractor, the required insurance shall be in at least the amount of Five Hundred Thousand Dollars ($500,000.00) general liability per occurrence.

In lieu of such insurance, the applicant may deposit a corporate or other surety bond in the sum of the amount of liability insurance required under this Section 10.180, conditioned that he/she will pay any judgment recovered by any person or persons injured or any property damage incurred, on account of the excavation work or on account of or in consequence of any neglect in safeguarding the work. In the event any such insurance policy lapses and is not immediately renewed or any such bond terminates in any manner whatsoever and a substitute in lieu thereof is not deposited, the permit for the excavation shall be revoked immediately. (Ord. No. 7421, § 10, 3-3-87).

If the applicant is the owner or occupant of the property intending to do the excavation himself/herself, proof of insurance is not required.

Section 10.185. Emergency Excavations.

In case of an emergency where the public health or safety is endangered and the office of the City Engineer is not open, the provisions of this Chapter relating to the issuance of permits prior to commencement of work of excavation shall not apply. In such case, the person making the excavation shall notify the Police Department of the City that emergency work is being commenced and the location thereof, and the work may proceed immediately following the procedures hereinabove provided for backfilling; provided however, final surfacing or temporary patches shall not be applied to the excavation until such time as the City Engineer has inspected and approved the backfill and issued a permit therefor. Application for the permit shall be made on the first day on which the office of the City Engineer is open after the work is commenced.

Section 10.190. Penalty for Violation.

Any person violating any of the provisions of this article shall be subject to a fine of not less than Two Hundred Dollars ($200.00) or more than One Thousand Dollars ($1,000.00) for each offense. (Ord. No. 8316, § 1, 12-3-02)

Article III. Obstruction of Streets and Public Ways

Section 10.210. Obstructions Prohibited.

No person may stand or walk upon, or congregate with others upon or put, place, or throw, or cause to be put, placed, or thrown upon any public way or place any article whatever so as to obstruct or impede travel, or interfere with the full and free use by the public thereof, provided that any merchant, mechanic or other person may receive upon the streets, avenues, alleys, or sidewalks his goods, wares, and merchandise or other articles and things necessary for his use, if in so doing he interferes as little and for as short a time as is possible, under the circumstances with the use of the streets, avenues, alleys and sidewalks; provided further, the Director of Public Works may grant the right to use and occupy not more than one-half (1/2) of any sidewalk, street, avenue or alley for a reasonable time for building purposes.

Section 10.215. Overhanging Branches, Dangerous Trees.

Every owner of property shall remove every branch of a tree or shrub overhanging the sidewalk or street to a height of nine feet above the sidewalk or street, and shall remove any tree or other object which is a source of danger to persons using the sidewalk or public highway, and shall remove all dead limbs of trees that overhang the property of others.

Section 10.220. Overhanging Structures; Permit Required.

No person may erect or cause to be erected any structure, except a canvas awning, which projects over a public way or attach or cause to be attached any stationary awning, canopy, marquise, bridge, or overhead passageway to any building which shall project over a public way, unless a permit therefor has been issued by the Building Commissioner in accordance with the Building Code. No permit may be issued for a structure of which any part or any attachment is less than eleven (11) feet above the surface of the roadway part of the public highway or less than nine (9) feet above the sidewalk area of such highway, or of which any part or any attachment extends closer than two (2) feet to the curb line, or for a structure of which any support, pier or pillar rests in or upon any part of the public way, or for a structure erected of any material other than fireproof material.

Section 10.225. Hoisting Over Public Ways.

No person may hoist on the outside of any building or over any public way or place any merchandise, grain, building material, machinery, or other article, the fall of which would endanger the safety of passers-by.

Section 10.230. Barbed Wire Fences.

No person may erect or maintain, or permit to be erected or maintained, along the line of any sidewalk upon any street or highway, bounding any lot or premises owned or occupied by him, any fence composed wholly or in part of barbed wire.

Section 10.235. Warning of Obstruction.

Any person who occupies or causes to be occupied any portion of any public street, alley, highway or public place with building materials, wagons, rock, steam rollers, plows or any other obstruction of any character whatever, shall cause one red light to be securely and conspicuously placed on or near such obstruction, and for any obstruction extending more than ten (10) feet and less than fifty (50) feet, shall place two (2) red lights, one (1) at each end, and one (1) red light for each additional fifty (50) feet, or part thereof, and shall keep all such lights burning during the entire night.

Section 10.250. Removal of Obstruction.

When any obstruction or other matter is found contrary to any provision hereof, the Director of Public Works shall cause the City Marshal to notify the person or persons by whom the same was placed or is maintained forthwith to remove it. Upon receiving such a notice, the person notified shall remove forthwith the obstruction, and in default of such removal, the Marshal may remove the obstruction and report the expense to the City Attorney, who shall thereupon bring suit against such person or persons, in the name of the City as plaintiff, for the recovery of such sum and a reasonable attorney's fee and costs. Any offender will be liable for the expense of such removal, in addition to the penalties otherwise provided.

Section 10.255. Penalty for Violation.

Any person who causes or permits any damage to or obstruction of, or interferes with the use of, any public way or place in violation of any provision of this article will be subject to a fine of not less than five (5) or more than One Hundred Dollars ($100.00).

Article IV. Tree and Landscape Ordinance

Section 10.300. Title.

This ordinance shall be known and may be cited as the "Webster Groves Tree Preservation and Landscape Ordinance" of the City of Webster Groves, Missouri.

Section 10.305. Purpose and Intent.

a. **Purpose.** It is the purpose of this Ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, protection, maintenance, and removal of trees, shrubs, and other plants within the City of Webster Groves, Missouri.

b. **Intent.** It is the intent of the City Council of the City of Webster Groves that the terms of this Ordinance shall be construed so as to promote:

1. The planting, maintenance, restoration, protection, preservation, and survival of desirable trees, shrubs, and other plants within the City, and

2. The protection of community residents from personal injury and property damage, and the protection of the City of Webster Groves from property damage, caused or threatened by the improper planting, pruning, maintenance, or removal of trees, shrubs, or other plants located within the community, and

3. Establish minimum standards for the provision, installation, maintenance, and removal of landscape plantings in order to achieve a healthy, visually pleasing, and safe community.

Section 10.310. Definitions.

In the following list of terms, the definitions provided shall be used throughout this ordinance:

"**Adjusted Diameter**" The actual diameter of a tree measured at 4 feet above ground multiplied by the tree's condition factor. For example, if a tree has a diameter of 32 inches in diameter and is in relatively poor health with a condition rating of 40%, its adjusted diameter is 12.8 inches.

"**Annual License**" A license required by commercial tree companies that plan to prune, remove, or apply pesticides to trees over 8" in diameter on private property or prune or apply pesticides to trees on public property in the City of Webster Groves. An Annual License shall be obtained from the Department of Finance, for a fee, upon showing proof of liability insurance in the amount of $500,000 and worker's compensation insurance as required by state law.

"**Buffer, perimeter landscape**" A continuous area of land set aside along the perimeter of a lot in which plant materials may be used to provide a transition between, and to reduce the environmental, aesthetic, and other impacts of one (1) type of land use upon another.

"**Canopy tree**" A self-supporting woody plant or species normally growing in the St. Louis metropolitan area to a mature height of not less than twenty (20) feet and a mature spread of not less than fifteen (15) feet.

"**Cultivar**" An assemblage of cultivated plants which is clearly distinguished by any characters (morphological, physiological, cytological or chemical) and which, when reproduced (sexually or asexually), retains its distinguishing characteristics.

"**Cultivated landscape area**" Planted areas that receive routine maintenance, such as mowing, irrigating, pruning, fertilizing, and similar routine maintenance, so as to ensure healthy plants and a well-kept appearance.

"**Caliper**" The diameter of a tree measured at four feet (4') above ground.

"**City Council**" The City Council of the City of Webster Groves, Missouri.

"**City right-of-way**" Property within the City limits of the City of Webster Groves, Missouri impliedly or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic.

"**Clearcut**" A practice in which most or all trees on a parcel or development area are cut down regardless of tree size, condition, or development plans for the site.

"**Condition Factor**" A numerical expression of a tree's condition. Typically expressed as a percentage from zero (a dead tree) to 100 (a perfectly healthy tree). The International Society of Arboriculture describes the condition rating process in the manual "Guide for Plant Appraisal", published.

"**Construction Site**" Any portion of property, including the public rights-of-way, within the City of Webster Groves where demolition, construction, grading, or excavation activity of any kind occurs for work performed under a building, excavation, grading, or demolition permit related to construction or expansion of a primary or accessory building. The Construction Site is defined by a Limit of Disturbance line shown on a Tree Preservation Plan and corresponding fencing placed on the construction site. The Limit of Disturbance line shall also be shown on the Site Plan for a set of construction drawings for the project.

"**Container**" A planting container that shall be of sufficient size to support and sustain plant material and shall be not less than twenty-four (24) inches in depth and thirty (30) inches in diameter, inside dimensions.

"**Deciduous tree**" Canopy deciduous trees planted to satisfy the standards of this Section shall have a minimum diameter of three (3) inches, measured at a point that is at least four feet (4') above ground level.

"**Diameter (DBH)**" The diameter of a tree at breast height, which shall be measured at 4 feet above ground.

"**Directional Pruning**" Directional, or target pruning, involves removing only those limbs that will come in contact with energized conductors. This reduces the number of times the tree must be pruned and directs growth away from the power lines, thus allowing the tree to achieve its natural height and shape.

"**Director of Planning and Development**" The Director of the Department of Planning and Development of the City of Webster Groves, Missouri, or his or her designee.

"**Director of Public Works**" The Director of the Department of Public Works of the City of Webster Groves or the director's designated representatives.

"**Evergreen tree**" A tree that retains some or most of its leaves or needles throughout the year.

"**Frontage**" Plantings along the streets or within any open space directly accessible from the street.

"**Green Space Advisory Commission**" A City Council appointed group of citizen volunteers that provides advice and consultation to the City on any matter pertaining to the Webster Groves Tree Preservation and Landscape Ordinance and to its enforcement (see Section 10.315 of this ordinance.)

"**Ground cover**" Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

"**Irrigation system**" A permanent, artificial watering system installed below grade designed to transport and distribute controlled amounts of water to plants.

"**Landmark Trees**" A tree in fair or better condition, which equals or exceeds the diameter sizes as follows:

Large hardwoods (oaks, hickories, etc.) – 24" DBH;

Large softwoods (pines, spruces, etc.) – 20" DBH;

A tree in "fair or better" condition is defined as a tree having a normal life expectancy, a relatively sound and solid trunk with no extensive decay, no more than one major and several minor dead limb (hardwoods only), and no major insect or disease problems. A lesser-sized tree can be considered a landmark tree if it is a rare or unusual species, of exceptional quality, or of historical significance.

"**Landscape plantings"** Any combination of cultivated and planned living plants (excluding turf grass), such as ground cover, shrubs, vines, hedges, or trees.

"**Landscape Permit**" A permit issued by the Director of Public Works to plant, remove, excavate, or otherwise disturb any tree, shrub, or landscaping on any public right-of-way. No person shall be required to obtain a Landscape Permit from the City for the routine mowing of grass on public right-of-way. Only the City may remove any tree or shrub within the public rights-of-way without a Landscape Permit as provided in Section 10.325.

"**Limit of Disturbance**" A line as shown on the site plan and Tree Preservation Plan that identifies the limit of construction, demolition, grading, or excavation activity of any kind. This line will typically delineate the Tree Preservation Area.

"**Maintenance**" Any measure considered vital or beneficial to the proper care and cultivation of any tree, shrub, or other plant material, or considered necessary to abate nuisances. This includes pruning, irrigating, fertilizing, spraying or otherwise applying pesticides, staking, bracing, guying, cabling, wrapping, mulching, and insect and disease control, and any other horticultural practices performed as seen necessary to promote the general health of plant material.

"**Mulch**" Nonliving organic materials customarily used in landscaping designed to retain moisture, stabilize soil temperatures, control weed growth, and retard erosion. Rubber mulch and rock are not an acceptable mulching material.

"**Ornamental tree**" Trees that grow to a mature height of 25 feet or less, and are characterized by a defining feature such as flowers, unique foliage, notable bark, or a form of branching. Ornamental trees planted to satisfy the standards of this Section shall have a minimum diameter of two inches (2"), measured at a point that is at four feet (4') above ground level.

"**Parks and Recreation Director**" The Director of the Parks and Recreation Department of the City of Webster Groves, Missouri, or his or her designee, assigned to enforce the provisions of this ordinance that relate to City parks.

"**Park Manager**" The Park Manager of the City of Webster Groves or the manager's designated representative assigned to enforce this ordinance and advise the Director of Public Works and the Director of Planning and Development related to City-owned and private property

"**Park Trees**" Any tree on city-owned property within parks, green spaces, and /or City-owned property to which the public has free access.

"**Perennials**" Flowering herbaceous plant or ornamental grass that lives for over two years.

"**Property Owner**" The record owner or contract purchaser of any parcel of land.

"**Shrub**" A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten (10) feet in height at its maturity.

"**Sight-Distance Triangle**" An area where nothing shall be erected, placed, planted, or allowed to grow between a height of two (2) feet and ten (10) feet above the grades at the back of the curb (or edge of pavement where no curb exists) of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points thirty (30) feet from their point of intersection, at equivalent points on private streets, as specified by St. Louis County Highways and Traffic regulations or as determined necessary by the Director of Public Works.

"**Species**" A unit or group of individual plants which bear a close resemblance to one another, -- so much that this particular group will not be mistaken for another group combined with it in the same genus.

"**Street Trees**" Trees on City-owned property within the right-of-way of all streets, avenues, or ways within the City.

"**Topping**" The drastic removal, or cutting back, of large branches in mature trees leaving large, open wounds, which subjects the tree to disease and decay. Topping causes immediate injury to the tree and may ultimately result in its early failure or death. Other names for topping include "heading", "tipping", "hat-racking", and "rounding-over".

"**Tree**" A woody plant typically growing as a single stem (rarely a multiple stem) in an upright form that will attain a mature height of at least fifteen feet and a DBH of at least two inches. Arborvitaes or junipers will not be allowed for tree replacement species in a Tree Protection Plan.

"**Tree Canopy Coverage**" The area of ground taken up when measuring the branch spread of a tree from branch tip to branch tip, or the area covered by a group or cluster of trees with contiguous (or nearly contiguous) canopies.

"**Tree Lawn Garden**" Any planting or architectural enhancements, including turf grass, placed or planted in the City right of way.

"**Tree and Landscape Manual**" A manual that contains the technical information necessary to perform the work outlined in this ordinance.

"**Tree Permit**" A permit obtained from the City of Webster Groves as follows:

Private Property **-** Application must be made and the appropriate fee paid (as determined by a fee schedule approved from time to time by the City Council) by property owner or developer to the City of Webster Groves to remove any Valued Tree on private property when the removal is associated with any activity requiring a site plan approval or construction permit as further delineated in Section 10.330 below.

Public Right-of-Way **-** Application must be made and the appropriate fee paid (as determined by a fee schedule approved from time to time by the City Council) by a property owner or contractor to the Director of Public Works to plant, remove, or excavate within the tree canopy coverage. No person shall be required to obtain a Tree Permit from the City for the routine mowing of grass on public rights-of-way. Also, no person shall be required to obtain a Tree Permit for the routine pruning or maintenance of trees or plants upon public rights-of-way, so long as the right of way adjoins the person's real property and the property owner performs the work. "Topping" as defined herein is specifically prohibited. Only the City may remove any tree within the public rights-of-way without a Tree Permit as provided in Section 10.325.

"**Tree Permit Waiver**" A waiver issued upon determination by the Parks Manager that a Tree Permit is not required for a construction project otherwise requiring a permit under the provisions of this Code.

"**Tree Preservation Area**" The tree canopy coverage on a site proposed for development that will not be disturbed by grading or storage of materials or disturbance of any kind. Tree preservation area is a "no-violation" zone that is typically bordered by the limit of disturbance line.

"**Tree Preservation Plan (TPP)**" A map-based plan prepared by a person who has demonstrated the knowledge and ability to evaluate tree condition and value, who is familiar with construction methods and techniques to protect trees from damage during construction, and who has paid a one-time registration fee of twenty-five dollars ($25) to

the City to prepare such plans. The TPP shall be submitted as part of the construction documents for a project that provides:

1. Detailed information about the species, diameter (DBH), condition, value, and location, of all existing trees of a caliper of eight inches (DBH) and larger that are on a Construction Site or within ten feet of the boundary of the Construction Site. Trees meeting the definition of "Landmark Trees" shall be so identified. The dollar value of each Valued Tree shall be calculated using methodology developed by the International Society of Arboriculture and described in their guidebook "Guide to Plant Appraisal" (available at www.isa-arbor.com).

2. A professional opinion regarding the survivability of trees on the site.

3. Detailed information about which trees are planned for protection and which trees are to be removed.

4. Proposed protective measures, including the use of root pruning, retaining walls, etc.

5. A "Limit of Disturbance Line" to indicate the border of areas where no grading is to occur and to delineate the Tree Preservation Area(s). An aerial photo of the site at a scale similar to or equal to the TPP map may be included. In areas where large groupings (>10,000 square feet of contiguous tree canopy coverage) of trees greater than a caliper of eight inches (DBH) exist, individual trees within the interior of the grouping need not be plotted if no grading or other tree disturbance is planned. Trees located within twenty feet of the edge of the grouping, adjacent to areas planned for grading, shall be mapped and identified.

6. When tree replacement is required or proposed, the new plantings shall be shown and identified as to species, location and size.

7. A table shall be provided that lists the quantity and size, by species, of each tree to be planted.

8. Tabulation of the total number of caliper inches required and the total number of caliper inches provided by replanting.

"Turf grass" Any of various grasses (as Kentucky bluegrass, zoysia, or perennial ryegrass) grown to form turf, which must be maintained by mowing or similar means to preclude a height in excess of 10 inches.

"**Variety**" A term used in the botanical sense to constitute a group or class of plants subordinate to a species (e.g., subspecies).

"**Valued Tree**" Any Park Tree or any tree of a caliper of 8 inches or greater.

Section 10.315. The Green Space Advisory Commission.

a. **Duties.** The Green Space Advisory Commission shall advise and consult with the Director of Public Works, Director of Planning and Development and the Parks and Recreation Director on any matter pertaining to the Webster Groves Tree Preservation and Landscape Ordinance and to its enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:

1. Amendments to the Webster Groves Tree Preservation and Landscape Ordinance, and alterations or revisions to the Tree and Landscape Manual.

2. Policies concerning selection, planting, maintenance, and removal of trees, shrubs, and other plants within the City.

3. Establishment of educational and informational programs whereby the public may be notified of any matters pertaining to the Webster Groves Tree Preservation and Landscape Ordinance and to the Tree and Landscape Manual.

4. Development of a program for optimizing the tree, shrub, and other plant resources within the City of Webster Groves.

Section 10.317. Department Head Duties.

a. **Combined Duties.** The Director of Public Works, the Director of Planning and Development and the Park Manager shall collaborate to perform the following duties relative to this Ordinance:

1. Administer, enforce and carry out the provisions of the Webster Groves Tree Preservation and Landscape Ordinance and the provisions of the Tree and Landscape Manual with collaboration and any needed assistance from other City staff.

2. Develop and periodically review and revise or amend, if necessary, the Tree and Landscape Manual, which shall contain regulations and standards for the planting, protection, maintenance, and removal of trees, shrubs, and other plants upon City right-of-way.

b. **Director of Public Works.**

1. Administer and enforce the planting, protection, and maintenance of trees and landscaping, including the removal of undesirable trees, shrubs, and other plants located on City right-of-way to insure that all trees, shrubs, and other plants located on City right-of-way conform with the comprehensive, long-range program for the optimization of the tree, shrub, and other plant resources of the City of Webster Groves and the regulations and standards of the Tree and Landscape Manual, and with the requirements of this Ordinance. Pursuant to this duty, the Director of

Public Works, in accordance with normal City procedures regarding contracts, may arrange contractual agreements with any property owner.

2. Prevent actions or operations that could cause harm to trees, shrubs, and other plant material on City right-of-way.

3. Prevent the topping of any tree on City right-of-way, and to prevent any person working for hire within the corporate limits of the City of Webster Groves from topping any tree on City right-of-way.

4. Order the removal or other abatement of any plant material on public right of way that has been declared a nuisance or endangers public health or well-being.

c. **Director of Planning and Development Duties.**

1. Order the removal or other abatement of any plant material on private or City-owned property that has been declared a nuisance or endangers public health or well-being.

2. Issue warnings to property owners not complying with clear sight standards at intersections, and issue citations in cases of noncompliance.

d. **Parks and Recreation Director Duties.**

1. Administer the planting, protection, and maintenance of trees, including the removal of undesirable trees, shrubs, and other plants located in City parks in order to insure that all trees, shrubs, and other plants located in City parks conform with the comprehensive, long-range program for the optimization of the tree, shrub, and other plant resources of the City of Webster Groves and the regulations and standards of the Tree and Landscape Manual, and with the requirements of this Ordinance.

e. **Park Manager Duties.**

1. Issue Tree Permits for the removal of trees on private property when required by the provisions of this ordinance.

2. Approve and enforce Landscape plans and maintenance of those plans as required by the provisions of this ordinance.

3. Enforce the regulations and standards of the Tree and Landscape Manual, and the requirements of this Ordinance.

4. Provide technical expertise to the Director of Public Works and the Director of Planning and Development when needed.

5. Establish qualifications for persons who may prepare and submit tree preservation plans, and maintain a list of persons meeting said qualifications.

Section 10.320. Licensing.

a. **Annual License – When Required.** An annually renewable license is required by commercial tree companies that plan to prune, remove, or apply pesticides to trees over 8" in diameter (DBH) on private property within the City of Webster Groves; or prune or apply pesticides on trees on public property in the City of Webster Groves.

b. **Application.** An Annual License may be obtained from the Department of Finance, for the fee then in effect as determined from time to time by the City Council, upon showing proof of liability insurance in the amount of $500,000 and worker's compensation insurance as required by state law.

c. **Standards of Issuance.** The Director of Finance shall issue the Annual License to an individual or firm meeting the criteria specified above. The tree license shall be valid from September 1st to August 31st of the following year.

Section 10.325. Planting, Maintenance, or Removal of Trees and Landscaping on or Impacting Public Right-of-Way.

a. **Protection of Public Utilities and Improvements**; **Felling of Trees Along Streets, Tree Permits on City Right-of-Way.**

1. A Tree Permit or Landscape permit issued by the Director of Public Works is required for any person other than City work crews in order to plant, perform maintenance on, spray, fertilize, cut above or below ground, excavate near, remove or otherwise disturb any tree or shrub on any City right-of-way. The permitee shall abide by all conditions stated on the permit and by the standards outlined in the Tree and Landscape Manual.

Exceptions:

A. No person shall be required to obtain a Landscape Permit from the City for the routine mowing or maintenance of turf grass, or routine maintenance of approved tree lawn gardens on City right-of-way.

B. No property owner shall be required to obtain a Tree Permit for the routine pruning or maintenance of trees or plants upon public rights-of-way, so long as the right of way adjoins that property owner's real property and the property owner performs the work, and so long as the routine pruning does not include "topping", as defined herein.

2. Contractors must obtain a Tree Permit or Landscape Permit for any planting or pruning of trees or landscaping for hire on City right-of-way. Contractors can apply for and receive an Annual License that permits them to prune City-owned trees or landscaping when contracted by the adjacent property owner.

3. If, as the result of the violation of any provision of this Section, the injury, mutilation, or death of a tree, shrub, or other plant located within a public right-of-way is caused, or if a declared nuisance continues to exist, the cost of repair or replacement of such tree, shrub, or other plant, or the correction and abatement of said nuisance, shall be borne by the person or persons in violation in accordance with the Webster Groves Tree Preservation and Landscape Ordinance.

b. **Application** for Tree Permits or Landscape Permits for work on City owned trees or landscaping must be made not less than two (2) weeks in advance of the time the work is to be done, unless otherwise permitted by the Director of Public Works.

c. **Standards of Issuance.** The Director of Public Works shall issue a Tree Permit or Landscape Permit as provided for herein if, in his/her judgment, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. The Director of Public Works will issue a Tree Permit or Landscape Permit to Contractors retained by a property owner that is adjacent to the proposed work in the City right-of-way. If the contractor is working on trees he must currently hold a valid Annual License issued by the City. Any Tree Permit or Landscape Permit granted shall contain a date of expiration and the work shall be completed in the time allowed on the permit and only in the manner as therein described. Any Permit shall be void if its items are violated.

d. **Street Trees and Landscaping Planted in the Public Right-of-Way.**

The following arboricultural specifications and standards of practice for street trees to be planted in the public right-of-way are hereby adopted by the City.

1. **Size.**

A. Unless specified by the Director of Public Works, all medium to large deciduous tree species and their cultivars and varieties, shall conform to both International Society of Arboriculture and the regulations and standards of the Tree and Landscape Manual and have a caliper of at least 2” inches when planted. The crown shall be in good balance with the trunk.

B. All small deciduous trees species and their cultivars or varieties, shall be at least five (5) to six (6) feet in height when planted.

2. **Grade.**

Unless other wise allow for substantial reasons, all standard sized trees shall have comparatively straight trunks, well-developed leaders, and top and root characteristics of the species or variety showing evidence of proper nursery pruning. All trees must be free of insects, disease, mechanical injuries and other objectionable features at the time of planting.

3. **Species and Location.**

Trees may be planted in the public right-of-way provided a Tree Permit has been issued by the Director of Public Works and the following conditions are met:

A. **Acceptable Street Trees.** The tree to be planted shall be selected from a list of acceptable street trees maintained by the Director of Public Works as an approved species, cultivars or variety of street tree;

B. **Sight-distance Triangle.** No tree may be planted within the Sight-distance Triangle of the intersection of the right-of-way of public streets; within fifteen (15) feet from driveways and alleys; or within (10) feet from any fire hydrant, and no landscape plantings exceeding two (2) feet in height at maturity shall be planted in the sight-distance triangle, except that the sight-distance triangle may be increased, when deemed necessary for traffic safety, by the Director of Public Works;

C. **Spacing.** Trees planted within the right-of-way are spaced so as to be no closer than forty (40) feet on center for all large trees; thirty-five (35) feet on center for all medium trees; and twenty-five (25) feet on center for all small trees;

D. **Utility Poles.** No tree shall be closer than ten (10) feet of a utility pole;

E. **Minimum distance between street and sidewalk.** In no event shall a tree be planted where the clear space between the curb and a sidewalk is less than four (4) feet, except where authorized by the Director of Public Works. Such street trees shall be placed midway between the curb, or edge of pavement, and sidewalk wherever practical;

F. **Street trees between street and sidewalk-medium canopy.** Where the planting area between the curb or edge of the roadway pavement and the edge of a sidewalk is limited to a width of between four (4) and five (5) feet, only medium canopy trees may be planted;

G. **Street trees between street and sidewalk – medium or large canopy**. Where the planting area between the curb or edge of the roadway pavement and the edge of the sidewalk is greater than five (5) feet, medium and/or large canopy trees may be planted;

H. **Street trees where no sidewalk exists.** On parcels of land where no sidewalk exists, the required deciduous trees may be

planted no closer than 30 inches to the back of the curb or the edge of street pavement;

I. **Interference with overhead utility wires.** In instances where canopy trees of either medium or large size are likely to cause interference with overhead utility wires (as determined by the Director of Public Works), under story trees may be acceptable for planting;

J. **Avoiding utilities.** Trees are placed after determining location of utilities so as to avoid interference with utilities;

K. **Plantings near fire hydrants.** Except for turf grass or mulch, no landscape plantings shall be located within five (5) feet of a fire hydrant; and

L. **Level to grade.** Tree lawns shall be planted and maintained to match the elevation of adjacent sidewalks and curbs so as not to create a safety or tripping hazard for the public utilizing the sidewalks.

e. **Container Planting and Tree Lawn Gardens.**

1. **Generally.** No person shall establish a container or tree lawn garden either above or below ground for plants in the public right-of-way without written approval of the Director of Public Works.

2. **Application Procedure.** The petitioner shall submit a request complete with detailed design to the Director of Public Works. The provisions outlined in “Planting, Maintenance, Removal” (Section 10.325) of this ordinance shall apply.

3. **Installation Requirements.** Installation requirements for containers or tree lawn garden for plants on public right-of-way area are as follows:

A. No container shall be placed within the “Sight-distance Triangle” of a street intersection or within fifteen (15) feet of driveways and alleys.

B. The planting medium shall be of sufficient size to support and sustain plant material and the container shall be not less than twenty-four (24) inches in depth and thirty (30) inches in diameter, inside dimensions.

C. The tree lawn garden shall be maintained such that it shall not impede access to vehicles parked on public streets, or create a hazard or nuisance.

4. **Maintenance.** Containers or tree lawn gardens and their complete maintenance become the responsibility of the abutting property owner.

A. All costs arising from the establishment, maintenance or removal of plants or plant containers are to be borne by the abutting property owner.

B. Containers, plants, and their contents must be maintained in the condition specified by original design at all times. Any planter or tree lawn garden not serving its designed aesthetical function shall be replanted or removed.

C. The provisions of Section 10.322 “Obstruction- Plant Material” shall apply to container planting and tree lawn gardens.

5. **Notice to Replant or Remove.** Any container or tree lawn garden and plant material not maintained to quality and design standards as required by the Director of Public Works is hereby declared a nuisance and it shall be lawful for the Director of Public Works to remove or cause removal of the same according to the procedures set forth herein and at the property owner’s expense.

6. **Freedom from Liability.** Any person granted the right to place or establish containers on public property pursuant to this section shall execute an indemnification agreement approved by the City Attorney wherein the applicant agrees to indemnify and save the City harmless from any and all liability which may be incurred as a result of the placement of such containers and their contents.

f. **Notice of completion.** The applicant or property owner shall notify the Director of Public Works within five (5) days of completion for his/her inspection.

g. **Improper Planting.** Whenever any tree or landscaping shall be planted or set out in conflict with the provisions of this section, it shall be deemed a public nuisance and it shall be lawful for the Director of Public Works to remove or cause removal of the same according to the procedures set forth herein, and the exact cost thereof shall be assessed to the violator as provided by law.

h. **City’s Rights.** The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. Additionally, the Director of Public Works may remove or cause or order to be removed, any tree or landscaping or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, curbs, sidewalks or other existing or proposed public improvements, or is infected with any injurious disease, fungus, insect or other pest. This Section does not prohibit the planting of street trees within the public right-of-way by adjacent property owners providing that a Tree Permit or Landscape Permit has been obtained and the selection and location of said trees is in accordance with the Tree and Landscape Manual.

i. **Property Owner Responsibilities.**

1. **Pruning to Abate Obstructions.** It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees located on their private property in such manner that they will not obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be eight (8) feet over sidewalks and ten (10) feet over all streets except arterial streets, which shall have a clearance of twelve (12) feet.

2. **Notice to Prune.** Should any person or persons owning real property bordering on any street fail to prune trees as herein above provided, the Director of Planning and Development shall deem the offending limbs, trees, or shrubs as a public nuisance and order such person or persons, within ten (10) days after receipt of written notice to so prune such trees.

3. **Order Required.** The order required herein shall be served by mailing a copy of the order to the last known address of the property owner.

4. **Failure to Comply.** When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the City to prune such trees, and the exact cost thereof plus reasonable administrative costs shall be assessed to the owner as provided by law.

j. **Felling of Trees on Streets.** The Director of Public Works shall be, for the purpose of this article, notified prior to the time that any tree is to be trimmed or removed if such tree or any portion thereof will fall on a street, sidewalk, or alley. All current City ordinances and agreements shall be observed. No person shall close any street, alley, sidewalk, roadway, or traveled way in the City without first obtaining approval for such closing from the Director of Public Works.

1. The person to whom the permit is issued shall be responsible for placing such signs, flags, flares, and barricades as are needed to warn persons of the danger of using the street, sidewalk, or alley.

2. No trees shall be felled onto any street without having persons stationed in the streets to stop traffic from both directions at the time the tree is being dropped.

3. Trees or branches which are felled or trimmed onto public property must be removed immediately unless an extension of time is granted by the Director of Public Works in writing.

4. Stump removal cavities shall be cleared and refilled with soil in the same operation. At no time shall a cavity remain unfilled overnight without adequate pedestrian and/or vehicular protection.

5. Insurance. Before any tree or branch is felled onto public right-of-way, the applicant must provide to the Director of Public Works a Certificate of Insurance in the amounts as required for the issuance of an Excavation

Permit. The insurance certificate shall also name the City of Webster Groves as an Additional Insured and Certificate Holder in all liability insurance.

k. **Stump removal.** The stumps of all trees removed from public right of way shall be ground out to at least three (3) inches below the ground level, the chips removed, the soil cavity filled with soil, and the area leveled. If the area where the tree is removed is to be paved, the top of the stump shall be ground out to at least six (6) inches below the ground level.

l. **Utilities and Telecommunications Companies** shall use directional pruning unless the City otherwise consents in writing.

Section 10.326. Reserved.

Section 10.327. Reserved.

Section 10.330. Tree Preservation Requirements Associated with Private Construction or Development Activities.

a. **Tree Permit – When Required.**

1. **Generally**. A Tree Permit is required from the Park Manager for the removal or disturbance of any Valued Tree when such removal or disturbance is associated with a development that requires:

A. site plan approval,

B. a demolition permit for removal of an existing primary structure, or

C. a building permit for the construction of a new primary structure.

2. **Permit Review**. The Park Manager shall review all Tree Permits requesting tree preservation and/or removal for compliance with these regulations and either approve, approve with conditions, or disapprove within 30 days of receipt. Approval shall be based upon the reasonable efforts to preserve trees on the site as determined by the Park Manager. If approved with conditions, the applicant shall submit a revised TPP reflecting that the TPP has been modified to include the conditions before a Tree Permit may be issued. Any application not acted upon within 30 days of acceptance as a complete application shall be deemed approved.

3. **Appeals.** Any applicant whose Tree Permit Application has been disapproved, or whose TPP has been approved with conditions and the applicant declines to comply with those conditions may appeal the determination to the Board of Adjustment, as provided for in Section 10.355.

b. **Required Tree Protection.**

1. Each Valued Tree shall be protected during development. Each Valued Tree removed during development is subject to the replacement provisions outlined below in Required Tree Replacement.

2. On tracts of land equal to or greater than three acres in size, no more than 70% of the existing tree canopy coverage may be cleared or developed. The remaining 30% shall be maintained without disturbing the roots of trees in the protected area.

c. **Required Tree Replacement.** Replacement of Valued Trees is required when the tree protection requirements in Subsection B above cannot be met. Tree replacement shall occur in such amounts so that the total caliper measurement of all replacement trees must equal one-half the total adjusted diameter measurement of removed Valued Trees. If sufficient space on-site is not available for replanting the required number of trees, the owner/developer may provide replacement trees for planting on City property where the City permits or, in lieu thereof, may make a payment to the City of Webster Groves at a monetary value of:

1. For non-residential property -- $120 per replacement caliper inch with the total required payment not to exceed $5,000 per acre.

2. For single-family residential property -- $120 per replacement caliper inch with the total required payment not to exceed $800.00 per lot.

d. **Replacement Standards.** All replacement plantings shall be performed according to the latest standards set forth by the International Society of Arboriculture, ANSI Standards and by utilizing species found on the plant lists in the Tree and Landscape Manual unless the desired species is approved by the Park Manager. In a case where all replacement trees cannot be planted on site, the trees can be planted on other sites in the City of Webster Groves that are approved by the Director of Planning and Development, Parks and Recreation Director, or Director of Public Works. Alternatively, the owner/developer may make a payment to the City of Webster Groves equal in value to the value of the replacement trees required. The City shall use all such payments for the planting of trees on City-owned property.

Section 10.335. Landscape Plan Requirement.

a. **Landscape Plan – When Required.**

A landscape plan reflecting the Landscape Design Standards contained in Section 10.340 shall be filed and approved prior to issuance of a Building Permit for new construction and changes to existing development and use as follows:

1. Parcels of land less than one acre in size upon which there is proposed construction of a new primary structure, or any development involving an increase in the building footprint of an existing primary structure by 25% or more;

2. Parcels of land one acre or larger in size where there is proposed construction, that portion of the parcel which is the construction site for a new primary structure or an increase in the building footprint of an existing primary structure by 25% or more.

3. Construction of any parking lot for more than 6 vehicles.

4. A substantial change in land use.

5. Installation or replacement of Ground Mounted Mechanical equipment or trash enclosures.

6. Development within a planned commercial or planned multiple-family zoning district, a planned environmental unit, or a conditional use permit.

Exception – Single-family and two-family land uses shall be exempt from the requirements of this Section. (See Section 10.340.C)

b. **Landscape Plan Content.**

A landscape plan for each lot or parcel involved in the proposed development shall contain the following elements:

1. Be prepared and sealed by a licensed landscape architect. (**Exception:** Single-family residential development.);

2. Be drawn to scale, including dimensions and distances. Elevations and plan views of proposed landscaping shall be provided as requested by the City of Webster Groves;

3. The landscape plan shall show the location of any easements or utilities;

4. Delineate the existing and proposed location of all buildings, structures, storm water requirements, parking spaces, or other vehicular areas, access aisles, driveways and similar features;

5. Designate by name, size and location the plant material to be installed or preserved in accordance with the requirements of this division;

6. Identify and describe the location and characteristics of all other landscape materials, signs, walls, fences, berms, lights, fountains or sculptures to be used;

7. Show all landscape features, including areas of vegetation to be preserved, in context with the location and outline of existing and proposed buildings and other improvements on the site, if any;

8. Include a tabulation clearly displaying the relevant statistical information necessary for the City staff to evaluate compliance with the provisions of this division, including:

A. The tabulation of the minimum landscaped area as required by these regulations, including impervious site coverage calculations.

B. The tabulation of the minimum number of plant material and planting units as required by these regulations.

C. A plant list that includes the botanical and common names, quantity of plants, plant size, and selective characteristics of the plants provided. Label which landscape requirement the plant material satisfies, i.e. buffer, frontage, etc.

D. Gross acreage; open space available, percentage of area landscaped, percentage of area sodded or where ground cover is used.

9. An irrigation plan indicating the location of sprinklers or water outlets;

10. Landscape installation cost;

11. Contain such other information that may be required that is reasonable and necessary to determine that the landscape plan meets the requirements of this division; and

12. Delineate separately any storm water management requirements and list plant material separately.

c. **Plan Review**. The Park Manager shall review all Landscape Plans for compliance with these regulations and either approve, approve with conditions, or disapprove within 30 days of receipt. Approval shall be based upon the reasonable efforts to comply with the intent of this ordinance. If approved with conditions, the applicant shall submit a revised Landscape Plan that reflects modifications to include those conditions before a Building Permit may be issued. Any application not acted upon within 30 days of acceptance as a complete application shall be deemed approved.

d. **Appeals.** Any applicant whose Landscape Plan has been disapproved, or whose Landscape Plan has been approved with conditions and the applicant declines to comply with those conditions may appeal the determination to the Board of Adjustment, as provided for in Section 10.355.

Section 10.340. Landscape Design Standards.

The following standards shall be considered the minimum requirements for the installation of all plant materials in accordance with an approved Landscape Plan, or within public rights-of-way:

a. **Size; Digging.**

1. **Size Specifications**. Unless otherwise stated in this division, all size specifications for plant materials shall be based upon the American

Standards for Nursery Stock specifications. When minimum caliper is specified for tree plantings, the caliper of the tree trunk shall be taken at four feet (4') above the ground level.

2. **Digging in Street Rights-of-Way or Easements.** It shall be the responsibility of the person planning to install plant materials within a street right-of-way or a utility easement, to notify the Director of Public Works, and any utility company or public agency having any underground utilities within such right-of-way or easement.

b. **Minimum Tree and Shrub Planting or Preservation Requirements.**

1. **Existing Landscaping**. Existing landscaping to be retained in new developments or redevelopments may be credited as satisfying all or portion of the requirements listed herein, provided they are determined by the Park Manager to be acceptable species and in good condition.

2. **Interference.** Trees shall not be placed where they interfere with site drainage or where they shall require frequent pruning in order to avoid interference with overhead utility lines.

3. **Acceptable Tree Species, Cultivars, or Varieties.** Trees planted on existing developed sites, in conjunction with new developments and within public rights-of-way within all zoning districts, shall be of the species, cultivars, or varieties listed in the City of Webster Groves Tree List, except as otherwise provided herein. The Director of Public Works and the Park Manager may, from time to time, modify, delete or add to the species, cultivars or varieties listed in such tables.

4. **Native Plant Materials.** The use and maintenance of native plant materials shall be encouraged in meeting or exceeding all landscaping requirements within the Code.

5. **Undesirable Tree, Shrub, and Herbaceous Perennial Species, Cultivars, or Varieties.** In order to protect the city's existing trees from disease, to ensure that the species and varieties of trees which are planted will grow and be healthy, will be resistant to storms, and do not present other undesirable effects, the undesirable trees listed on file with the city, shall not be planted on existing development sites, in conjunction with new developments or within public rights-of-way in any zoning district, except upon the approval of the Park Manager or assigned employee. The Park Manager may allow for such exceptions where it is demonstrated that such plantings will not be a detriment to adjoining streets, other nearby property or the trees thereon.

6. **Landscape Materials.**

A. **Design Objective.** The landscape material standards have the design objective of complimenting well designed sites and buildings, providing seasonal color and interest along

streetscapes, and screening intensive elements of sites from public view where better site design is not possible.

B. **Frontage.** One (1) canopy deciduous trees for every fifty (50) feet of lot frontage and planted within fifteen (15) feet of the curb.

C. **Building Grounds.**

(i) One (1) ornamental tree and twenty (20) shrubs, perennials, ground cover or ornamental grasses shall be planted for every twenty (20) feet of linear building wall frontage that faces any area that is viewed from either a sidewalk, parking lot, drive area or street. If groundcover or perennials are used they will be computed at .25.

(ii) Perennials and Ground covers can make up no more than 50% of the plant material meeting this requirement without approval of the Park Manager.

(iii) If there is not enough open space available to meet this requirement the Director of Planning and Development, in consultation with the Park Manager, will determine the minimum landscape requirement based on available open space.

D. **Parking Areas.** All surface exterior parking shall meet the following landscape requirements:

(i) One (1) to six (6) spaces: No requirement.

(ii) Seven (7) to twenty (20) spaces: At least five (5) feet of landscape planting buffer depth around the perimeter of the parking area; five (5) shrubs and one (1) ornamental tree for every (4) spaces.

(iii) Twenty-one (21) or more spaces: At least five (5) feet of buffer around the perimeter; a minimum of ten (10%) of the surface area matched in internal islands; five (5) shrubs and one (1) ornamental tree for every four (4) spaces plus five (5) shrubs and one (1) ornamental tree for every 200 square feet of internal islands. Large deciduous trees may be substituted one-for-one for ornamental trees. This requirement may be waived if it is determined that there is not sufficient space to meet such a requirement while satisfying minimum parking requirements of the Zoning Code.

(iv) There shall be a minimum of one planting island, within and up to every one hundred (100) linear feet of parking for each parking row. This requirement may be waived if it

is determined that there is not sufficient space to meet such a requirement while satisfying minimum parking requirements of the Zoning Code. Such islands shall be spaced evenly wherever possible and the ends of parking rows abutting a circulation aisle shall be defined by a planting island wherever feasible. These planting island areas shall be protected from vehicular encroachment by vertical, reinforced concrete curbing of a type specified by the Director of Planning. Rain Garden inlets shall be an exception. The use of unreinforced extruded curbing of asphalt or other materials is prohibited.

(v) Planting islands shall generally not be less than ninety (90) square feet in area and eight (8) feet wide, as measured from back of curb to back of curb.

(vi) In instances where vehicle parking occurs perpendicular or parallel to parking islands, only low profile ground cover (grass, ivy, creeping juniper, wood mulch, or similar materials), shall be installed within forty-two (42) inches of the back of the curb.

(vii) No landscape hedge, bushes, shrubs, or other low-growing plant material, wall or berm shall exceed three (3) feet in height within five (5) feet of any driveway opening.

E. **Tree planting.** All required trees shall conform to the American Standard for Nursery Stock, published by the American Association of Nurserymen, Inc., and the Webster Groves Tree Manual and Standards of Practice as revised from time to time, and have the following characteristics:

(i) Canopy trees shall be a minimum caliper of three (3) inches and all evergreen trees shall be a minimum of eight (8) feet in height.

(ii) Ornamental trees shall have a minimum caliper of two (2) inches.

F. **Tree Species Mix.** When more than ten (10) trees are to be planted to meet the requirements of this division, at least three (3) different species shall be provided. If more than 20 trees are planted at least four (4) different species shall be planted.

G. **Shrub Planting.** Immediately upon planting, all shrubs shall conform to the American Standard for Nursery Stock, published by the American Association of Nurserymen, Inc., and the Webster Groves Tree Manual and Standards of Practice as revised from time to time, and installed in a good sound, workman-like manner and according to accepted good planting procedures for the St.

Louis region. All shrubs planted must be a 24" minimum height or spread and or of a 5 gallon pot size.

H. **Perennial and Ground Cover Plantings.** Immediately upon planting, all perennials and ground covers shall conform to the American Standard for Nursery Stock, published by the American Association of Nurserymen, Inc., as revised from time to time, and installed in a good sound, workman-like manner and according to accepted good planting procedures for the St. Louis region. All perennial or ground cover planting must be a minimum of 1 gallon pot size.

I. **Planting Materials.** Planting materials shall be ornamented types found to be hardy in USDA Zones 5 and 6.

(i) Plant material that is required to meet Storm Water Regulations may or may not be counted as part of the landscape plan requirements.

7. **Requirements for Areas Adjacent to Streets.**

A. Where a building is set back from a public street or sidewalk, at least ten (10) feet, a landscape planting strip between five (5) feet and ten (10) feet in width shall be provided and maintained, the strip shall separate any off-street parking and drive areas from any public or private street.

B. Turf grass and/or ground cover is allowed for only 50% of this area unless the Park Manager gives a variance.

8. **Required Screening of Mechanical Equipment, Trash, and Loading Areas.**

A. **Ground-mounted equipment and loading areas**. All mechanical equipment, trash receptacles, storage of materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative plantings, wooden fences, or brick walls, or combinations of these materials at least six (6) feet in height so that such materials and equipment are not visible at five (5) feet above the grade of the adjacent street(s) and adjoining property lines.

B. **Trash enclosures**. Outside rubbish, garbage, and dumpster enclosures if visible from normal public traffic ways or residential areas shall be permanently screened from view, from all four (4) sides, one side to include a workable gate or door, with wood or masonry walls. The walls shall have a minimum height of six (6) feet and a maximum height of eight (8) feet. All screening required by this section shall be comprised of a color and composition similar to that of the main structure of the premises.

9. **Buffer Requirements.** Where any parcel abuts "A1" through "A4" residential district or development, a ten-foot perimeter landscape buffer and a solid fence six (6) feet in height shall be provided and maintained along all rear and side property lines where it abuts the residential district or development. The buffer area shall contain plant material with a minimum height of eight (8) feet, planted in such a manner to act as a vegetative screen. Additional plant material shall be installed in front of the screening plants. The height of such fence and evergreen plant material may be reduced if used in conjunction with a berm whose height in combination with the fence will achieve the standard specified herein. The berm shall not exceed a slope of thirty (30) degrees and shall be completely covered with shrubs, grass, or other living ground cover, in addition to the screening plant material specified herein.

10. **Sodding Requirements.** All soil on the site which is not to be covered by buildings, parking and loading areas, and driveways, and which is not subject to other landscape treatment in accord with an approved site plan, shall be graded in accord with such site plan and covered with sod. The planting shall be consistent with the Turfgrass Producers International "Guideline Specifications to Turfgrass Sodding."

11. **Irrigation.** Landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, ground cover and other plant materials by utilizing a sprinkler system, hose bibs, and/or such other method of providing water. Irrigation plan should be provided.

c. **Requirements for new Single-Family Dwellings.**

1. **Street Trees Between Street and Sidewalk.** For each residential lot which is developed with a new single-family dwelling after June 21, 2011, at least one (1) canopy tree for each fifty (50) feet of frontage on a public or private street shall be planted in the frontage area between the sidewalk and the street edge or curb and shall be planted in accordance with the standards provided for in this division. If space is not available, the tree(s) should be planted within fifteen (15) feet of the curb.

2. **Credit for Existing Trees**. Existing trees within (15) fifteen feet of the curb or street edge on the development site may satisfy the requirement for planting street trees.

3. **Sodding requirements.** New single-family dwellings shall comply with the requirements of Subsection B.10 above.

Section 10.345. Alternative Compliance.

Applicants shall be entitled to demonstrate that the intent of this Section can be more effectively met, in whole or in part, through alternative means. If approved, an Alternative Compliance Landscape Plan shall be substituted, in whole or in part, for a landscape plan meeting the express terms of this Section.

a. **Procedure.** Alternative Compliance Landscape Plans shall be prepared and submitted in accordance with the Landscape Design Standards in Section 10.350 and Landscape Plan required in Section 10.335. The plan shall be clearly labeled as an "Alternative Compliance Landscape Plan", and the plan shall clearly delineate and identify the modifications and alternatives proposed.

b. **Review criteria.** In reviewing proposed Alternative Compliance Landscape Plans, favorable consideration shall be given to exceptional landscape designs prepared by a licensed landscape architect that attempt to preserve and incorporate existing vegetation in excess of minimum standards, and plans that demonstrate innovative design and use of plant materials. Alternative Compliance Landscape Plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties:

1. Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this Zoning Code;

2. Innovative landscaping or architectural design is employed on the proposed development site to achieve a buffering effect that is equivalent to the buffer standards of this Zoning Code;

3. The required landscaping or buffering would be ineffective at maturity due to topography or the location of improvements on the site; or

4. The proposed alternative represents a plan that is as good as or better than a plan prepared in strict compliance with the other standards of this Section.

Section 10.346. Reserved.

Section 10.350. Maintenance Standards for Trees and Cultivated Landscape Areas.

The following standards shall apply to the maintenance of cultivated landscape areas which are part of a Landscape Plan as required by Section 10.335, as defined in this division:

a. **Maintenance responsibility**. The owner of land shall be responsible for the maintenance of all landscape plantings located on his/her land and within the right-of-way to which the land abuts, except for trees planted by the city within a public right-of-way. Trees planted by the city and located within public rights-of-way shall be maintained by the city. All required landscape plantings shall be maintained in a healthy and neat condition. The Tree and Landscape Manual and Standards of Practice shall be followed at all times.

b. **Stump Removal.** The stumps of all removed trees shall be ground out to at least three (3) inches below the ground level, the chips removed, the soil cavity filled with soil, and the area leveled. If the area where the tree is removed is to be paved, the top of the stump shall be ground out to at least six (6) inches below the ground level.

c. **Required replacement of trees and landscaping**. If any trees or vegetation that satisfy the requirements of this code die or are removed, they shall be replaced with plantings which are of acceptable type, size and species and in locations which comply with the provisions of this ordinance and any previously approved site and landscape plan. Such replacement shall take place within six (6) weeks of notification from the Park Manager. A landscape plan shall not be required if the replacement plantings match a previously approved landscape plan. If replacement will significantly vary from an approved landscape plan, a new plan may be required.

d. **Pruning.** All pruning shall follow the Webster Groves Tree and Landscape Manual and Standards of Practice. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where standard horticultural pruning practices are impractical, may be exempted from this prohibition at the determination of the Park Manager.

Section 10.355. Disapproval of Tree Permit of Landscape Plan.

a. **Right of Appeal.** In the event the Park Manager disapproves a Landscape Plan application or Tree Permit associated with development activities, the applicant may appeal such decision to the Board of Adjustment. Appeals to the Board of Adjustment shall be as prescribed in the Webster Groves Zoning Code, Chapter 53. Appeals shall be based upon the assertion by the applicant that the City:

1. Failed to accurately apply the requirements and standards of the Tree and Landscape Ordinance to his/her specific application.

2. Conditions unique to the applicant's property which the City has not fully considered create a hardship with respect to compliance with the requirements and standards of the Tree and Landscape Ordinance.

3. Prevailing conditions of the immediate neighborhood around the applicant's project site justify a modification of the requirements and standards of the Tree and Landscape Ordinance as they apply to his/her specific application.

Section 10.360. Escrow or Cash Deposit Requirements.

a. **Tree Preservation.** The applicant shall post a surety or cash escrow for the benefit of the City of Webster Groves to account for trees preserved under a TPP that die or are damaged beyond repair as a result of grading or construction damage within a two-year period after the issuance of the final occupancy permits. The amount of the surety required shall be in the amount of $2,000 for single-family residential development, and $2,000 for each acre of the tree preservation area or $5,000, whichever is greater, for non-residential development sites.

Exception – The escrow shall not be required for applicants building additions to, or accessory structures for, single-family dwellings.

b. **Landscaping.**

1. In order to ensure the installation, maintenance, and proper growth of the proposed landscape plan, an escrow or cash deposit in the amount equal to 125% of the cost for materials and labor to install the minimum landscaping required by this ordinance shall be submitted to the City prior to the issuance of a conditional or regular occupancy permit. Landscaping that has been delayed due to seasonal limitations must be installed by April 30 of the following year. Proposed landscaping in excess of the minimum required by this ordinance shall not require an escrow deposit. The escrow or cash deposit shall be refunded to the payee after two (2) years from the date of installation of all landscaping, upon determination that the landscaping has survived and is healthy.

2. For new single-family homes, an escrow or cash deposit in the amount of $300 per street tree required by Section 10.340.C shall be submitted to the City prior to issuance of a conditional or regular occupancy permit. Plantings which have been delayed must be installed by April 30 of the following year. The escrow or cash deposit shall be refunded to the payee after two years from the date of installation of street tree(s).

Section 10.365. Tree and Landscaping Replacement.

a. **Tree Preservation Plan-** Should any Valued Tree noted as protected on the Tree Preservation Plan die or become damaged as a result of grading or construction activities within the two-year period after issuance of an occupancy permit, the owner/developer shall pay an assessment equal to the value of the tree(s) that die, are damaged beyond repair, or are removed, based upon the appraised value of the Valued Tree(s) as reflected in the Tree Preservation Plan.

1. Assessments shall be paid from any existing sureties or escrows.

2. The total property owner liability for Valued Trees that die or are damaged beyond repair within the prescribed time frame due to grading or construction shall not exceed $800.00 for Single-family Dwellings, and $5,000 per acre for non-residential developments.

b. **Landscape Plan.** Within a twenty-four (24) month period after the occupancy permit is issued, the owner/developer shall replace landscaping that dies, or is damaged beyond repair. Failure to plant successfully in accordance with an approved landscape plan shall constitute a default and the City of Webster Groves shall be entitled to proceed against the surety or escrow. Funds so collected shall be used for landscape improvements within public rights-of-way, or upon City-owned property.

Section 10.370. Interference with City Officials.

No person shall unreasonably hinder, prevent, delay, or interfere with Parks and Recreation Director any City official, officer or designee engaged in the execution or enforcement of this Ordinance.

Section 10.375. Prohibited Acts.

It shall be unlawful and a violation of this Ordinance for any person or contractor to:

a. "Clearcut" a site, occupied or vacant, including the removal of any trees over 8" in diameter, except for trees damaged by act of God (i.e. wind or ice) or trees which are judged by the City to be diseased or hazardous.

Exemptions:

1. Residential property that has been continuously occupied by the owner for at least 12 months as a principal place of residence, or

2. Any property for which a Tree Preservation Plan has been approved for the property and a building permit issued.

b. Damage, cut, carve, prune, or transplant any tree or shrub on public property without a Tree Permit issued by the Director of Public Works.

c. Prune trees by Tree Topping - It shall be unlawful for any person for hire to top any tree, whether on private or City-owned property or public right-of-way, within the corporate limits of the City of Webster Groves. Contractors that prune trees for hire on public or private property and top trees in the performance of their work shall have their Tree Permit and Annual License revoked immediately.

d. Attach any rope, wire, nails, posters, or other contrivance to any tree on City owned property or public right-of-way unless protective measures approved by the Director of Public Works after consultation with the Parks and Recreation Director are taken.

e. Attach any electrical insulation to any public tree or shrub.

f. Use tree spurs or climbing spikes on trees located on City owned property or public right-of-way except with specific written permission of the Director of Public Works after consultation with the Parks and Recreation Director.

g. Deposit, store, or maintain on City-owned property or public right-of-way any stone, brick, sand, concrete, lumber, tile, pipe, equipment, or other material which reasonably may be expected to impede the free passage of water, air or fertilizer to the roots of any tree, shrub, or other plant.

h. Cause any gaseous, liquid, or solid substance which because of the nature or amount reasonably may be expected to be toxic or otherwise harmful to trees, shrubs, or other plants to be located where such substances reasonably may be expected to affect trees, shrubs, or other plants on City-owned property or public right-of-way.

i. Cause any fire to burn on City-owned property or public right-of-way or private property if such fire, or the heat, smoke, or ash there from reasonably may be

expected to injure any portion of any tree, shrub, or other plant located on City-owned property or public right-of-way, provided, however, this subsection shall not be construed to exempt any person from complying with State laws or Ordinances of the City of Webster Groves respecting burning.

j. Remove any tree within the public right-of-way.

Section 10.380. Violation and Penalty.

Any person who violates any provision of this Ordinance or who fails to comply with any notice issued pursuant to the provisions of this Ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed Two Hundred Fifty Dollars ($250.00) for each separate offense. Each day during which any violation of this provision of this Ordinance shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this Ordinance, the injury, mutilation, or death of a tree, shrub, or other plant located on City-owned property is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined by City staff using the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens, as published by the International society of Arboriculture.

Section 10.385. Severability.

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid by any court, other provisions or applications of the Ordinance which can be given effect without the invalid provision or applications shall not be affected, and to this end the provisions of the Ordinance.

(Ord. No. 8719, § 1, 6-21-11)

Article IV. Littering

Section 10.410. Litter Defined.

As used in this article, the term "**litter**" is any organic or inorganic waste material including, but not by way of limitation, putrescible animal and vegetable waste resulting from the handling, preparation or consumption of food; rubbish; refuse; garbage; trash; hulls; peelings; debris; sand; gravel; slag; ashes; glass; plastic; paper, rock; metal; wood; boxes; cans; cardboard; cartons; dirt; leaves; grass; weeds; sidewalk sweepings; sticks; and dead animals or intentionally or unintentionally discarded materials of every kind and description which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Section 10.415. Littering Prohibited.

Except as in compliance with the City's provisions for solid waste removal, no person, firm, or corporation shall throw or deposit litter or debris in or upon any sidewalk, parkway, gutter, street, alley, body of water or water course, park, playground, recreation area or other public or private premises in such manner or to such an extent as to render said premises unsightly or unsanitary unless:

a. The litter is placed into a receptacle or container installed on such property; or

b. The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Section 10.420. Merchants' Duty to Keep Sidewalks Free of Litter.

No person owning or occupying a place of business shall sweep into or deposit in any sidewalk, parkway, gutter, street, alley, or other public place within the City, litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter. (Ord. No. 7242, § 3, 11-16-82)

Section 10.425. Litter Thrown by Persons in Vehicles.

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the City, or upon private property.

Section 10.427. Handbills. Repealed. (Ord. No. 8707, § 1, 3-1-11)

Section 10.428. Evidence.

a. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, airplane, or other conveyance in violation of this ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this ordinance.

b. Except as provided in subsection (a), whenever any litter is dumped, deposited, thrown or left on public or private property in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

Section 10.430. Penalties for Violation.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

a. By a fine in an amount not exceeding One Hundred Dollars ($100.00); and

1. In addition to the fine set out in subsection (a) above, the violator shall reimburse the City for the reasonable cost of removing the litter when the litter is or is ordered removed by the City; and

b. In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one (1) mile any litter that the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence;

or

c. In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 8494, § 1, 3-21-06)

Article V. Sidewalks

Section 10.510. Removal of or Injury to Pavement.

No person may remove, injure or destroy any pavement, sidewalk or board walk without being authorized by the Director of Public Works. Any person desiring to remove temporarily any pavement or sidewalk may apply to the Director of Public Works for permission. Such removal will be upon such conditions and subject to such restrictions as he prescribes, and every permit for such removal must be conditioned for the replacing of the pavement or sidewalk in as good condition as when taken up, within a time to be fixed by the permit.

Section 10.520. Dangerous Sidewalks.

The owner and occupant of any premises are jointly responsible for maintenance of any sidewalk in front of the premises. No such person may permit any such sidewalk to become out of repair, so as to endanger the life or limb of persons walking thereon, or may fail properly to repair the same after being notified by the Director of Public Works to do so within a time to be fixed in the notice.

Section 10.525. Dangerous Condition Not Corrected; Repair or Replacement by City; Special Tax Bill.

After the expiration of the time for repair or replacement set forth in the notice, if the sidewalk is not repaired or replaced as directed, a Code Enforcement Officer shall have repairs or replacement completed as necessary, keeping an accurate record of the expense of all labor and material used in such repair or replacement as to each lot, and shall issue a bill to the property owner(s) for the expenses plus an administrative fee of $35. If such bill remains unpaid for 30 days, the Inspector shall report such expense to the City Council, certifying to the correctness thereof, showing the lot by lot and block numbers or other legal description, and the date or dates on which the repair or replacement occurred, and the name and address of the owner, lessee, occupant or other person exercising control of the lot. Upon receipt by the City Council of that report, the City Council shall assess against each lot concerned a special assessment or tax equivalent to the expense incurred in repairing or replacing the sidewalk thereon, including administrative costs in the amount of Thirty-five Dollars ($35.00), and shall direct the

City Clerk to issue a special tax bill therefor, against each such lot. Such special tax bill shall be due and payable thirty (30) days after its date, shall bear interest at the rate of eight percent (8%) per annum from and after thirty (30) days after its date, and shall be a lien against the lot against which it is issued until paid. (Ord. No. 8139, § 1, 2-15-00; Ord. No. 8713, § 2, 3-15-11)

Section 10.530. Ice, Snow and Dirt Removal.

No person may permit any ice, snow, dirt, mud or filth of any character to remain longer than forty-eight (48) hours on any sidewalk fronting or adjacent to any lot or premises occupied or owned by him.

Section 10.540. Draining on Sidewalk.

No person may permit any spout or pipe, conducting water from the eaves of a building owned or occupied by him, to cause overflow over or on any sidewalk.

Section 10.550. Penalty for Violation.

Any person violating any of the provisions of this article will be subject to a fine of not less than Five Dollars ($5.00) or more than One Hundred Dollars ($100.00).

Article VI. Sewers and Drainage

Section 10.610. Definitions.

For the purpose of this article, the meaning of terms used hereinafter shall be as follows:

a. "**Drainage Channel**" shall mean any artificially constructed open channel, ditch, swale, or flume, whether lined or unlined, for the drainage of storm water and ground water.

b. "**Garbage**" shall mean every refuse accumulation of animal, fruit and vegetable matter that attends the preparation, use, cooking, dealing or in storing of meat, fish, fowl, fruit, grains and vegetables, and condemned foods found within the City except frozen or decayed fruits, meats, fish or fowl shipped into the City in unusable condition. The term garbage shall be held to also include refuse and offal from slaughterhouses, pork houses and poultry houses.

c. "**Industrial Waste**" shall mean any industrial liquid, waste water, or toxic substance from any industrial process.

d. "**Person**" shall mean any individual, firm, company, association, society, corporation, or group.

e. "**Sanitary Sewer**" shall mean a sewer designed and intended to receive and convey only sewage as defined herein, together with such infiltration as cannot be avoided.

f. "**Sewage**" shall mean the water carrying wastes from residences including the

backwash or discharge from swimming pool, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground surface and storm waters as cannot be avoided.

g. "**Sewer**" shall mean any public, semi-private or private lateral or main sewer, pipe, or enclosed conduit constructed in a street, alley, place, easement or right-of-way, exclusive of a building or industrial connection sewer for the conveyance of sewage, water carried wastes, or storm water.

h. "**Storm Sewer**" shall mean a sewer designed and intended to receive and convey only storm or unpolluted waters.

i. "**Storm Water**" shall mean any water resulting from precipitation mixed with the accumulation of dirt, soil, and other debris or substances collected from the surfaces on which such precipitation falls or flows.

j. "**Watercourse**" shall mean a natural surface drainage channel for storm water and ground water in which a flow of water occurs, either continuously or intermittently.

Section 10.615. Discharge of Sewage and Waste Prohibited.

It shall be unlawful to discharge or deposit into any natural outlet, drainage channel, or watercourse or otherwise above or below the ground within the City any sewage, industrial wastes, garbage, polluted water or any other substance which constitutes a nuisance or hazard to the public health or welfare. (Ord. No. 7474, § 1, 12-15-87)

Section 10.620. Cesspools and Septic Tanks Prohibited.

Except as herein provided, it shall be unlawful to install any cesspool, septic tank or other facility intended for the disposal of sewage.

Section 10.625. Connection to Public Sewer Required.

At such time as a sanitary or combined public sewer becomes available to a property served by a private or semi-private sewage disposal system or treatment facility, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tank, cesspool, or similar private or semi-public sewage disposal or treatment facilities shall be abandoned and filled with suitable material. A sewer shall be considered available if it is within one hundred fifty (150) feet of any part of the property to be connected to the sewer.

The owner or occupant of the property connected to the sewer shall be responsible for the proper maintenance of the lateral sewer line running from the structure to the public sanitary sewer line. This responsibility includes the spur portion of the wye connection to the public sanitary sewer line. (Ord. No. 7474, § 2, 12-5-87)

Section 10.630. Discharge of Certain Waters Into Sanitary Sewer Prohibited.

No person shall discharge or cause to be discharged any storm water, surface water,

ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer. Any connection, drain or arrangement which will permit any such waters to enter any sanitary sewer shall be deemed to be a violation of this section and this ordinance.

Section 10.635. Open Sewer Connections Prohibited.

It shall be unlawful for any plumber, drainlayer, contractor, or any other person constructing a sewer, a house or building connection, or industrial connection sewer connected to a sanitary sewer to leave such connection open, unsealed, or incomplete in such manner that will permit storm or surface water to enter into any sanitary sewer within the City. All such openings shall be tightly sealed at all points whenever work is not actually in progress on such sewer or connection.

Section 10.640. Discharge of Storm Waters.

Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as combined sewers or storm sewers, or to a drainage channel or natural outlet approved by the Executive Director of the Metropolitan Sewer District.

Section 10.645. Deposit of Certain Materials in Sewers Prohibited.

No person shall deposit or throw into any sewer, sewer inlet or privy vault, or into any private drain connecting with a public sewer any straw, hay, shavings, tinners scraps, waste, produce or material of manufacture, rags, or garbage which has not been properly shredded, or any substance which may choke up or cause a nuisance; nor shall any dam or other obstruction be placed in any sewers.

Section 10.650. Injuring or Damaging Sewers or Equipment Prohibited.

It shall be unlawful for any unauthorized person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, alter, or tamper with any structure, appurtenance, or equipment which is a part of any public or private sewer.

Section 10.655. Responsibility for Observance.

The owner or occupant of any establishment which discharges any substance into any public sewer or into any private sewer which discharges directly or indirectly into any public sewer not in accordance with the preceding sections shall be deemed guilty of a misdemeanor.

Section 10.660. Notice of Violation.

Any person found to be violating any of the provisions of this ordinance shall be given by the City Manager or his duly authorized agent, a written notice stating the nature of the violation and providing a reasonable time limit for the unsatisfactory correction thereof. The offender shall, within the period of time stated in such notice satisfactorily correct said violation.

Section 10.670. Penalties for Violation.

Violations beyond the time limit provided for in Section 10.660 shall constitute a misdemeanor, and any person found guilty and convicted thereof, shall be fined not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00) or be imprisoned in the City Jail or other duly authorized place of confinement for not less than one (1) nor more than ninety (90) days or by both such fine and imprisonment for each violation. Each day in which any such violation shall continue shall be deemed to be a separate offense. The City Manager or his duly authorized representative may further order the work of correcting any violations of this article to be done by the City and shall make a charge against the owner or occupier of said premises for the reasonable cost of such work. If the bill is unpaid after thirty (30) days, notice may be filed in the Office of the Recorder of Deeds of St. Louis County, whereupon such bill shall become a lien upon the property involved.

Article VII. Littering of Streets by Contractors and Haulers

Section 10.710. Littering Prohibited.

All building contractors, contract haulers and other haulers of refuse, debris and waste, and all operators of vehicles hauling any such matter shall be required to remove any waste, debris, dirt, mud or other material, whatever, deposited by any vehicles owned, controlled or operated by any such person, firm or corporation, from all public and private streets and ways within the City of Webster Groves, whether such littering is caused by spillage from the vehicles, or from the tires or wheels of such vehicles, as soon as practicable.

Section 10.715. Penalty for Littering.

Any such building contractor, contract hauler or operator of any such vehicle, above-described, who shall fail or refuse to perform the removal of matter as required in Section 10.710, shall be guilty of a misdemeanor and, upon conviction, fined not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00) and each violation shall be a separate offense.

Section 10.720. Penalty for Refusal to Remove Litter.

Any such contractor, hauler or operator as set out in Section 10.710 hereof, who shall fail or refuse to remove such material, after being notified by any police officer or other duly authorized agent of the City of Webster Groves so to do, shall be guilty of a misdemeanor and upon conviction shall be fined not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00) and each violation hereof shall be a separate offense.

Article VIII. Public Facilities

Section 10.810. Authority to Establish Regulations.

The City Manager is hereby authorized to establish and enforce reasonable regulations for the operation, maintenance and use by the public of all property and improvement thereon owned or leased by the City of Webster Groves.

Section 10.815. Publication of Regulations.

Regulations established under this article shall be in written form, shall be available to the public at the City Hall, and shall be adequately posted in summary form on or near the public property affected by such regulations.

Section 10.820. Penalty for Violation.

Any person violating any regulations established in accordance with the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars ($10.00) nor more than Five Hundred Dollars ($500.00) and each violation hereof shall be a separate offense.

Article IX. Vacation of Public Streets, Roads and Easements

Section 10.910. Vacation Procedure.

Whenever the public necessity, convenience and general welfare require, the City Council may, subject to the procedure provided in this section, vacate all or any part of any public easement, right-of-way, street, alley, public road or highway dedicated or conveyed to the City of Webster Groves, or title to which or authority over which is vested in the City of Webster Groves by operation of law. A vacation may be initiated by the City Council, by the verified petition of an interested party, or by recommendation of the Department of Public Works. (Ord. No. 7902, § 1, 2-6-96)

Section 10.920. Definition.

For the purpose of this section, an "**interested party**" includes any owner of property abutting or touching on the proposed vacation and any owner of property that would be denied reasonable access to the general system of public roads and streets by the proposed vacation of a street, alley, public road or highway. "**Owner**" shall include the owner or owners of record indicated upon the records of the St. Louis County Assessor's Office on the date of the filing of the petition for vacation with the Department of Public Works. (Ord. No. 7902, § 1, 2-6-96)

Section 10.930. Petition for Vacation.

A petition for vacation shall be on forms approved by the City Attorney and shall be addressed to the City Council and filed, together with a filing fee of Two Hundred Dollars ($200.00), with the Department of Public Works. Each petition shall include an accurate description of the public easement, right-of-way, street, alley, public road or highway sought to be vacated, its location and the names of all interested parties. (Ord. No. 7902, § 1, 2-6-96)

Section 10.940. Notice of Interested Parties.

Notice of the proposed vacation shall be given to all interested parties at least fifteen (15) days before the City Council shall act upon the petition or resolution. Notice shall be in accord with R.S.Mo 506.150-506.170, except that it may be made by any person authorized to make service under R.S.Mo 491.110. An interested party may in writing waive notice or affirmatively consent to the proposed vacation. Proof of proper notice, waiver of notice, or consent shall be filed with the City Clerk before the Council shall act upon the proposed vacation. Interested parties not knowledgeable after reasonable inquiry may be considered to have been given notice by the public notice of paragraph (5), if the Council finds the same to be the best practicable notice under the circumstances. (Ord. No. 7902, § 1, 2-6-96)

Section 10.950. Public Notice.

At least fifteen (15) days before the City Council shall act upon the proposed vacation, the City Clerk shall give notice of pendency in a public newspaper. (Ord. No. 7902, § 1, 2-6-96)

Section 10.960. Comments from Utilities Companies.

Before the City Council shall act upon the proposed vacation, comments of each concerned utility as to whether each objects to or approves of the proposed vacation shall be filed with the Department of Public Works. (Ord. No. 7902, § 1, 2-6-96)

Section 10.970. Action by City Council.

After receiving reports on the proposed vacation from the Department of Public Works, the Department of Planning and Development and the City Attorney, the City Council may by ordinance vacate the concerned public easement, right-of-way, street, alley, public road or highway with such conditions and restrictions as it may deem for the public good. (Ord. No. 7902, § 1, 2-6-96)

CHAPTER 11. WATER SERVICE

Article I. Personnel and Funds

Section 11.010. Water Division Duties.

There shall be, within the Department of Public Works, a Water Division. The Director of Public Works (which term shall include duly designated employees within each Division) shall have general superintendency and control of the Water Division. He shall turn over all moneys and fees from the sale of water, or from any source connected with the Water Division, to the Director of Finance. He shall make out all bills for water service and place them in the hands of the Collector for collection, charging the Collector with all such bills and keeping an accurate record of them in proper books. He shall see that all ordinances providing for the operation of the Water Division are strictly enforced and that a full and accurate record of the operation of the Division is made and preserved.

He shall superintend the making of connections with the water system, and make all repairs occasioned by leaks or breaks in the mains of the system.

He shall make a written report to the City Manager once each month of the condition of the water system and its needs, and the collections for water made by his office during the previous month. The Division of Public Works shall examine and approve all bills and accounts against the City arising out of the operation of the Water Division.

At least annually, he shall carefully examine and test, or cause to be examined and tested, all fire hydrants and street valves, and, in case any of them are found to be in an unsatisfactory condition, at once have them placed in good working order. The result of each examination shall be reported to the City Manager by the Director of Public Works in his next regular report.

Section 11.020. Water Supervisor; Duties.

The Director of Public Works shall appoint a qualified person as Water Supervisor, with the approval of the City Manager. Such officer shall take the oath of office required of other City officials.

It shall be the duty of the Water Supervisor to:

a. Inspect all plumbing work done in or for the City.

b. Read and test meters and make a written report of the reading and condition thereof.

c. Turn on and off water as directed.

d. Make taps of water mains as directed.

e. Inspect and test fire plugs and make a written report of their condition not less than once a year.

f. Keep careful watch and promptly report to the Director of Public Works all

infractions of the regulations and ordinances governing the Water Division.

g. Perform such other duties as may, from time to time, be required of him by the City Manager or City Council.

(Ord. No. 8107, § 1, 8-17-99)

Section 11.030. Water Fund.

All money collected for the sale of water shall be turned over to the Director of Finance, and shall be set apart and kept separate from the general revenues of the City. Same shall constitute a fund to be drawn upon only for the payment of water supply, extensions of water service, salaries of employees in the Water Division, except that this fund may be used for urgent general purposes when there is no other method provided by law for supplying necessary funds.

Article II. Regulations Governing Water Service

Section 11.110. Application for Service.

Application for the introduction of water into private premises may be made to the Director of Public Works and shall be signed by the applicant, specifying the street number, or location, and fully stating all purposes for which water is required. Different or additional use shall be allowed only upon further application and permit. The application shall be accompanied by a payment of Twenty-Five Dollars ($25.00). (Ord. No. 7292, § 2, 3-6-84)

Section 11.115. Pre-Service Inspection.

No water may be turned on in any new or vacant building or premises until the plumbing work therein has been inspected by the Water Supervisor, and a written report filed in the office of the Director of Public Works, stating that it is in conformity with the rules and regulations of the Water Division. The consumer shall pay to the Director of Public Works Five Dollars ($5.00) for such inspection.

Section 11.120. Deposit on Water Bill.

Every consumer of water who is not both the owner and occupant of the premises in which the water is to be consumed, shall be required to deposit in advance with the Director of Finance an amount sufficient to pay the cost of water service estimated for the said premises during the succeeding six (6) month period, but in no event shall said deposit be less than Ten Dollars ($10.00) or more than One Hundred Dollars ($100.00); provided further that the deposit herein provided may be required by the Director of Finance, of consumers who own and occupy the premises in which the water is to be consumed, where such consumer has failed to pay, within thirty (30) days of its due date, any water bill issued to said consumer by the City of Webster Groves within a prior two (2) year period; where there are unsatisfied money judgments against such consumer; where such consumer is threatening bankruptcy or is in bankruptcy; or where such consumer has issued a check to any Department of the City and payment has been refused by the bank upon which said check is drawn.

The Director of Finance shall issue a suitable receipt for each deposit. The deposit herein required of each consumer will remain on deposit with the City until the service is discontinued or the ownership of the premises changed and the final bill is paid, at which time the deposit or the balance thereof shall be refunded to the depositor by the Director of Finance.

Due notice of the required deposit shall be given to the consumer by the Director of Finance by certified mail. If the consumer fails to make the required deposit within ten (10) days of the receipt of said notice, the water service for said premises shall be shut off without further notice, and shall not be restored until the required deposit is made.

Section 11.125. Meters.

Every consumer of water shall furnish a place where, in the opinion of the Director of Public Works, the meter will be safe from frost or other damage, and accessible for examination. Every consumer of water shall, at such consumer's own expense, before using any water supplied through the city mains, install a meter. All meters two (2) inches or less shall be provided and installed by the City at the expense of the owner and developer. Cost of such meters shall be paid for at the time of application for construction of a building. Existing buildings which desire an upgrade in sizing of their water service line shall pay for the cost of the larger meter. All meters larger that two (2) inches shall be purchased by the owner/developer with approval as to type and size to be consistent with the meter reading system. Each meter shall have a box of construction acceptable to the Director of Public Works. Each meter shall be of a disc or rotary type, or of such make as may be approved by the Director of Public Works. Any person who installs, or causes to be installed, any meter of any type or in any manner other than as herein prescribed may be fined not less than Five Dollars ($5.00) or more than One Hundred Dollars ($100.00).

Every meter hereafter found upon inspection to be out of repair, or registering incorrectly, shall be removed by the Director of Public Works. All tests and repairs required by any meter in service shall be made exclusively by the Water Division, under the supervision of the Director of Public Works. No meter may be removed, repaired, tested or otherwise interfered with at the instance of any person except a duly authorized representative of the Director of Public Works. In the event that a meter must be repaired, tested or replaced due to ordinary wear and tear, the City shall pay for such repair or test and shall furnish and install at its expense any replacement meter, except that the consumer shall pay for such repair or test to any meter that exceeds two (2) inches in size and shall acquire and install any replacement meter that exceeds two (2) inches in size. In the event that a meter requires repairs, tests, or replacement, not due to ordinary wear and tear, the consumer shall pay to the City the actual cost of, but not less than Two Dollars and Fifty Cents ($2.50), each repair, test or replacement made by the City.

Bills will be rendered to the consumer covering the cost of such repairs, tests or replacements, and will be due and payable when the repairs, tests or replacements are completed. All charges for such repairs or other services rendered the consumer by the City connection with the Water Division remaining unpaid will at the time the next succeeding bill for water consumed is rendered be added to the bill and become a part thereof; the collection thereof will be made in the same way as charges for water

consumed. (Ord. No. 7520, § 1, 1-17-89; Ord. No. 8107, § 1, 8-17-99)

Section 11.130. Billing; Payment.

Meters will be read at the expiration of each quarterly period. Bills for water consumed will be rendered at the end of each three (3) month period for all water consumed during that period. The Director of Public Works may divide the entire number of consumers into six (6) approximately equal divisions, so that the same number of bills, as nearly as practicable, will be rendered and become payable during each month throughout the year. The meters of commercial and industrial consumers may be read monthly and may be billed monthly.

Any bill not paid within thirty (30) days after the date of issue shall be returned by the Collector to the Director of Finance, and the Director of Public Works shall cause the water to be turned off from the premises against which the unpaid bill is rendered. He shall thereupon ascertain the amount of water consumed on the premises up to that date that service is discontinued, and then apply against the amount due for water so consumed the money which the customer has on deposit with the city, refunding to the consumer the balance, if any, that may remain. Service may not be restored until all water consumed has been paid for and until the consumer has fully complied with the terms of this article.

Section 11.135. Billing; Multiple Occupancy.

Where buildings are occupied by tenants, the owner shall be responsible for the water costs. Where two (2) or more tenants are in one building or two (2) or more connected buildings, or buildings constructed in flats, or are on one parcel of ground or lot, the water costs for the entire building or structure will be charged to one person only, who shall pay the full rate, and no deductions will be made on the plea that some of the tenants do not use the water.

Section 11.140. Water Rates.

Water rates for water service rendered by the City of Webster Groves shall be as follows from and after the 1st day of September 1999, subject to adjustments as provided in Section 11.141 below:

a. For the first six hundred (600) cubic feet or less of water used, per quarterly billing period, the Minimum Customer Charge for the meter size used by the customer shall be as follows:

Quarter	Meter Size	Minimum Charge
5/8”		$23.21
3/4”		$26.91
1”		$31.83
1-1/2”		$44.13
2”		$58.88
3”		$98.23
4”		$142.99

Quarter	Meter Size	Minimum Charge
6”		$293.43

Minimum charges shall be pro-rated to the months or fractions of months used.

b. For all water used over six hundred (600) cubic feet, per quarterly billing period, the Commodity Charge for all meter sizes listed in subsection (a) shall be $1.8495 per one hundred (100) cubic feet.

c. For all metered water used by contractors and others on special jobs, the charge shall be Five Dollars ($5.00) per one hundred (100) cubic feet with a minimum charge of Thirty Dollars ($30.00).

d. For all nonmetered water used by contractors and others on special jobs, the charge shall be Sixty Dollars ($60.00) per day of usage. (Ord. No. 7903, § 1, 2-6-96)

e. In addition to the above rates there will be imposed a seven percent (7%) surcharge on the total bill, said surcharge to be in lieu of the Annual License tax of seven percent (7%) of the gross receipts of persons selling or distributing water in the City of Webster Groves in accordance with Section 41.180 of the Code of Webster Groves. (Ord. No. 7621, § 2, 9-4-90)

f. The City may render bills on a monthly basis for other residential use on the above rates, steps and minimum charges converted to a monthly basis.

g. A late fee of one percent (1%) per month for delinquent water service charges shall be added to the balance due. (Ord. No. 7264, § 1, 5-17-83; Ord. No. 7292, § 1, 3-6-84; Ord. No. 7407, § 1, 12-2-86; Ord. No. 7536, § 1, 5-16-89; Ord. No. 7621, § 1, 9-4-90; Ord. No. 7903, § 1, 2-6-96)

(Ord. No. 8107, § 1, 8-17-99)

Section 11.141. Water Rate Adjustments.

The City Council shall from time to time, but not less than annually, adjust water rates by resolution in a manner directly proportionate to increases or decreases in the cost of capital improvements, personnel, materials (including but not limited to water), supplies and contractual services to the City. The Director of Public Works shall timely report all increases in the cost of capital improvements, personnel, materials (including but not limited to water), supplies and contractual services to the City Council. (Ord. No. 8107, § 1, 8-17-99)

Section 11.145. Repairs; Assessment of Costs.

Whenever any service pipe or attachment thereto leading to any premises is out of repair between the property line and the meter on any premises, and the owner of such premises, or his agent or the occupant thereof, refuses or neglects to repair it at once, the necessary repairs will be made or the water will be shut off by the Director of Public Works; and in case of repairs requiring prompt attention the repairs may be made or the

water may be shut off by the Director of Public Works without notice. A bill for the cost of the work done and material furnished by the Director of Public Works shall be presented to the owner, agent or occupant, and in case of failure to pay the bill within ten (10) days from its presentation the Director of Public Works shall immediately cause the water to be shut off and may withdraw the tap or cut off the attachment from the main pipe, and no further license or permit for water to be used on or at such premises may be issued until the cost incurred in making the repairs and disconnecting the attachment has been paid. All such costs will be collected in the same manner as charges for water consumed.

Section 11.150. Improper Use of Water or Facilities.

No consumer may supply water to other families or allow them to take it, except for use on the premises and for the purposes specified in the application. No person may use water for purposes not specified in the application for a permit. No person may willfully or unreasonably waste water; no person may keep the water running to waste in winter to keep the pipes from freezing or in summer to keep the water cool.

No person may make, or cause to be made, any tap or connection with the work upon the premises, for alterations, repairs, extensions, or attachments, without a written permit from the Director of Public Works, as in the case of first introduction of water in or on the premises.

Section 11.155. Tampering With Pipes, Hydrants, Manholes, Etc.

No person may open or tamper with any standpipe, fire hydrant or stop box without a written permit from the Director of Public Works.

Section 11.160. Creation of Nuisance.

Any person using city water and creating a nuisance by the disposition of sewage will be notified by written notice to abate same within a reasonable time not exceeding five (5) days. In the event the City is not able to deliver the written notice personally, the notice will be attached to the front door of the residence of the person. If the nuisance is not so abated the water shall be turned off until it has been abated.

Section 11.165. Access for Inspection.

Every consumer shall at all reasonable times permit the Director of Public Works, or his properly authorized agent, to enter the premises or buildings to read meters, to examine the water pipes and fixtures, and the manner in which water is used. When the City, during normal working hours, is unable to read a customer's meter for four (4) successive regular meter reading periods, the city shall discontinue service, until the customer contracts with the City for the installation of a remote meter reading device, or until the customer provides a meter vault at the property line for a meter installation. The cost of installing a remote meter shall be determined on the actual cost of material and labor to the City.

Section 11.170. Failure to Supply Water.

Nothing in this Chapter shall be construed to bind the City of Webster Groves to furnish water in the event that the City of St. Louis or the St. Louis County Water Company, or their successors or assigns, should fail to comply with the terms of its contract with this City, or the City is unable to supply water to consumers for any other unavoidable cause.

Section 11.175. Shutting Off Water; Damages.

The City reserves the right to shut off the water in the mains at any time for the purpose of repairing, cleaning, making connections with or extensions to same, or for the purpose of concentrating water in any part of the City in case of fire, or for restricting the use of water in case of deficiency in the supply. No claim may be made against the City for damages arising from the breaking of any service pipe or service cock, or from shutting off water for repairing, laying or re-laying mains, hydrants or other connections, or for the concentrated or restricted use of water.

The City also reserves the right to shut off the water of any person for failure to pay bills, or in any way to comply with the rules and regulations of this Chapter; in such event no deduction shall be made for any time any water is shut off, and the City may forfeit any payment made. After water has been shut off for any such reason it will not be turned on again until all back bills and penalties are paid, together with a fee for turning the water off and on, which shall be Twenty-Five Dollars ($25.00). (Ord. No. 7292, § 3, 3-6-84)

Section 11.180. Penalty for Violation.

Any person who fails to pay any bill arising from his water service, or makes any fraudulent representation in connection with his application for water service, or who in any other way violates or fails to comply with any provision of this Chapter, will be subject to a fine of not less than Five Dollars ($5.00) or more than One Hundred Dollars ($100.00). This penalty shall not preclude the City from shutting off the person's water as provided hereinabove, and in addition to the penalties herein provided, the Council, upon receipt from the City Manager of a report showing that any person has failed to pay any water bill arising from his water service more than thirty (30) days after the sending of said bill, may assess against each lot or any property to which the aforesaid water was provided, a special assessment or tax equivalent to the amount of unpaid water bills, and shall direct the City Clerk to issue a special tax bill therefor against each such lot or property. Such special tax bill shall be due and payable thirty (30) days after its date, shall bear interest at the rate of eight percent (8%) per annum from and after thirty (30) days after its date and shall be a lien against the lot or property against which it is issued until paid.

Article III. Standards for Installation of Mains, Pipes and Other Facilities

Section 11.210. Connecting With Mains; Abandonment.

In making connections with the mains, the City shall tap the main and insert corporation cock, for taps up to and including two (2) inches in diameter. The contractor shall be responsible for arranging to have taps larger than two (2) inches made by other than City

forces. The pipe shall be laid three and one-half (3½) feet, and in such manner as to prevent rupture by settlement. The consumer shall be responsible for running all service pipes from the cock to the building. All service pipes shall be made of copper, except pipes having an inside diameter greater than two (2) inches shall be ductile iron. All service pipes shall be provided at the proper place, designated by the Director of Public Works, with a substantial brass "**T**" handle stop cock, protected with an approved cast iron telescoping stop box not less than four (4) inches in diameter, reaching to the surface of the ground, with screw top and set plumb. Service lines larger than two (2) inches may have a valve with a two (2) inch square operating nut protected by an approved telescoping valve box not less than five and one quarter (5¼) inches in diameter, reaching to the surface of the ground and set plumb. No tap may be used except as is approved by the Director of Public Works, and a tap permit has been issued. For tapping the main and supplying the corporation cock, a charge according to the schedule below will be made, which sum must be paid to the Director of Public Works for the City, at the time application for connection is made. Said charge shall be accounted for by the Director of Public Works in the same manner as other collections by him for the Water Division.

1" tap	$55.00
1 1/2" tap	$130.00
2" tap	$155.00

When an increase in supply is wanted the tap or taps in use shall be destroyed at the expense of the party desiring the increased supply before the new tap is inserted in the water main. When service pipes are abandoned, in the opinion of the Director of Public Works, the taps to which the abandoned pipes are connected shall be destroyed. Taps inserted for building purposes will be destroyed when the building is completed, unless it is intended to extend the pipe for the supply of the premises. (Ord. No. 8107, § 1, 8-17-99)

Section 11.220. Service Pipes.

No service pipe may be laid in a sewer trench, or within eighteen (18) inches alongside of a sewer trench, except by special permission of the Director of Public Works endorsed upon the permit. No pipe of diameter less than one (1) inch may be placed underground. Suitable air chambers shall be installed on the work whenever necessary. Consumers shall protect their service pipes and attachments from freezing.

In case several disconnected buildings are supplied from one tap, there must be a main cock and box located near the water main, and also a stop cock and box controlling the water supply to each house, independently.

No service pipe may cross lots or buildings to adjoining premises. Every service pipe shall enter the front of the building at right angles to same if possible.

Section 11.230. Street Washers.

Street washers, when placed in connection with the pipe supplying the premises, must be controlled by stop cock and box, so arranged as to admit of water being turned off from the street washer without interfering with the supply of the building. No street

washer may be used until the pattern has been approved by the Council. When an attachment is made to supply water for building purposes, the stop cock and box must be set and a meter installed, which may be an iron pipe connection. In addition, there must be furnished and set for the use of the builder a street washer so arranged as to operate with a key.

Section 11.240. Stop Cocks.

The stop cock in the service pipe shall be placed approximately six (6) inches outside of the property line, and at least three (3) feet within the side line of the lot, or at some other location to be approved by the Director of Public Works, and shall be set in a regulation cast iron service box with a proper cover marked "Water." Any stop cock not so placed or not having cast iron service box and cover may be dug up and replaced by the Director of Public Works with proper service box at the expense of the owner of the premises. The stop cock at mains and sidewalks, together with the box and cover, and the service pipe extending from the main to the property line, are under the control of the City, and all persons are forbidden to interfere therewith.

There shall be a brass stop and waste cock with wheel handle attached to every supply pipe, at the point where it enters the building, and it shall be so arrange and maintained as to admit of the water being shut off and the pipes in the building drained.

No plumber may conduct unmetered pipes into any two distinct premises or tenements, unless separate and distinct stop cocks are placed on the outside of such premises.

Section 11.250. When Private Persons May Lay Water Mains.

Any person desiring to install a water main in a subdivision or in a private or public street of the City, and to have it connected with the water system of the City and obtain water service therefrom, may make written application to the Director of Public Works, specifying the name of the person at whose cost or expense the proposed pipe and mains are to be laid, detailed construction plans and specification prepared and sealed by a professional engineer registered in the State of Missouri; if applicable, completed Missouri Department of Natural Resources permit application with supporting documents; and a detailed estimate of the cost of the water main installation.

After approval of the plans and specifications by the Director of Public Works and receipt of a DNR permit the persons or persons shall submit to the Director of Public Works the following documents prior to starting the work of installation:

Agreement and bond executed by the permittee where he/she agrees to make and install the improvements in accordance with the plans and specifications specifying a completion date not more than six (6) months after the date of the agreement unless the Director of Public Works, on the basis of information provided by the permittee that a longer time is necessary.

The guarantee for completion of the improvements by the permittee shall be in the principal amount of one hundred percent (100%) of the estimated cost as approved by the Director of Public Works and secured by either:

a. A certificate of deposit with or an escrow account at a federally insured bank or savings and loan association subject to draw by the City to complete the improvements if it is not completed within the prescribed time limit; or

b. A clean, non-declining, irrevocable letter of credit issued by a federally insured bank or savings and loan association. The letter shall be approved by the City and provide that funds may be drawn only by the City; or

c. A warranty or maintenance bond.

Escrow deposits and bonds shall be held and released in compliance with state and local law.

The permittee shall agree as follows:

a. To pay all costs of plan review by the City. Payment shall be made to the City prior to the City signing the DNR permit applications.

b. To pay all costs of inspection including resident supervision if deemed necessary by the Director of Public Works. The estimated cost of inspection, approved by the Director of Public Works, shall be deposited with the Department of Finance prior to the start of work and additional funds added during the work if required. The permittee, however, shall pay only the actual costs of such services based on standard engineering fees. At the completion of the work any unused portion of the amount deposited shall be returned. No interest shall be paid on deposited funds.

c. Material and construction methods shall be in conformance with specifications established by the Director of Public Works.

d. The professional engineer designing the extension shall file as-built drawings at the completion of the work to the City.

The performance bond will not be released until the following documents are filed with the Clerk and approved by the Director of Public Works:

1. As-built drawings: one reproducible set and two sets of prints;

2. Release of all permits; and

3. Copies of all tests required by the Water Supervisor;

4. The guarantee period has expired.

If such a permit is granted, the permittee may proceed with the work of installation, using materials and performing the work as required by the ordinances of the City or by rules and regulations of the Water Division, subject to the final approval of the Director of Public Works, such approval to be in writing when the installation is completed; a report of such approval must be made to the City Council by the Director of Public Works. All permits issued are on condition that the City reserves the right to spot and attach to such

mains as necessary fire plugs for fire and other uses, at the expense of the permittee. If any part of such water pipe or main is placed on private property or in a private street, easements to the City of Webster Groves, properly executed by the owners of such property, and in the form required by the City, must be furnished and delivered to the City before the work is begin.

Any main or part of main so laid, when approved by the Director of Public Works will become the property of the City of Webster Groves.

No such permit, or right, or interest thereunder, may be transferred or assigned, and no refund will be made to any person not named in the permit.

Nothing contained in this section may be construed as exempting the permittee from the provisions of any other ordinance applicable to the work undertaken under the permit.

(Ord. No. 8107, § 1, 8-17-99)

CHAPTER 12. PUBLIC UTILITIES

Article I. Regulation of Installation of Facilities

Section 12.010. Installation of Facilities Regulated.

Any person engaged in the sale or distribution of electricity, water, or gas, or services connected therewith, shall have all electric wires, cables or conduits for the distribution of electric service of any kinds, or mains, lines, pipes or connections for the distribution of water or gas, properly put in, laid and extended to the property line on any street, alley or public place before the same are permanently improved.

Section 12.020. Location of Facilities.

Any person authorized to install and maintain pipes, wires, cables, conduits, manholes, service boxes, poles, brackets, or other appliances or conveniences in, over or upon the streets, alleys, ways, parks or other property of the City of Webster Groves shall so locate and maintain the facilities as not to obstruct or interfere with the normal or customary uses of the streets, alleys, ways, parks or other property, or with similar facilities installed or maintained by others.

Any public utility shall, upon reasonable notice and without cost to the City, for public convenience, change the location of any pipes, wires, cables, conduits, manholes, service boxes, poles, brackets or other facilities or conveniences.

Notwithstanding anything to the contrary in this code, all electrical, telephone, cable television and other utility service lines from the utility distribution system to newly erected buildings, other than two or fewer adjacent new single-family dwellings on streets served by overhead utility distribution system(s), shall be installed underground, except that the City Manager (or a designee of the City Manager), pursuant to administrative guidelines established by the City Manager (or a designee of the City Manager), pursuant to administrative guidelines established by the City, and approved by the City Council, may approve above ground installations in whole or in part for non-exempted residential or non-residential lines only when documentation is provided that proves the impracticability of installing such lines underground. (Ord. No. 8339, § 1, 6-3-03)

Section 12.030. Permit for Installation.

Any person desiring to install any such facility shall obtain a permit from the Director of Public Works on forms furnished or approved by him. Application for a permit shall be accompanied by a drawing showing in detail the facility desired to be installed and the location thereof, and the location of facilities of other utilities. However, no drawing shall be required for connecting such facilities with adjacent users or for repairing them. The issuance of a permit does not relieve the applicant of the obligations set forth in Section 12.020.

Section 12.040. Penalty for Violation.

Any person violating a provision of this article may be fined not less than Twenty-Five Dollars ($25.00), nor more than One Hundred Dollars ($100.00) for each offense.

Nothing contained in this section may be construed as exempting the permittee from the provisions of any other ordinance applicable to the work undertaken under the permit.

CABLE COMMUNICATIONS REGULATORY CODE
CITY OF WEBSTER GROVES, MISSOURI

Editor's Note: Chapter 13 has been conditionally repealed by Chapter 14, Section 14.010; therefore, the reader is instructed to consider the effect of Chapter 14 on this Chapter 13 before relying on any provision in this Chapter 13.

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1. General Provisions

(a) Title.

This Ordinance shall be known and may be cited as the "Cable Communications Regulatory Code."

(b) Purpose.

The City finds that further development of Cable Systems has the potential to be of great benefit to the City and its residents and businesses. Cable technology is rapidly changing, and cable plays an essential role as part of the City's basic infrastructure. Cable Systems extensively make use of scarce and valuable Public Right-of-Ways, in a manner different from the way in which the general public uses them, and in a manner reserved primarily for those who provide services to the public, such as utility companies. A cable company currently typically faces very limited competition; thus, the grant of a Franchise has the effect of giving the holder extensive economic benefits and places the holder in a position of public trust. Because of these facts, the City finds that public conveniences, safety, and general welfare can best be served by establishing regulatory powers vested in the City or such Persons as the City so designates to protect the public and to ensure that any Franchise granted is operated in the public interest. In light of the foregoing, the following goals, among others, underlie the provisions set forth in this Ordinance:

(1) Cable Service should be available to as many City residents and businesses as possible and provide the widest possible diversity of information sources and services to the public.

(2) A Cable System should be capable of accommodating both present and reasonably foreseeable future cable-related needs of the community.

(3) A Cable System should be constructed and maintained during a Franchise term so that changes in technology may be integrated to the maximum extent possible into existing System facilities, taking into account all relevant factors including costs.

(4) A Cable System should grow and develop and be responsive to the needs and interests of the community.

The City intends that all provisions set forth in this Ordinance be construed to serve the public interest and the foregoing public purposes, and that any Franchise issued pursuant to this Ordinance be construed to include the foregoing findings and public purposes as integral parts thereof.

(c) Existing Franchise and Agreements

To the extent permitted by law, this Ordinance shall apply to Franchises and other Agreements in effect at the time of adoption of this Ordinance.

2. Definitions and Word Usage

(a) Definitions and Usage - General.

For the purposes of this Ordinance, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense and vice versa, words in the plural number include the singular number, and vice versa, and the masculine gender includes the feminine gender and vice versa. The words “shall” and “will” are mandatory, and “may” is permissive. Unless otherwise expressly stated or clearly contrary to the context, terms, phrases, words, and abbreviations not defined herein shall be given the meaning set forth in Title 47 of the United States Code, Chapter 5, Subchapter V-A, 47 U.S.C. §§ 521 et seq., as amended, and regulations issued pursuant thereto, and, if not defined therein, their common and ordinary meaning. For convenience, Federal definitions are set forth in the glossary to this Ordinance, which glossary may be revised by the City Attorney to reflect subsequent changes in federal law without the need for an amendment of this Ordinance. For further convenience, the first letter of terms, phrases, words, and abbreviations defined in this Ordinance or by federal law have been capitalized, but an inadvertent failure to capitalize such letter shall not affect meaning.

(b) Cable Act.

“Cable Act” shall mean Title 47 of the United States Code, Chapter 5, Subchapter V-A, 47 U.S.C. §§ 521 et seq., as amended from time to time.

(c) City.

“City” shall mean the City of Webster Groves, Missouri, and its agencies, departments, agents, and employees acting within their respective areas of authority.

(d) City Council.

“City Council,”, “Board of Aldermen” or “Board” shall mean the governing body of the City.

(e) FCC.

“FCC” shall mean the Federal Communications Commission, its designee, or any successor governmental entity thereto.

(f) Franchise Agreement.

“Franchise Agreement” shall mean a contract entered into in accordance with the provisions of this Ordinance between the City and a Franchisee that sets forth, subject to this Ordinance, the terms and conditions under which a Franchise will be exercised.

(g) Franchise Area.

“Franchise Area” shall mean the area of the City that a Franchisee is authorized to serve by its Franchise Agreement.

(h) Franchise Transfer.

(1) "Franchise Transfer" shall mean any transaction in which: (A) an ownership or other right, title, or interest of more than ten percent (10%) in a Franchisee or its Cable system is transferred, sold, assigned, leased, sublet, or mortgaged, or otherwise disposed of or encumbered directly or indirectly, voluntarily or by foreclosure or other involuntary means, in whole or in part; or (B) there is any change in or substitution of, or acquisition or transfer of Control of, the Franchisee or any Person which has more than a ten percent (10%) interest in a Franchisee or has responsibility for or Control over a Franchisee's operations or over the System; or (C) the rights or obligations held by the Franchisee under the Franchise are transferred, directly or indirectly to another Person.

(2) "Control" means the legal or practical ability to direct the affairs of another Person, either directly or indirectly, whether by contractual agreement, majority ownership interest, any lesser ownership interest, or in any other manner.

(3) A rebuttable presumption that a change, acquisition, or transfer of Control has occurred shall arise upon the acquisition or accumulation of a ten percent (10%) or larger ownership interest by any Person or group of Persons acting in concert, none of whom already have more than a fifty percent (50%) ownership interest, alone or collectively.

(4) Notwithstanding the foregoing, "Franchise Transfer" does not include:

(a) disposition or replacement of worn out or obsolete equipment, property or facilities in the normal course of operating a Cable System, including the renewal or extension of equipment or property leases and contracts; or

(b) acquisition, transfer, sale or other disposition of leases, licenses, easements, and other interests in real property in the normal course of operating a Cable System and not involving the relinquishment of any right or power affecting the Franchisee's ability to provide services in whole or in part; or

(c) pledge or mortgage of a Franchisee's assets to a financial institution in return for sums necessary to construct or operate (or both) the Cable System, provided that such pledge or mortgage and related agreements obligate and limit such financial institution as follows: any foreclosure or exercise of lien over the Franchise or facilities shall only be by assumption of Control over the entire Cable System; prior to assumption of Control, the institution shall notify the City that it or a designee acceptable to the City will take Control of and operate the System, and shall submit a plan for such operation insuring continued service and compliance with this Ordinance and all Franchise obligations during the term the institution exercises such Control; and the institution shall not exercise Control for longer than one year unless extended by the City for good cause and shall prior to the expiration of such period (as extended) obtain the City's approval of a Franchise Transfer for the remaining term of the Franchise or award of a new Franchise to another qualified Person pursuant to this Ordinance; or

(d) assignment of the Franchise to another entity wholly owned by the Franchisee or the owners of the Franchisee, provided an owner of the Franchisee has guaranteed its obligations under the Franchise Agreement and the assignment does not affect

such guaranty, and the Franchisee and Guarantor(s) provide signed written notice of such assignment at least thirty (30) days in advance which demonstrates the conditions of this exception have been satisfied.

(i) Franchisee.

"Franchisee" shall mean a Person that has been granted a Franchise by the City in accordance with this Ordinance.

(j) Gross Revenues.

"Gross Revenues" shall mean any and all cash, credits, property or other consideration of any kind or nature, received directly or indirectly, by a Franchisee or its Affiliates or any Person, arising from, attributable to, or in any way derived from the provision of Cable Service over a Cable System, including the studios and other facilities associated therewith, or by the provision of other communications service, within the City. "Gross Revenues" include, by way of illustration and not limitation, monthly fees charged Subscribers for any basic, optional, premium, per-channel, per-program, or other service; installation, disconnection, reconnection, and change-in-service fees; leased channel fees; late fees and processing fees; fees or payments received from programmers for carriage of programming on the System (which does not include contributions to joint marketing efforts); revenues from rentals or Sales of converters or other equipment; studio rental and production fees; advertising revenues; revenues from program guides; revenues from the Sale or carriage of other communications services, including information services and bypass services; and revenues from home shopping and bank-at-home channels. "Gross Revenues" shall not include any Franchise fees hereunder or any taxes on services furnished by a Franchisee or other Person which are imposed directly on any Subscriber or User by the United States, the State of Missouri, the City, or other governmental unit and which are collected by a Franchisee or other Person on behalf of said governmental unit. "Gross Revenues" shall not include revenues of another Person to the extent already included in the "Gross Revenues" of one Person hereunder, or any proceeds from the sale or exchange of the System. "Gross Revenues" shall not include revenues for goods and services which are not provided over the System, even if such goods and services are ordered using the System. In the event a Person receives revenues for operations within and without the City of which no specific portion can be attributed to operations in the City, "Gross Revenues" with respect to such revenues shall mean the portion thereof derived by multiplying such revenues by a fraction, the numerator of which is the number of Subscribers in the City and the denominator of which is the total number of Subscribers in the area generating such revenues.

(k) Normal Business Hours.

"Normal Business Hours" means 8 a.m. to 5 p.m. Monday through Friday.

(l) Normal Operating Conditions.

"Normal Operating Conditions" means those service conditions that are within the control of a Franchisee. Conditions that are not within the control of a Franchisee include, but are not limited to, natural disasters, civil disturbances, power outages in excess of two (2) hours in length, telephone network outages, and severe or unusual weather conditions. Conditions that are within the control of a Franchisee include, but are not limited to, special promotions, rate

increases, regular peak or seasonal demand periods, maintenance or upgrade of the Cable System, and power outages of two (2) hours or less in length.

(m) Person.

"Person" shall mean an individual, partnership, limited liability corporation or partnership, association, joint stock company, trust, organization, corporation, or other entity, or any lawful successor thereto or transferee thereof, but such term does not include the City.

(n) Public Right-of-Ways.

"Public Right-of-Ways" shall mean the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, waterway, easement, or similar property in which the City now or hereafter holds any property interest, which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a Cable System. No reference herein, or in any Franchise Agreement, to a "Public Right-of-Way" shall be deemed to be a representation or guarantee by the City that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a Franchisee shall be deemed to gain only those rights to use as are properly in the City and as the City may have the undisputed right and power to give.

(o) RFP.

"RFP" stands for request for proposal.

(p) Sale.

"Sale" shall mean any sale, exchange, or barter transaction.

(q) Service Interruption.

"Service Interruption" means the loss of picture or sound on one or more cable channels.

(r) Subscriber.

"Subscriber" shall mean any Person who legally receives any service delivered over a Cable System and the City in its capacity as a recipient of such service.

(s) User.

"User" shall mean a Person utilizing part or all of a Cable System for purposes of producing or transmitting Video Programming or Other Programming services as contrasted with the receipt thereof in the capacity of a Subscriber.

3. Grant of Franchise

(a) Grant of Franchise.

The City may grant one or more cable television Franchises containing such provisions as are reasonably necessary to protect the public interest, and each such Franchise shall be awarded in accordance with and subject to the provisions of this Ordinance. This Ordinance may be amended from time to time, and in no event shall this Ordinance be considered a contract between the City and a Franchisee such that the City would be prohibited from amending any provision hereof; provided, no such amendment shall in any way impair any contract right or increase obligations of a Franchisee under an outstanding and effective Franchise except in the lawful exercise of the City's police power.

(b) Franchise Required.

No Person may construct, operate, or maintain a Cable System or provide Cable Service over a Cable System within the City without a Franchise granted by the City authorizing such activity. No Person may construct, operate, or maintain communications facilities or provide other communications services over such facilities within the City without authorization from the City. No Person may be granted a Franchise without having entered into a Franchise Agreement with the City pursuant to this Ordinance. For the purpose of this provision, the operation of part or all of a Cable System or other communications facilities within the City means the use or occupancy by facilities of Public Right-of-Ways within the City whether or not any Subscriber within the City is served. A System or other communications facilities shall be deemed as using or occupying Public Right-of-Ways even though such use or occupancy is solely by reason of use of distribution facilities furnished by a telephone or other company pursuant to tariff or contract. A System or other communications facilities shall not be deemed as operating within the City even though service is offered or rendered to one or more Subscribers within the City, if no Public Right-of-Way is used or occupied. The location within the City of a microwave or similar relay, interconnection or program origination facility not involving the use or occupancy of Public Right-of-Ways shall not be deemed operation within the City. In all respects, Franchise Agreements shall be issued so as to provide equal protection under the law and to prevent unlawful disparate treatment of Persons which operate or construct Cable Systems or provide Cable Services or other communication services over a Cable System.

(c) Length of Franchise.

No Franchise shall initially be granted for a period of more than twenty (20) years or less than four (4) years, except that a Franchisee may apply for renewal or extension pursuant to this Ordinance.

(d) Franchise Characteristics.

(1) A Franchise authorizes use of Public Right-of-Ways for installing, operating, and maintaining cables, wires, lines, optical fiber, underground conduit, and other devices necessary and appurtenant to the operation of a Cable System within a Franchise Area, but does not expressly or implicitly authorize a Franchisee to provide service to, or install a Cable System on private property without owner consent through eminent domain or otherwise (except for use of compatible easements pursuant to and consistent with Section 621 of the

Cable Act, 47 U.S.C. § 541(a)(2)), or to use publicly or privately owned poles, ducts or conduits without a separate agreement with the owners.

(2) A Franchise shall not mean or include any franchise, license, or permit for the privilege of transacting and carrying on a business within the City as generally required by the ordinances and laws of the City other than this Cable Communications Regulatory Code, or for attaching devices to poles or other structures, whether owned by the City or other Person, or for excavating or performing other work in or along Public Right-of-Ways. A Franchise shall not confer any implicit rights other than those mandated by federal, state or local law. A Franchise may expressly grant authority to provide other communications services in lieu of issuance of a separate additional license agreement.

(3) A Franchise is non-exclusive and will not explicitly or implicitly: preclude the issuance of other Franchises to operate Cable Systems within the City; affect the City's right to authorize use of Public Right-of-Ways by other Persons to operate Cable Systems or for other purposes as it determines appropriate; or affect the City's right to itself construct, operate, or maintain a Cable System, with or without a Franchise.

(4) Once a Franchise Agreement has been accepted and executed by the City and a Franchisee, such Franchise Agreement shall constitute a valid and enforceable contract between the Franchisee and the City, and the terms, conditions, and provisions of such Franchise Agreement, subject to this Ordinance and all other duly enacted and applicable laws, shall define the rights and obligations of the Franchisee and the City relating to the Franchise.

(5) All privileges prescribed by a Franchise shall be subordinate to any prior lawful occupancy of the Public Right-of-Ways, and the City reserves the right to reasonably designate where a Franchisee's facilities are to be placed within the Public Right-of-Ways through its generally applicable permit procedures without materially adding to the obligations of the Franchisee.

(6) A Franchise shall be a privilege that is in the public trust and personal to the original Franchisee. No Franchise Transfer shall occur without the prior written consent of the City upon application made by the Franchisee pursuant to this Ordinance and the Franchise Agreement, which consent shall not be unreasonably withheld, and any purported Franchise Transfer made without application and prior written consent shall be void and shall be cause for the City to revoke the Franchise Agreement.

(e) Franchisee Subject to Other Laws, Police Power.

(1) A Franchisee shall at all times be subject to and shall comply with all applicable federal, state, and local laws, including this Ordinance. A Franchisee shall at all times be subject to all lawful exercise of the police power of the City, including but not limited to all rights the City may have under 47 U.S.C. § 552, all powers regarding zoning, supervision of construction, assurance of equal employment opportunities, control of Public Right-of-Ways, and consumer protection.

(2) No course of dealing between a Franchisee and the City, or any delay on the part of the City in exercising any rights hereunder, shall operate as a waiver of any such rights of the City or acquiescence in the actions of a Franchisee in contravention of such rights

except to the extent expressly waived in writing or expressly provided for in a Franchise Agreement.

(3) The City shall have full authority to regulate Cable Systems, Franchisees, and Franchises as may now or hereafter be lawfully permissible. Except where rights are expressly waived by a Franchise Agreement, they are reserved, whether or not expressly enumerated.

(f) Interpretation of Franchise Terms.

(1) In the event of a conflict between this Ordinance and a Franchise Agreement, the provisions of the Franchise Agreement control except where the conflict arises from the lawful exercise of the City's police power.

(2) The provisions of this Ordinance and a Franchise Agreement will be liberally construed in accordance with generally accepted rules of contract construction and to promote the public interest.

(g) Operation of a Cable System Without a Franchise.

Any Person who occupies Public Right-of-Ways for the purpose of operating or constructing a Cable System or provides Cable Service or other communications service over a Cable System and who does not hold a valid Franchise from the City shall be subject to all requirements of this Ordinance, including but not limited to its provisions regarding construction and technical standards and Franchise fees. In its discretion, the City at any time may by ordinance: require such Person to enter into a Franchise Agreement within thirty (30) days of receipt of a written notice to such Person from the City that a Franchise Agreement is required; require such Person to remove its property and restore the affected area to a condition satisfactory to the City within such time period; grant a revocable permit to operate for a period not to exceed two (2) years provided such period begins on the expiration date of a Franchise previously issued to such Person; direct municipal personnel to remove the property and restore the affected area to a condition satisfactory to the City and charge the Person the costs therefor, including by placing a lien on the Person's property as provided in connection with abating nuisances; or take any other action it is entitled to take under applicable law. In no event shall a Franchise be created unless .it is issued by ordinance of the City pursuant to this Ordinance and subject to a written Franchise Agreement.

(h) Acts at Franchisee's Expense.

Any act that a Franchisee is or may be required to perform under this Ordinance, a Franchise Agreement, or applicable law shall be performed at the Franchisee's expense, without reimbursement by the City, unless expressly provided to the contrary in this Ordinance, the Franchise Agreement, or applicable law.

(i) Eminent Domain.

Nothing herein shall be deemed or construed to impair or affect, in any way or to any extent, the City's power of eminent domain.

(j) Exclusive Contracts and Anticompetitive Acts Prohibited.

(1) No Franchisee or other multichannel video programming distributor shall enter into or enforce an exclusive contract for the provision of Cable Service or other multichannel video programming with any Person, or demand the exclusive right to serve a Person or location, as a condition of extending service to that or any other Person or location.

(2) No Franchisee or other multichannel video programming distributor shall engage in acts that have the purpose or effect of limiting competition for the provision of Cable Service or services similar to Cable Service in the City, except for such actions as are expressly authorized by law.

4. Applications for Grant, Renewal, Modification, or Transfer of Franchises

(a) Written Application.

(1) A written application shall be filed with the City Clerk for: grant of an initial Franchise; renewal of a Franchise under 47 U.S.C. § 546(a)-(g) or § 546(h); modification of a Franchise Agreement; or Franchise Transfer. An applicant shall demonstrate in its application compliance with all requirements of this Ordinance and all applicable laws.

(2) To be acceptable for filing, a signed original of the application shall be submitted together with ten (10) copies. The application must be accompanied by the required filing fees, conform to any applicable request for proposals, and contain all required information. All applications shall include the names, addresses, and telephone numbers of Persons authorized to act on behalf of the applicant with respect to the application.

(3) All filed applications shall be made available by the City Clerk for public inspection. Each filed application shall be reviewed promptly by the City for completeness.

(b) Application for Grant of a Franchise, Other Than a Cable Act Renewal Franchise.

(1) Upon receipt of an application for a Franchise other than a Cable Act Renewal Franchise, the Board of Aldermen may commence a proceeding to identify the future cable-related needs and interests of the community. Upon completion of that proceeding, or after receipt of the application if no such proceeding is commenced, the Board of Aldermen shall either evaluate the application or issue an RFP, which shall be mailed to the applicant and made reasonably available to any other interested Person. The procedures, instructions, and requirements set forth in an RFP shall be followed by each applicant as if set forth and required herein. The City may seek additional information from any applicant and establish deadlines for the submission of such information. If the City issues an RFP, it shall evaluate all timely responses.

(2) In evaluating an application for a Franchise including a response to an RFP, the City shall consider, among other things, the following factors:

(A) The extent to which the applicant substantially complied with the applicable law and the material terms of any franchises in other communities.

(B) Whether the quality of the applicant's service under any franchises in other communities, including signal quality, response to customer complaints, billing practices, and the like, was reasonable in light of the needs and interests of the communities served.

(C) Whether there is adequate assurance that the applicant has the financial, technical, and legal qualifications to provide Cable Service in the City

(D) Whether the application satisfies any minimum requirements established by the City and is otherwise reasonably likely to meet the future cable-related needs and interests of the community, taking into account the cost of meeting such needs and interests.

(E) Whether there is adequate assurance the applicant will provide suitable Public, Educational, and Governmental Access Facilities.

(F) Whether issuance of a Franchise is warranted and in the public interest considering the immediate and future effect on the Public Right-of-Ways that would be used by the Cable System, including the extent to which installation or maintenance as planned would require replacement of property or involve disruption of property, public services, or use of the Public Right-of-Ways.

(G) Whether the applicant or an Affiliate of the applicant owns or controls any other Cable System in the City, or whether grant of the application may eliminate or reduce competition in the delivery of Cable Service in the City.

(3) If the Board of Aldermen finds that it is in the public interest to issue a Franchise considering the factors set forth above, the City shall prepare a final written Franchise Agreement under this Ordinance that incorporates, as appropriate, the commitments made by the applicant and establish a deadline for the applicant to sign it and submit it for approval. If the applicant signs the Franchise Agreement and timely submits it for approval, the City shall issue a Franchise by ordinance adopted no less than thirty (30) days after the filing of the original application.

(4) If the Board of Aldermen denies a Franchise, it will issue a written decision explaining why the Franchise was denied.

(5) Prior to deciding whether or not to issue a Franchise, the Board of Aldermen shall hold a public hearing; however, the City may reject without hearing any application that is incomplete or fails to respond fully to an RFP.

(6) This Ordinance is not intended and shall not be interpreted to grant standing to challenge the issuance of a Franchise to another Person, or to limit such standing.

(c) Application for Grant of a Cable Act Franchise Renewal.

Applications for Franchise renewal under the Cable Act shall be received and reviewed in a manner consistent with Section 626 of the Cable Act, 47 U.S.C. § 546. If neither a Franchisee nor the City activates in a timely manner, or can activate, the renewal process set

forth in 47 U.S.C. § 546(a)-(g) (including, for example, if the provisions are repealed), and except as to applications submitted pursuant to 47 U.S.C. § 546(h), the provisions of Section 4(b) shall apply and a renewal request shall be evaluated using the same criteria as any other request for a Franchise. The following requirements shall apply to renewal requests properly submitted pursuant to the Cable Act:

(1) (a) If the provisions of 47 U.S.C. § 546(a)-(g) are properly invoked, the Board of Aldermen shall, in accordance with the time limits of the Cable Act, commence and complete a proceeding to review the applicant's performance under the Franchise during the then current Franchise term and to identify future cable-related community needs and interests. Upon completion of the proceeding, the Board of Aldermen may issue a RFP. The Board of Aldermen, or its designee, shall establish deadlines and procedures for responding to the RFP, may seek additional information from the applicant, and shall establish deadlines for the submission of such additional information. Alternatively, an applicant can submit a proposal for renewal on its own initiative.

(b) Following receipt of renewal proposals (and such additional information as may be provided in response to requests), the Board of Aldermen will provide prompt public notice of such proposals and thereafter either determine that the Franchise should be renewed or make a preliminary assessment that the Franchise should not be renewed. This determination shall be made in accordance with the time limits established by the Cable Act, including sufficient time to comply with the following procedures.

(c) If the Board of Aldermen preliminarily determines that the Franchise should not be renewed, which determination can be made by resolution, and the applicant that submitted the renewal proposal notifies the City Clerk in writing within twenty (20) days after receipt of the preliminary determination that it wishes to pursue any rights to an administrative proceeding it has under the Cable Act, then, if required, the Board of Aldermen shall commence an administrative proceeding after providing prompt public notice thereof, in accordance with the Cable Act. The City may also commence such a proceeding on its own initiative if it so chooses.

(d) If the Board of Aldermen decides to grant renewal, which decision shall be made by resolution, the City shall prepare a final written Franchise Agreement that incorporates, as appropriate, the commitments made by the applicant in the renewal proposal and establish a deadline for the applicant to sign it and submit it for approval. If the applicant signs the Franchise Agreement and timely submits it for approval, the City shall issue a Franchise by ordinance. If the Franchise Agreement is not so accepted and approved within the time limits established by 47 U.S.C. § 546(c)(1) and the City, renewal shall thereupon be deemed preliminarily denied, and if the applicant notifies the City Clerk in writing within twenty (20) days after the expiration of the time limit established by 47 U.S.C. § 546(c)(1) that it wishes to pursue any rights to an administrative proceeding it has under the Cable Act, then, if required, the Board of Aldermen shall commence an administrative proceeding after providing prompt public notice thereof, in accordance with the Cable Act. The City may also commence such a proceeding on its own initiative if it so chooses.

(2) If an administrative proceeding is commenced pursuant to 47 U.S.C. § 546(c), the applicant's renewal proposal shall be evaluated considering such matters as may be considered consistent with federal law. The following procedures shall apply:

(A) The Board of Aldermen shall, by resolution, appoint an administrative hearing officer or officers (referred to hereafter as "hearing officer"). The Board of Aldermen may appoint itself or one or more of its members as hearing officer.

(B) The hearing officer shall establish a schedule for proceeding which allows for written discovery (requests for admissions, production of documents and interrogatory responses), production of evidence, and subpoenaing and cross-examination of witnesses. Depositions shall not be permitted unless the party requesting the deposition shows that written discovery and hearing subpoena will not provide it an adequate opportunity to require the production of evidence necessary to present its case. The hearing officer shall have the authority to require the production of evidence as the interests of justice may require, including to require the production of evidence by the applicant that submitted the renewal proposal and any Person that owns or controls or is owned or controlled by, or under common control with, such applicant directly or indirectly. The hearing officer shall not prohibit discovery on the ground that evidence sought is proprietary or involves business secrets, but rather shall issue protective orders which allow reasonable and necessary discovery without making such information available to competitors. Any order of the hearing officer may be enforced by imposing appropriate sanctions in the administrative hearing or by action of the Board of Aldermen.

(C) The hearing officer may conduct a prehearing conference and establish appropriate prehearing orders. The City and the applicant shall be the only parties. The City may have special counsel to represent its interests at the hearing so that the City Attorney may advise the Board of Aldermen as it makes its decision.

(D) The hearing officer may require the City and the applicant to submit prepared written testimony prior to the hearing. Unless the parties agree otherwise, the applicant shall present evidence first, the City shall present evidence second, and the applicant shall be allowed the opportunity to present rebuttal evidence. Any reports or the transcript or summary of any proceedings conducted pursuant to 47 U.S.C. § 546(a) shall for purposes of the administrative hearing be regarded no differently than any other evidence. The City and the applicant must be afforded full procedural protection regarding evidence related to these proceedings, including the right to refute any evidence introduced in these proceedings or sought to be introduced by the other party. Both shall have the opportunity to submit additional evidence related to issues raised in the proceeding conducted pursuant to 47 U.S.C. § 546(a).

(E) There shall be a transcribed proceeding during which each party will be allowed to present testimony (live, or written if so required) and cross-examine the witnesses of the other party.

(F) Following completion of any hearing, the hearing officer shall require the parties to submit proposed findings of fact with respect to the matters that the Board of Aldermen is entitled to consider in determining whether renewal ought to be granted. Based on the record of the hearing, the hearing officer shall then prepare written findings with respect to those matters, and submit those findings including a decision and the reasons therefor, to the

Board of Aldermen and to the parties (unless the hearing officer is the Board of Aldermen, in which case the written findings shall constitute the final decision of the City).

(G) If the hearing officer is not the Board of Aldermen, the parties shall have thirty (30) days from the date the findings are submitted to the Board of Aldermen to file exceptions to those findings. The Board of Aldermen shall thereafter issue a written decision granting or denying the application for renewal, consistent with the requirements of the Cable Act, based on the record of such proceeding, stating the reason for the decision. A copy of the final decision of the Board of Aldermen shall be provided to the parties.

(H) The proceeding shall be conducted with due speed. Any decision to renew a Franchise shall be made by ordinance enacted no less than thirty (30) days after the filing of the application, and subsequent to preparation of a written Franchise Agreement consistent with the decision by the city and signature thereof by the applicant.

(I) In conducting the proceeding, and except as inconsistent with the foregoing, the hearing officer will follow the Missouri Administrative Procedures Act, as amended. The hearing officer may request that the Board of Aldermen adopt additional reasonable and necessary procedures and requirements by resolution.

(3) This Section does not prohibit any Franchisee from submitting or the City from considering an informal renewal application pursuant to 47 U.S.C. § 546(h), which application may be granted or denied in accordance with the provisions of 47 U.S.C. § 546(h). If such an informal renewal application is granted, including during the course of formal renewal proceedings, then the steps specified in subsections (c)(1) and (c)(2) of this section need not be taken, notwithstanding the provisions of those subsections. However, the City will provide the public with adequate notice before making a decision on such an application, and will make any decision to renew by ordinance enacted no less than thirty (30) days after the filing of the application, and subsequent to the preparation of a written Franchise Agreement by the City and signature thereof by the applicant. Unless otherwise directed by the City, an informal renewal application shall contain the information required under Section 4(d).

(4) The provisions of this Ordinance shall be read and applied so that they are consistent with Section 626 of the Cable Act, 47 U.S.C. § 546, as amended.

(d) Contents of Franchise and Renewal Applications.

An RFP for the grant of a Franchise, including for a Franchise renewal shall require, and any application submitted shall contain, at a minimum, the following information:

(1) Name and address of the applicant and identification of the ownership and Control of the applicant, including: the names and addresses of all Persons with more than a ten (10) percent ownership interest in the applicant and all Persons in Control of the applicant and/or the operations or System of the applicant; and any other business affiliation and Cable System ownership interest of each named Person.

(2) A demonstration of the applicant's technical ability to construct and/or operate the proposed or existing Cable System, including identification of key personnel and their cable television experience.

(3) A demonstration of the applicant's legal qualifications to construct and/or operate the proposed or existing Cable System, including but not limited to a demonstration that the applicant meets the following criteria:

(A) The applicant has not had any cable television franchise validly revoked by any franchising authority within three (3) years preceding the submission of the application. If any revocation action is pending, it must be identified and explained.

(B) The applicant has the necessary authority under Missouri law to operate a Cable System.

(C) The applicant has authority to hold the Franchise as a matter of federal law. An applicant must have, or show that it is qualified to obtain, any necessary federal franchises or waivers required to operate the proposed or existing Cable System.

(D) The applicant and its key personnel have not, at any time during the ten (10) years preceding the submission of the application, been convicted of any criminal act or omission or civil violation of such character that the applicant cannot be relied upon to comply substantially with its lawful obligations under applicable law, including obligations under consumer protection laws and laws prohibiting anticompetitive acts, fraud, racketeering, or other similar conduct. This criteria can be met by submission of a statement that there are no convictions, or by submission of a list reflecting that all convictions are of a minor nature.

(E) The applicant has not filed materially misleading information in its application or intentionally withheld information that the applicant lawfully is required to provide.

(F) No elected official or employee of the City holds a controlling interest in the applicant or an Affiliate of the applicant, or has received any promise of such an interest, or has received any gratuity, commission, percentage, brokerage, or contingency fee or other compensation for issuance or renewal of a Franchise, or promise thereof.

(4) A statement prepared by a certified public accountant regarding the applicant's financial ability to complete any proposed construction and to operate the proposed or existing Cable System.

(5) A description of the applicant's prior experience in Cable System ownership, construction, and operation, and identification of communities in which the applicant or any of its Affiliates have, or have had, a cable Franchise or franchise or any interest therein.

(6) Identification of the area of the City to be served by the proposed Cable System, including a description of the proposed Franchise Area's boundaries.

(7) A detailed description of existing and any proposed physical facilities, including channel capacity, technical design, performance characteristics, headend, and access facilities.

(8) A description of any promised construction including an estimate of plant mileage and its location; the proposed construction schedule.

(9) A description, where appropriate, of how services will be converted from existing facilities to new facilities.

(10) A demonstration of how the applicant will reasonably meet the future cable-related needs and interests of the community, including descriptions of how the applicant will meet or disagrees with the needs described in any recent community needs assessment conducted by or for the City.

(11) A description of Public, Educational, and Governmental Access Facilities to be provided.

(12) If the applicant proposes to provide Cable Service to an area already served by an existing Franchisee, the identification of the area where the overbuild would occur, the potential Subscriber density in the area that would encompass the overbuild, and the ability of the Public Right-of-Ways and other property that would be used by the applicant to accommodate an additional System.

(13) Any other information as may be reasonably necessary to demonstrate compliance with the requirements of this Ordinance.

(14) Information that the City may reasonably request of the applicant that is relevant to the City's consideration of the application.

(15) An affidavit or declaration of the applicant or authorized representative certifying the truth, accuracy, and completeness of the information in the application, acknowledging the enforceability of application commitments upon acceptance through the granting of a Franchise, and certifying that the application is consistent with all federal, state, and local laws.

(16) Applicants for renewals may refer to prior applications as long as they submit such updated information as required to make the application current.

(e) Application for Modification of a Franchise.

(1) An application for modification of a Franchise Agreement shall include, at minimum, the following information:

(a) The specific modification requested;

(b) The justification for the requested modification, including the impact of the requested modification on Subscribers and others, and the financial impact on the applicant if the modification is approved or disapproved, demonstrated through, among other things, submission of financial pro formas covering the period of time in which the modification would be in effect if approved, including a statement of projected Gross Revenues and income;

(c) A statement whether the modification is sought pursuant to Section 625 of the Cable Act, 47 U.S.C. § 545, and, if so, a demonstration that the requested modification meets the standards set forth in 47 U.S.C. § 545;

(d) Any other information that the applicant believes is necessary for the City to make an informed determination on the application for modification; and

(e) An affidavit or declaration of the applicant or authorized officer certifying the truth, accuracy, and completeness of the information in the application, acknowledging the enforceability of application commitments upon acceptance through the granting of the modification, and certifying that the application is consistent with all federal, state, and local laws.

(2) If the request for modification is subject to 47 U.S.C. § 545, the Board of Aldermen will conduct its review and makes its decision in conformity with that statute. If the request for modification is not subject to 47 U.S.C. § 545, the Board of Aldermen will conduct its review and make its decision by Ordinance enacted no less than thirty (30) days after the application is filed, subsequent to preparation of a modified written Franchise Agreement by the City and signature thereof by the applicant.

(3) An extension of a Franchise term by less than four (4) years shall constitute a modification. An extension of a Franchise term by four (4) years or more shall be processed through formal or informal renewal procedures.

(f) Franchise Transfers.

(1) City Approval Required.

No Franchise Transfer shall occur without prior written application to and written approval of the Board of Aldermen by ordinance enacted after a public hearing, and only then upon such terms and conditions as the Board of Aldermen reasonably deems necessary and proper. Approval shall not be unreasonably withheld. Any purported Franchise Transfer made without such prior approval shall be void and shall be cause for the City to revoke the Franchise Agreement. A grant of a Franchise involves personal credit, trust, and confidence in the Franchisee, and Franchise Transfer without the prior written approval of the Board of Aldermen shall be considered to impair the City's assurance of due performance. The granting of approval for a Franchise Transfer in one instance shall not render unnecessary approval of any subsequent Franchise Transfer.

(2) Application.

(a) The Franchisee shall promptly notify the City Clerk in writing of any proposed Franchise Transfer. If any Franchise Transfer should take place without prior notice to the City, the Franchisee will promptly notify the City Clerk in writing that such a Franchise Transfer has occurred.

(b) At least 120 calendar days prior to the contemplated effective date of a Franchise Transfer, the Franchisee shall submit to the City Clerk an application for approval of the Franchise Transfer. Such an application shall provide information on the proposed transaction, including details on the legal, financial, technical, and other qualifications of the transferee, and on the potential impact of the Franchise Transfer on Subscriber rates and service. At a minimum, the following information must be included in the application:

(1) all information and forms required under federal law;

(2) all information described in Sections 4(d)(1)-(5), (9), (11), (13)-(15) of this Ordinance, regarding the transferee instead of the applicant, and regarding the Franchise Transfer rather than initial or renewal Franchise;

(3) a description of any business relationships or transactions of any kind, past, present, or anticipated, between the Franchisee, or its owners or Affiliates, and the transferee, or its owners or Affiliates, other than the proposed transaction;

(4) any contracts, financing documents, or other documents that relate to the proposed transaction, and all documents, schedules, exhibits, or the like referred to therein;

(5) a description of the sources and amounts of the funds to be used in the proposed transaction, indicating how the debt-equity ratio of the System will change in the course of the transaction; what entities will be liable for repayment of any debt incurred; what interest, payment schedule, and other terms or conditions will apply to any debt financing; any debt coverages or financial ratios any potential transferees will be required to maintain over the Franchise term if the proposed transaction is approved; what financial resources would be available to the System under the control of the proposed transferee;

(6) any other information necessary to provide a complete and accurate understanding of the financial position of the System before and after the proposed Franchise Transfer, including but not limited to projected income statements and cash flow statements, including capital investments, for at least five years after the proposed Franchise Transfer, assuming the Franchise Transfer is approved, stating specifically what assumptions are being made with respect to any rebuild or upgrade of the System;

(7) a statement that the Franchisee is in compliance with its Franchise obligations over the term of the Franchise, or specific descriptions of any noncompliance of which the Franchisee or any potential transferee is aware;

(c) For the purposes of determining whether it shall consent to a Franchise Transfer, the Board of Aldermen and its agents may inquire into the qualifications of the prospective transferee and such other matters as the Board of Aldermen may deem necessary to determine whether the Franchise Transfer is in the public interest and should be approved or denied. The Franchisee and any prospective transferees shall assist the City Council in any such inquiry, and if they fail to reasonably cooperate, the request for approval of Franchise Transfer may be denied. Proprietary information shall be protected from disclosure to competitors to the extent permitted by law.

(3) Determination by City.

(a) In making a determination as to whether to grant, deny, or grant subject to conditions an application for approval of a Franchise Transfer, the Board of Aldermen shall consider the legal, financial, and technical qualifications of the transferee to operate the System; whether the Franchisee is in compliance with its Franchise Agreement and this Ordinance and, if not, the proposed transferee's commitment to cure such noncompliance; and

whether operation by the transferee on approval of the Franchise Transfer would adversely affect the City's interest under this Ordinance, the Franchise Agreement, other applicable law, or the public interest, or make it less likely that the future cable-related needs and interests of the community would be satisfied.

(b) The City shall make its determination in accordance with any time limits imposed by Federal law, including under 47 U.S.C. § 537 (e).

(c) Any purported Franchise Transfer made without the Board of Aldermen's prior written approval shall be void, and shall make a Franchise subject to revocation at the Board of Aldermen's sole discretion, and make any other remedies available to the City under the Franchise or other applicable law. Acceptance of filing of an application for approval of a Franchise Transfer later than 120 days before the purported effective date of the Franchise Transfer shall not validate the transaction or excuse the late filing, and in such an instance the City shall retain the right to make its decision regarding such a Franchise Transfer within 120 days unless action is required sooner by law.

(4) Transferee's Agreement.

No application for approval of a Franchise Transfer shall be granted unless and until the proposed transferee submits an agreement in writing that it will abide by and accept all terms of this Ordinance and the Franchise Agreement, and that it will assume the obligations and liabilities, known and unknown, of the previous Franchisee under this Ordinance and the Franchise Agreement for all purposes, including renewal, unless the Board of Aldermen approves a modification of the Franchise Agreement pursuant to Section 4(e) in conjunction with its approval of the Franchise Transfer, in which case the proposed transferee's agreement shall refer to the Franchise Agreement as so modified.

(5) Approval Does Not Constitute Waiver.

Approval by the Board of Aldermen of a Franchise Transfer does not constitute a waiver or release of any of the rights of the City under this Ordinance or a Franchise Agreement, whether arising before or after the date of the Franchise Transfer; however, upon approval of a Franchise Transfer, the former Franchisee shall be released from prospective liability under the Franchise.

(g) Filing Fees and Deposits.

To be acceptable for filing, an application under this Section 4 shall be accompanied by a filing fee in the following amounts to cover the City's internal administrative costs incidental to the franchising process:

(1)	For an initial Franchise	$1,000.00
(2)	For renewal of a Franchise under 47 U.S.C. § 546(a)-(g)	$1,000.00
(3)	For renewal of a Franchise under 47 U.S.C. § 546(h)	$ 500.00
(4)	For modification of a Franchise Agreement:	$ 500.00

(5) For approval of a Franchise Transfer: $ 500.00

(h) Public Proceedings.

An applicant shall be notified of any public proceedings held in connection with the evaluation of its application and shall be given an opportunity to be heard thereat. Notice of all public proceedings of the City shall be published and posted in accordance with its usual practices.

(i) Intergovernmental Cooperation.

By resolution of the Board of Aldermen, any part or all of the process established by this Section 4 may be conducted in concert with other political subdivisions served or to be served by the applicant.

5. Construction Provisions

(a) System Construction Schedule.

Every Franchise Agreement shall specify the construction schedule that will apply to any required construction, upgrade, or rebuild of the Cable System. Failure on the part of a Franchisee to commence and diligently pursue such requirements and complete the matters set forth in its Franchise Agreement or to comply with the System design and construction plan submitted to the City, including by providing the equipment specified (or its equivalent) and by following generally accepted installation practices (except insofar as those plans or practices, if carried out, would result in construction of a System which could not meet requirements of federal, state or local law; and except for such minor modifications as are typical in the industry), shall be grounds for revocation of its Franchise under and pursuant to the terms of Section 12(e); provided, however, that the Board of Aldermen in its discretion may extend the time for the completion of construction and installation for additional periods by resolution in the event a Franchisee, acting in good faith, experiences delays by reason of circumstances beyond its control and requests such an extension in writing. A Franchisee's failure to comply with provisions of the construction plan approved by the Board of Aldermen shall also be grounds for imposition of penalties pursuant to Section 12(d).

(b) Construction Procedures.

(1) A Franchisee shall construct, operate and maintain the Cable System subject to the supervision of all of the authorities of the City who have jurisdiction in such matters, and in compliance with all laws, ordinances, departmental rules and regulations affecting the System.

(2) The System, and all parts thereof, shall be subject to periodic inspection by the City.

(3) No construction, reconstruction or relocation of the System or any part thereof within the Public Right-of-Ways shall be commenced until written permits have been obtained from the proper City officials. In any permit so issued, such officials may impose such conditions and regulations as a condition of the granting of the permit as are reasonably necessary for the purpose of protecting any structures or facilities in the Public Right-of-Ways

and for the proper restoration of such Public Right-of-Ways and structures and facilities, and for the protection of the public and the continuity of pedestrian and vehicular traffic.

(4) The Board of Aldermen may by resolution or ordinance, from time to time, issue such reasonable rules and regulations concerning the construction, operation and maintenance of the System as are consistent with the provisions of this Ordinance and Franchises issued pursuant to this Ordinance.

(c) Construction Standards.

(1) The construction, operation, maintenance, and repair of a Cable System shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970, the National Electrical Safety Code, the National Electric Code, National Cable Television Association Standards of Good Engineering Practices; Obstruction Marking and Lighting, Federal Aviation Administration; Construction, Marking and Lighting of Antenna Structures, Federal Communications Commission Rules Part 17; AT&T Manual of Construction Procedures (Blue Book); Franchisee's Construction Procedures Manual; other federal, state, or local laws and regulations that may apply to the operation, construction, maintenance, or repair of a Cable System, including, without limitation, local zoning and construction codes, and laws and accepted industry practices, all as hereafter may be amended or adopted. In the event of a conflict among codes and standards, the most stringent code or standard shall apply (except insofar as that code or standard, if followed, would result in a System that could not meet requirements of federal, state or local law). The City may adopt additional reasonable standards as required to ensure that work continues to be performed in an orderly and workmanlike manner, or to reflect changes in standards which may occur over a Franchise term.

(2) All wires, cable lines, and other transmission lines, equipment, and structures shall be installed and located to cause minimum interference with the rights and convenience of property owners, including the City.

(3) All electronic equipment shall be of good and durable quality

(4) Without limiting the foregoing, antennae and their supporting structures (towers) shall be designed in accordance with the Uniform Building Code and Electronics Industry Association RS-22A Specifications, as amended, and shall be painted, lighted, erected, and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable federal, state, or local laws, codes, and regulations, all as hereafter may be amended or adopted.

(5) Without limiting the foregoing, all of a Franchisee's plant and equipment, including, but not limited to, the antennae site, headend and distribution system, towers, house connections, structures, poles, wires, cable, coaxial cable, fiber optic cable, fixtures, and apparatuses shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated in accordance with good engineering practices, performed by experienced and properly trained maintenance and construction personnel so as not to endanger any Person or property or to unreasonably interfere in any manner with the Public Right-of-Ways or legal rights of any property owner including the City or unnecessarily hinder or obstruct pedestrian or vehicular traffic.

(6) All safety practices required by law shall be used during construction, maintenance, and repair of a Cable System. A Franchisee shall install and maintain in use commonly accepted methods and devices to prevent failures and accidents that are likely to cause damage, injury, or nuisance to the public.

(7) A Franchisee shall not place facilities, equipment, or fixtures where they will interfere with any cable, gas, electric, telephone, water, sewer, or other utility facilities, or obstruct or hinder in any manner the various utilities serving the residents and businesses in the City of their use of any Public Right-of-Ways.

(8) Any and all Public Right-of-Ways, public property, or private property disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance, or construction of a System shall be repaired or replaced by the Franchisee within a reasonable time specified by the City.

(9) Franchisee shall, by a reasonable time specified by the City, protect, support, temporarily disconnect, relocate, or remove discrete portions of its property when required by the City by reason of traffic conditions; public safety; Public Right-of-Way construction; Public Right-of Way maintenance or repair (including resurfacing or widening); change of Public Right-of-Way grade; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of government-owned communications system, public work or improvement or any government-owned utility; Public Right-of-Way vacation; or for any other purpose where the convenience of the City would be reasonably served thereby; provided, however, that the Franchisee may abandon any property in place if approved by the City in writing, and provided further that the Franchisee shall not be required to make permanent changes in its facilities to accommodate the installation of another Cable System, nor should it be required to make temporary changes solely to disrupt its business or otherwise provide an unfair advantage to a competitor. No action hereunder shall be deemed a taking of the property of a Franchisee and a Franchisee shall not be entitled to any compensation therefor. No location of any pole or wire-holding structure of a Franchisee shall be a vested interest.

(10) If any action under the preceding paragraph is reasonably required to accommodate the construction, operation, or repair of the facilities of another Person that-is authorized to use the Public Right-of-Ways, a Franchisee shall, after thirty (30) days' advance written notice, take action to effect the necessary changes requested. The Franchisee shall be reimbursed by such other Person for costs reasonably incurred in taking such action. The Board of Aldermen may resolve disputes as to responsibility for costs associated with the removal, relaying, or relocation of facilities as among entities authorized to install facilities in the Public Right-of-Ways if the parties are unable to do so themselves, and if the matter is not governed by a valid contract between the parties.

(11) In the event of an emergency, or where a Cable System creates or is contributing to an imminent danger to health, safety, or property, the City may remove, relay, or relocate the pertinent parts of that Cable System without prior notice. No charge shall be made by Franchisee against the City for restoration and repair.

(12) A Franchisee shall, on the request of the City or any Person holding a permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings or

oversized vehicles. The expense of such temporary removal or raising or lowering of wires shall be paid by the Person requesting same, and the Franchisee shall have the authority to require such payment in advance, except in the case where the request is made by the City on its own behalf, in which case no such payment shall be required. The Franchisee shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes unless the Board of Aldermen has declared an emergency.

(13) A Franchisee shall have the authority to trim trees that overhang a Public Right-of-Way of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Franchisee, at its own expense subject to the supervision and direction of the City. Trimming of trees on private property shall require written permission of the property owner. All cut materials shall be properly disposed.

(14) A Franchisee shall use, with the owner's permission, existing underground conduits or overhead utility facilities whenever feasible and may not erect poles in Public Right-of-Ways without the express written permission of the Board of Aldermen, which permission shall not be unreasonably withheld. Copies of agreements for use of conduits or other facilities shall be filed with the City Clerk as required by a Franchise Agreement or upon City request.

(15) Trunk, feeder and drop cable may be constructed overhead where poles exist and electric, cable television or telephone lines are overhead, but where no overhead lines exist all trunk, feeder and drop cable shall be constructed underground. Whenever and wherever all electric lines and telephone lines are moved from overhead to underground placement, all Cable System cables shall be similarly moved and the cost of movement of its cable shall be solely the obligation of the Franchisee. In cases of new construction or property development where utilities are to be placed underground, on request of Franchisee the developer or property owner shall give a Franchisee reasonable notice of the particular date on which open trenching will be available to Franchisee for installation of conduit, pedestals and/or vaults, and laterals to be provided at the Franchisee's expense. The Franchisee shall also provide specifications as needed for trenching. Costs of trenching and easements required to bring facilities within the development shall be borne by the developer or property owner; except that if the Franchisee fails to install its conduit, pedestals and/or vaults, and laterals within five (5) working days of the date the trenches are available, as designated in the notice given by the developer or property owner, then should the trenches be closed after the five-day period, the cost of new trenching is to be borne by the Franchisee.

(16) The City shall have the right to install and maintain free of charge upon any poles or within any conduit owned by a Franchisee any wire and pole fixtures that do not unreasonably interfere with the Cable System operations of the Franchisee.

(17) Prior to construction or rebuild of a Cable System, a Franchisee shall first submit to the Board of Aldermen for approval a concise description of the Cable System proposed to be erected or installed, including engineering drawings, if required by the Board of Aldermen, together with a map and plans indicating the proposed location of all such facilities, and obtain written approval therefor from the Board of Aldermen, which approval shall not be unreasonably withheld.

(18) Any contractor or subcontractor used for work or construction, installation, operation, maintenance, or repair of System equipment must be properly licensed under laws of the State and all applicable local ordinances, and each contractor or subcontractor shall have the same obligations with respect to its work as a Franchisee would have under the Franchise Agreement and applicable laws if the work were performed by the Franchisee. The Franchisee must ensure that contractors, subcontractors and all employees who will perform work for it are trained and experienced. The Franchisee shall be responsible for ensuring that the work of contractors and subcontractors is performed consistent with the Franchise and applicable law, shall be fully responsible for all acts or omissions of contractors or subcontractors, shall be responsible for promptly correcting acts or omissions by any contractor or subcontractor, and shall implement a quality control program to ensure that the work is properly performed.

(19) Upon failure of a Franchisee to commence, pursue or complete any work required by law or by the provisions of this Ordinance to be done in any street, within the time prescribed and to the reasonable satisfaction of the City, the City may, at its option, after thirty (30) days notice to Franchisee, cause such work to be done and the Franchisee shall pay to the City the cost thereof in the itemized amounts reported by the City to Franchisee within thirty (30) days after receipt of such itemized report.

(20) The Franchisee shall make no paving cuts or curb cuts except after written permission has been give by the City, which permission shall not unreasonably be withheld.

(21) The Franchisee shall install in conduit all cable passing under any major roadway.

(d) Area Served.

A Franchisee shall build and maintain its System so that within a reasonable period of time, as established by the Franchise, it is able to provide service to all households desiring service located within the Franchise Area without any construction charges (other than standard connection charges and drop charges as indicated in Section 5(e)(2)). A Franchisee must build and maintain its System so that it can extend service to households desiring service located outside the Franchise Area in accordance with Section 5(e)(1) through (4). Connections to commercial customers shall be governed by Section 5(e)(5).

(e) Line Extension Requirements.

(1) (A) For areas within the City limits but outside the Franchise Area, including areas annexed after the effective date of its Franchise, a Franchisee shall upon request of the Board of Aldermen extend its trunk and distribution System to serve households desiring service without any construction charge (other than standard connection charges and drop charges as indicated in Section 5(e)(2)), unless the Franchisee demonstrates to the Board of Aldermen's satisfaction evidenced by written decision that circumstances justify a specific charge, where: the new Subscriber requesting service is located within 500 feet from the termination of the Cable System, or the number of potential Subscribers to be passed by such extension is equal to or greater than six potential households per quarter mile measured from any point on the System.

(B) In the event that the requirements set forth in the foregoing paragraph (A) are not met, the Franchisee shall on request of the Board of Aldermen extend its Cable System based upon the following cost-sharing formula. The Franchisee shall contribute an amount equal to the construction costs per mile multiplied by the length of the extension in miles, multiplied by a fraction where the numerator equals the number of potential households per quarter mile at the time of the request and the denominator equals six. Households requesting service as of the completion of construction can be required to bear the remainder of the total construction costs on a pro rata basis.

The "construction costs" are defined as the actual turnkey cost to construct the entire extension including lines, materials, electronics, pole make-ready charges, and labor, but not the cost of drops except as provided below. If the Franchisee proposes to require a household requesting extension to make a contribution in aid of extension, it must (1) notify the Board of Aldermen in advance; (2) send the Board of Aldermen a copy of the invoice showing the amount actually charged each household requesting extension; and (3) within 30 days of completion of the extension, furnish proof of the total cost of the extension and make any appropriate refunds if the total cost is less than the amounts charged in advance of construction. At the end of each calendar year, the Franchisee must calculate the amount any contributing Person would have paid based on the number of Persons served at that time and pay back the difference between the amount actually collected from that Person and the amount which would then be owed. The Franchisee shall report such calculations and refunds to the City Clerk by the end of January of the following year.

(2) Installation of drops. Except as federal rate regulations may otherwise require, the Franchisee shall not assess any additional cost for service drops of 150 feet or less unless the Franchise demonstrates to the Board of Aldermen's satisfaction, evidenced by written decision, that circumstances justify a specific charge. Where a drop exceeds 150 feet in length, a Franchisee may charge the Subscriber for the difference between Franchisee's actual costs associated with installing a 150-foot drop, and the Franchisee's actual cost of installing the longer drop, provided that drop length shall be the shorter of (1) the actual length of installed drop or (2) the shortest practicable distance to the point where the Franchisee would be required to extend its distribution System.

(3) Location of Drops. Except as federal rate regulations may otherwise require, in any area where a Franchisee would be entitled to install a drop above ground, the Franchisee will provide the Subscriber the option to have the drop installed underground, but may charge the Subscriber the difference between the actual cost of the above-ground installation and the actual cost of the underground installation.

(4) Time for extension. A Franchisee must extend service to any Person who requests it (1) within seven days of, the request within the Franchise Area or where service can be provided by activating or installing a drop within 150 feet of the existing distribution system; (2) within 30 days of the request for service outside the Franchise Area where an extension of one-half mile or less (but more than 150 feet) is required; or (3) within six months for service outside the Franchise Area where an extension of one-half mile or more is required.

(5) Because existing conditions can vary dramatically, commercial customers must pay all reasonable costs (including time and materials) of connection at the election of Franchisee.

(f) System Tests and Inspections.

(1) Tests. A Franchisee shall perform the following tests to demonstrate compliance with the requirements of the Franchise and other performance standards established by federal law. All tests shall be conducted in accordance with federal rules and in accordance with the most recent edition of NCTA's "Recommended Practices for Measurements on Cable Television Systems," or if no recent edition exists, such other appropriate manual as the parties may designate.

(A) Preconstruction quality control on cable and equipment.

A Franchisee shall perform preconstruction quality tests on System components. In case of passive components, this will include testing a significant sample of devices to verify compliance with manufacturer's specifications.

(i) All trunk and distribution cable shall be sweep-tested on the reels to verify compliance with manufacturer's specifications for frequency response and loss.

(ii) All trunk and distribution amplifiers shall be bench-tested to verify compliance with manufacturer's specifications.

(iii) No component shall be used in the System which fails to meet manufacturer's specifications. A Franchisee shall maintain in the metropolitan St. Louis area records of all preconstruction tests, which the City may inspect during Normal Business Hours on reasonable notice.

(B) Acceptance Tests. A Franchisee shall perform acceptance tests prior to Subscriber connection. The tests shall demonstrate that the System components are operating as expected. The test results shall be submitted to the City Clerk for review by the City. The Franchisee shall have the obligation, without further notice from City, to take corrective action if any System components are not operating as expected. Unless the City determines test results are not adequate to demonstrate System compliance with the standards described above and objects within three (3) working days of receipt of the test results, the portion of the System covered by the tests will be deemed approved for Subscriber connection.

(C) Continuing Tests.

(i) The Franchisee shall select locations at the extremities of the System to install equipment to establish sufficient permanent test points in accordance with federal law and sound engineering practices. The Franchisee shall perform proof of performance tests at these locations at least once every six months through the life of the Franchise except as federal law otherwise limits its obligation, and at other times and points where complaints indicate tests are warranted. The tests shall demonstrate System compliance with technical specifications established pursuant to Franchise, or other applicable law. If the City requests to witness the tests, it shall be notified in writing delivered to the City Clerk at least 48 hours in advance of any testing.

(ii) A written report of all test results shall be filed with the City Clerk within thirty (30) days of each test. If the location fails to meet performance specifications, the Franchisee, without requirement of additional notice or request from City, shall take corrective action, retest the location and advise the City of the action taken and results achieved by writing filed with the City Clerk. The City shall have the option of witnessing such follow-up tests and shall be notified in writing delivered to the City Clerk at least 48 hours in advance of any such follow-up testing.

(iii) At any time after commencement of service to Subscribers the City may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific Subscriber's terminal. Requests for such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant non-compliance, and such tests will be limited to the particular matter in controversy. The City may conduct such tests independently on three (3) days advance notice to Franchisee. The City will endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to the Franchisee and the Subscriber(s).

(D) All reports of test results shall include executive summaries.

(E) Test procedures used in verification of the performance criteria set forth herein, if not as set forth in Section 76.609, Subpart K of the FCC Rules and Regulations, shall be in accordance with good engineering practice and shall be fully described in an attachment to the annual certificate filed with the City.

(F) To the extent that the report of measurements as required above may be combined with any reports of measurements required by the FCC or other regulatory agencies, the City shall accept such combined reports, provided that all standards and measurements herein or hereafter established by the City are satisfied.

(2) Inspections.

The City may conduct inspections of the System, including to assess compliance with the construction and installation practices manuals and design plans. The Franchisee shall be notified in writing of any violations found during the course of inspections. The Franchisee must bring violations into compliance within 30 days of the date notice of violation is given, and must submit a report to the City Clerk describing the steps taken to bring itself into compliance. Inspection does not relieve the Franchisee of its obligation to build in compliance with all provisions of the Franchise.

(g) Use of Public Property.

(1) Should the grades or boundaries of the Public Right-of-Ways which the Franchisee is authorized to use and occupy be changed at any time during the term of the Franchise granted, the Franchisee shall, if necessary, at its own cost and expense, relocate or change its System so as to conform to the new grades or boundaries.

(2) Any alteration to the existing water mains, sewerage or drainage system or to any City, state or other public structures or facilities in the Public Right-of-Ways required on account of the construction of the System in the Public Right-of-Ways shall be made at the

sole cost and expense of the Franchisee. During any work of constructing, operating or maintaining of the System, the Franchisee shall also, at its own cost and expense, protect any and all existing structures and facilities belonging to the City and any other Person. All work performed by the Franchisee pursuant to this section shall be done in such reasonable manner prescribed by the City or other officials having jurisdiction there over.

(h) Interference with Public Projects.

Nothing in this Ordinance shall be in preference or hindrance to the right of the City and any board, authority, commission or public service corporation to perform or carry on any public works or public improvements of any description.

(i) Publicizing Proposed Construction Work.

Unless not possible due to emergency circumstances, Franchisee shall publicize proposed construction work at least ten (10) days prior to commencement of that work by causing written notice of such construction work to be delivered to the City Clerk and by notifying those Persons most likely to be affected by the work in at least two (2) of the following ways: by telephone, in person, by mail, by distribution of flyers, by publication in local newspapers, or in any other manner reasonably calculated to provide adequate notice. In addition, unless not possible due to emergency circumstances, before entering onto any Person's property, a Franchisee shall contact the property owner or occupant at least one (1) day in advance. If a Franchisee must enter a private building, it must have permission of the owner or occupant.

(j) System Maintenance.

(1) Interruptions to be Minimized. A Franchisee shall schedule maintenance so that activities likely to result in an interruption of service are performed during periods of minimum Subscriber use of the system.

(2) Maintenance Practices. In addition to its other obligations, a Franchisee shall (A) use replacement components of good and durable quality, with characteristics better or equal to replaced equipment; and (B) follow the more stringent of maintenance standards specified in the Franchise Agreement, cable televisions industry maintenance standards or Franchisee's maintenance standards.

(k) Continuity of Service.

(1) It shall be the right of all Persons in a Franchisee's Franchise Area to receive all available services from the Franchisee as long as their financial and other obligations to the Franchisee are satisfied, and subject to reasonable construction standards and schedules, and subject to availability of legal access to the location.

(2) A Franchisee shall make every reasonable effort to provide all Subscribers with continuous uninterrupted service. At the City's request, a Franchisee shall operate its System for a temporary period under a revocable permit granted expressly by ordinance or tacitly following the termination of its Franchise or Franchise Transfer as necessary to maintain service to Subscribers, and shall cooperate with the City to assure an orderly transition from it to another Franchisee or System operator (the "Transition Period"). The

Transition Period shall be no longer than the reasonable period required for another Franchisee to commence service, and shall not be longer than two (2) years. During the Transition Period, the Franchisee shall continue to be obligated to comply with the terms and conditions of its Franchise Agreement and applicable laws and regulations, and will thereupon continue to receive operating revenues during such Transition Period.

6. System Facilities, Equipment, and Services

(a) Compliance with Franchise Agreement.

In addition to satisfying such requirements as may be established through the application process and incorporated in its Franchise Agreement including but not limited to those pertaining to Public, Educational and Governmental Access Facilities, every Franchisee shall comply with the conditions set forth in this Section 6, except as prohibited by federal law.

(b) Full Service to Municipal Buildings.

A Franchisee shall, on request of the City, install, at no charge, at least one service outlet at all City buildings and all primary and secondary education public schools within the Franchise Area, and shall install and charge only its reasonable costs for any additional service outlets requested for such locations, so long as such additional installations will not interfere with the quality and operation of the Franchisee's System or signal thereon, and the quality and manner of installation of such additional outlets shall have been approved by the Franchisee (which approval shall not be unreasonably withheld) and shall comply with all City, state and federal laws and regulations. The Franchisee shall provide Basic Cable Service and Expanded Basic Cable Service to all outlets in such buildings free of charge. A Franchise may specify other requirements regarding the availability of facilities for municipal use.

(c) Cable Channels for Commercial Use, Local Commercial Television Signals, and Non-commercial Educational Television

A Franchisee shall designate channel capacity for commercial and non-commercial use by Persons unaffiliated with the Franchisee as required by federal law, consistent with the principle of fairness and equal accessibility to all Persons and the City to the extent they have a legitimate use for such capacity.

(d) Technical Standards.

(1) Any Cable System within the City shall meet or exceed the technical standards set forth in 47 C.F.R. § 76.601 et seq. and any other applicable federal technical standards, including any such reasonable standards as hereafter may be amended or adopted by the Board of Aldermen in a manner consistent with federal law.

(2) A Franchisee shall use equipment generally used in high-quality, reliable, modern Systems of similar design, including, but not limited to, back-up power supplies at the fiber nodes and head-ends capable of providing power to the System for a minimum of two (2) hours in the event of an electrical outage, plus adequate portable generators to cover longer outages. The obligation to provide backup power supplies requires the Franchisee to install equipment that will (A) cut in automatically on failure of commercial utility AC power, (B) revert automatically to commercial power when it is restored, and (C) prevent the standby power

source from powering a “dead” utility line. In addition, the design and construction of a System shall include modulators, antennae, amplifiers, and other electronics that permit and are capable of passing through the signal received at the headend with minimal alteration or deterioration.

(e) Interconnection.

(1) A Franchisee shall design its System so that it may be interconnected with any or all other Systems or similar communications systems in the area. Interconnection of Systems may be made by direct cable connection, microwave link, satellite or other appropriate methods.

(2) Upon receiving the directive of the Board of Aldermen to interconnect, the Franchisee shall immediately initiate negotiations with the other affected System or Systems so that costs may be shared proportionately for both construction and operation of the interconnection link.

(3) The Board of Aldermen may in writing grant reasonable extensions of time to interconnect or rescind its request to interconnect upon its own initiative or upon petition by the Franchisee to the Board of Aldermen. The Board of Aldermen shall rescind the request if it finds that the Franchisee has negotiated in good faith and the cost of interconnection would cause an unreasonable increase in Subscriber rates.

(4) No interconnection shall take place without prior written approval of the Board of Aldermen. A Franchisee seeking approval for interconnection shall demonstrate that all signals to be interconnected will comply with FCC technical standards for all classes of signals and will result in no more than a low level of distortion.

(5) The Franchisee shall cooperate with any interconnection corporation, regional interconnection authority or state or federal regulatory agency which may be established for the purpose of regulating, facilitating, financing or otherwise providing for the interconnection of communications systems beyond the boundaries of the City.

(f) Integration of Advancements in Technology.

A Franchise Agreement may require a Franchisee to periodically upgrade its Cable System to integrate advancements in technology as may be necessary to meet the needs and interests of the community in light of the costs thereof, and/or to submit periodic reports on cable technology and competition to the City Clerk.

(g) System Design Review Process.

In addition to any requirements included in a Franchise Agreement, at least sixty (60) days prior to the date construction of any rebuild is scheduled to commence, the Franchisee shall provide the City Clerk with notice that a detailed system design and construction plan is available for review by the City at a specific office of the Franchisee located in the metropolitan St. Louis area, which shall include at least the following elements:

(1) Design type, trunk and feeder design, and number and location of hubs or nodes.

(2) Distribution system-cable, fiber, and equipment to be used.

(3) Plans for standby power.

(4) Longest amplifier cascade in system (number of amplifiers, number of miles, type of cable/fiber).

(5) Design maps and tree trunk maps for the System.

The System design will be shown on maps of industry standard scale using standard symbols, and shall depict all electronic and physical features of the cable plant. The City may review the plan and, within thirty (30) days of the date the plan is made available for City review, submit comments to the Franchisee. Within fifteen (15) days of receipt of the comments, the Franchisee shall notify the City Clerk that a revised plan is available for review by the City at a specific office located in the metropolitan St. Louis area, either incorporating the comments or explaining why the comments were not included. The City's review does not excuse any non-performance under a Franchise Agreement, this Ordinance or other applicable law.

(h) Emergency Alert System

A Franchisee shall comply with 47 U.S.C. § 544(g) and all regulations issued pursuant thereto.

7. Operation and Reporting Provisions

(a) Open Books and Records.

(1) Subject to the provisions herein, the City shall have the right to inspect and copy at any time during Normal Business Hours at an office of the Franchisee located in the metropolitan St. Louis area, all books, receipts, maps, plans, financial statements, contracts, service complaint logs, performance test results, records of requests for service, computer records, codes, programs, and disks or other storage media and other like material which are reasonably necessary to monitor compliance with the terms of this Ordinance, a Franchise Agreement, or applicable law, except such records as are privileged or protected from disclosure under applicable law. The Franchisee is responsible for collecting the information and producing it at the location specified above, and by accepting its Franchise it affirms that it can and will do so. The Franchisee will make suitable copying equipment available to the City and will bear the cost of such copying, which cost is not a Franchise fee and falls within one or more of the exceptions of 47 U.S.C. § 542(g)(2).

(2) A Franchisee shall maintain sufficient financial records governing its operations in the Franchise Area to document accurate payment of Franchise fees.

(3) All such information received by the City shall remain confidential insofar as permitted by the Missouri Open Meetings Law and other applicable state and federal law.

(4) The Franchisee shall maintain a file of records open to public inspection in accordance with applicable FCC rules and regulations.

(b) Communication with Regulatory Agencies.

A Franchisee shall file with the City Clerk copies of all reports required by and certifications issued by the FCC, including, but not limited to, any proof of performance tests and results, Equal Employment Opportunity reports, and also all petitions, applications, and communications of all types regarding the Cable System, or a group of Cable Systems of which the Franchisee's Cable System is a part, submitted or received by the Franchisee, an Affiliate, or any other Person on behalf of the Franchisee, either to or from the FCC, the Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction over any matter affecting operation of the Franchisee's System. This material shall be submitted to the City Clerk at the time it is filed or within thirty (30) days of the date it is received. Public access to such reports received by the City Clerk shall not be denied.

(c) Reports.

(1) No later than 90 days after the end of its fiscal year, a Franchisee shall file a written report with the City Clerk, which shall include:

(A) A summary of the previous year's activities in development of the Cable System, including but not limited to descriptions of services begun or dropped, the number of Subscribers gained or lost for each category of service, the number of pay units sold, the amount collected annually from other Users of the System and the character and extent of the services rendered to such Users;

(B) A summary of written and other recorded service calls, identifying both the number and nature of the calls received and an explanation of the causes and dispositions of such calls, including response time;

(C) An annual financial report from the previous year.

(D) A report showing the number of outages and service degradations for the prior year, and identifying separately each planned outage, the time it occurred, its duration, and the estimated area and number of Subscribers affected; each unplanned outage or service degradation, the time it occurred, its estimated duration and the estimated area and the number of Subscribers affected; and the total hours of outages and service degradations as a percentage of total hours of Cable System operation.

(E) An ownership report, indicating all Persons who at any time during the preceding year did control or benefit from an interest in the Franchise of ten percent (10%) or more;

(F) A list of key employees of the Franchisee;

(G) A summary report on the System's technical tests and measurements;

(H) Such other information as the Board of Aldermen may reasonably direct;

(I) To the extent there has been no change since the preceding annual report, that fact may be noted in lieu of an additional report.

(2) Opinion Survey Report. The Franchisee shall submit to the City Clerk the results of any opinion survey conducted, within thirty (30) days of completion of the survey.

(3) Special Reports. Franchisees shall deliver the following special reports to the City Clerk:

(a) The Franchisee shall submit quarterly construction reports for any construction that may be specified in the Franchise. The Franchisee must submit updated as-built System design maps within 30 days of the completion of System construction in any geographic area. The maps shall be developed on the basis of post-construction inspection by the Franchisee and construction personnel to assess compliance with System design. Any departures from design must be indicated on the as-built maps, to assist the City in assessing compliance with obligations under Franchise.

(b) Copies of any notice of deficiency, forfeiture, or other document issued by any state or federal agency instituting any investigation or civil or criminal proceeding regarding the Cable System, the Franchisee, or any Affiliate of the Franchisee, to the extent the same may affect or bear on operations in the City. This material shall be submitted to the City Clerk at the time it is filed or within thirty (30) days of the date it is received.

(c) Copies of any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy by the Franchisee or by any Person that owns or controls the Franchisee directly or indirectly. This material shall be submitted to the City Clerk at the time it is filed or within thirty (30) days of the date it is received.

(d) Technical tests required by the City as specified in this Ordinance and the Franchise Agreement shall be submitted to the City Clerk within thirty (30) days after completion of such tests.

(e) Franchisee shall provide the City with its current schedule of charges.

(4) General Reports. Each Franchisee shall prepare and furnish to the City Clerk, at the times and in the form prescribed by the Board of Aldermen, such reports with respect to its operation, affairs, transactions or property, as may be reasonably necessary or appropriate to the performance–of any of the rights, functions or duties of the city in connection with this Ordinance.

(d) Records Required.

(1) A Franchisee shall at all times maintain at an office within the metropolitan St. Louis area:

(A) Records of all written or recorded complaints received. The term “complaints” as used herein and throughout this Ordinance refers to complaints about any

aspect of the Cable System or Franchisee's operations, including, without limitation, complaints about employee courtesy.

(B) A full and complete set of plans, records, and "as built" maps showing the exact location of all System equipment installed or in use in the City, exclusive of Subscriber service drops.

(C) Records of outages, indicating date, duration, area, and the estimated number of Subscribers affected, type of outage, and cause.

(D) Records of service calls for repair and maintenance indicating the date and time of the service call, the date of acknowledgement and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was solved.

(E) Records of installation/reconnection and requests for service extension, indicating date of request, date of acknowledgment, and the date and time service was extended.

(F) A public file showing its plan and timetable for any construction regarding the Cable System.

(G) All rules, regulations, terms and conditions adopted for conduct of Franchisee's business.

(2) The Board of Aldermen may require retention of additional information, records, and documents from time to time, as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the City in connection with this Ordinance.

(e) Performance Evaluation.

(1) A Franchise may require specific performance review sessions. The Board of Aldermen may, at its discretion, hold additional performance evaluation sessions, but not more frequently than once every three years except as otherwise agreed to by Franchisee. All such evaluation sessions shall be open to the public, and announced in a newspaper of–general circulation. Franchisee shall be notified by mail.

(2) Topics that may be discussed at any evaluation session may include, but are not limited to, System performance and construction, Franchisee compliance with this Ordinance and a Franchise Agreement, customer service and complaint response, Subscriber privacy, services provided, programming offered, service rate structures, Franchise fees, penalties, free or discounted services, applications of new technologies, judicial and FCC filings, and line extensions.

(3) During the review and evaluation by the City, a Franchisee shall fully cooperate with the City and shall promptly provide such information and documents as the City may need to reasonably perform its review.

(f) Voluminous Materials.

If any books, records, maps or plans, or other requested documents are too voluminous, or for security reasons cannot be moved, then a Franchisee may request that the inspection take place at some other location outside the metropolitan St. Louis area, provided that the Franchisee must pay all reasonable travel expenses incurred by the City in inspecting those documents or having those documents inspected by its designee. Any payments made by the Franchisee hereunder are not a Franchise fee and fall within one or more of the exceptions in 47 U.S.C. § 542(g)(2).

(g) Retention of Records; Relation to Privacy Rights.

Each Franchisee shall take all steps required, if any, to ensure that it is able to provide the City all information which must be provided or may be reasonably requested under this Ordinance or a Franchise Agreement, including by providing appropriate Subscriber privacy notices. Nothing in this Section shall be read to require a Franchisee to violate 47 U.S.C. § 551.

8. Consumer Protection and Customer Service Provisions

(a) Telephone and Office Availability.

(1) Each Franchisee shall maintain an office at a convenient location to Subscribers, not necessarily within the Franchise Area, that shall be open during Normal Business Hours to allow Subscribers to request service, pay bills, and conduct other business. Each Franchisee shall perform service calls, installations, and disconnects at least during Normal Business Hours, provided that a Franchisee shall respond to outages twenty-four (24) hours a day, seven (7) days a week. Outage reports should be addressed within twenty-four (24) hours. Each Franchisee shall establish a publicly listed local toll-free telephone number. The phone must be answered by customer service representatives at least during Normal Business Hours for the purpose of receiving requests for service, inquiries, and complaints from Subscribers; after those hours a Franchisee shall arrange for the phone to be answered so that customers can register complaints and report service problems on a twenty-four (24) hour per day, seven (7) day per week basis, and so that the Franchisee can respond to service outages as required herein.

(2) Under Normal Operating Conditions, telephone answering time shall not exceed thirty (30) seconds or four (4) rings, and the time to transfer the call to a customer service representative (including hold time) shall not exceed an additional thirty (30) seconds. Under Normal Operating Conditions a customer will receive a busy signal less than three percent (3%) of the time. These standards shall be met ninety (90) percent of the time, measured quarterly. When the business office is closed, an answering machine or service capable of receiving and recording service complaints and inquiries shall be employed. The after-hours answering service shall comply with the same telephone answer time standard set forth in this Section. Upon request by the City, Franchisee shall supply information demonstrating that it is meeting the standards set forth herein.

(3) A Franchisee must hire sufficient staff so that it can adequately respond to customer inquiries, complaints, and requests for service in its office, over the phone, and at the Subscriber's residence.

(b) Scheduling Work.

(1) All appointments for service, installation, or disconnection shall be specified by date. Each Franchisee shall specify a specific time at which the work shall be done, or offer a choice of time blocks, which shall not exceed four (4) hours in length, unless the Subscriber agrees to a longer period of time. Franchisee may also, upon request, offer service installation calls outside Normal Business Hours, for the express convenience of the customer. If at any time an installer or technician believes it impossible to make a scheduled appointment time, an attempt to contact the customer will be made prior to the time of appointment and the appointment rescheduled at a time convenient to the customer.

(2) Subscribers who have experienced two (2) missed appointments due to the fault of a Franchisee shall receive installation free of charge, if the appointment was for installation. If an installation was to have been provided free of charge, or for other appointments, the Subscriber shall receive a 50% discount on one month of Basic Cable Service Tier or its equivalent.

(3) With regard to mobility-limited customers, upon Subscriber request, each Franchisee shall arrange for pickup and/or replacement of converters or other Franchisee equipment at the subscriber's address or by a satisfactory equivalent (such as the provision of a postage-prepaid mailer).

(4) Under Normal Operating Conditions, requests for service, repair, and maintenance must be acknowledged by a trained customer service representative within twenty-four (24) hours, or prior to the end of the next business day, whichever is earlier. A Franchisee shall respond to all other inquiries (including billing inquiries) within five (5) business days of the inquiry or complaint.

(5) Under Normal Operating Conditions, installations made within 150 feet of the existing distribution system shall be completed within seven (7) business days after the order is placed. Repairs and maintenance for Service Interruptions and other customer location repairs must be completed within twenty-four (24) hours, or if it is not possible to be complete such work within twenty-four (24) hours, then work must have commenced within such time period and be diligently continued thereafter until completed. Work on all other requests for service on Franchisee's facilities must be begun by the next business day after notification of the problem, and must be completed within three (3) days from the date of the initial request, except installation requests, provided that a Franchisee shall complete the work in the shortest time possible where, for reasons beyond the Franchisee's control, the work could not be completed in those time periods even with the exercise of all due diligence; the failure of a Franchisee to hire sufficient staff or to properly train its staff shall not justify a Franchisee's failure to comply with this provision. Except as federal law permits, no charge shall be made to the Subscriber for this service, unless required due to damage caused by a Subscriber.

(6) Franchisee shall not cancel a service or installation appointment with a customer after the close of business on the business day preceding the appointment.

(7) The standards of paragraphs (4) and (5) of this section shall be met at least ninety-five (95) percent of the time, measured on a quarterly basis.

(c) Notice to Subscribers.

(1) A Franchisee shall provide in writing to each Subscriber at the time Cable Service is installed, and at least annually thereafter, the following information:

(a) Products and services offered;

(b) Prices and options for programming services and conditions of subscription to programming and other services;

(c) Installation and service maintenance policies;

(d) Instructions on how to use the cable service;

(e) Channel positions of programming carried on the system; and

(f) Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.

(2) Upon request, copies of the materials specified in the preceding subsection shall be provided to the City. Franchisee shall provide all Subscribers and the City at least thirty (30) days' notice of any significant changes in the information required to be provided by this section. Such notice shall be in writing and by announcement on the System.

(3) All Franchisee promotional materials, announcements, and advertising of residential Cable Service to Subscribers and the general public, where price information is listed in any manner, shall clearly and accurately disclose price terms. In the case of pay-per-view or pay-per-event programming, all promotional materials must clearly and accurately disclose price terms and in the case of telephone orders, a Franchisee shall take appropriate steps to ensure that the customer service representatives clearly and accurately disclose price terms to potential customers in advance of taking the order.

(4) Each Franchisee shall maintain a public file containing all notices provided to Subscribers under these customer service standards, as well as all written promotional offers made to Subscribers.

(d) Interruptions of Service.

A Franchisee may intentionally interrupt service on the Cable System only for good cause and for the shortest time possible and, except in emergency situations, only after a minimum of forty-eight (48) hours' prior notice to Subscribers and the City of the anticipated Service Interruption; provided, however, that planned maintenance that occurs between the hours of 12:00 midnight and 6:00 a.m. shall not require such notice to Subscribers, so long as notice to the City is given no less than twenty-four (24) hours prior to such an anticipated Service Interruption.

(e) Billing.

(1) A Franchisee's first billing statement after a new installation or service change shall be prorated as appropriate and shall reflect any security deposit.

(2) A Franchisee's billing statement must be clear, concise and understandable, must itemize each category of service and equipment provided to the Subscriber and must state clearly the charge therefor.

(3) A Franchisee's billing statement must show a specific payment due date not earlier than the fifteenth (15th) day of the month (or equivalent period) in which the service being billed is rendered. Any balance not received within fifteen (15) days after the due date may be assessed a reasonable processing charge based on costs and/or a late fee. Late fees shall not exceed 0.75% per month.

(4) A Franchisee must notify the Subscriber that he or she can remit payment in person at the Franchisee's office(s) and inform the Subscriber of the address of the office(s).

(5) Subscribers shall not be charged a processing fee or late fee or be otherwise penalized for any failure by a Franchisee, including failure to timely or correctly bill the Subscriber, or failure to properly credit the Subscriber for a payment timely made.

(6) On request, the account of any Subscriber shall be credited a prorated share of the monthly charge for the service if said Subscriber is without service or if service is substantially impaired for any reason for a period exceeding four (4) hours during any twenty-four (24) hour period, except where it can be documented that a Subscriber seeks a refund for an outage or impairment which that Subscriber caused, or in the case of a planned outage occurring between the hours of 12:00 midnight and 6:00 a.m. of which the City received the required prior notice.

(7) Franchisee shall respond to all written billing complaints from Subscribers within thirty (30) days.

(8) Refund checks to Subscribers shall be issued no later than (1) the Subscriber's next billing cycle following resolution of the refund request; or (2) the date of return of all equipment to Franchisee, if service has been terminated.

(9) Credits for service shall be issued no later than the Subscriber's next billing cycle after the determination that the credit is warranted.

(f) Disconnection/Downgrades.

(1) A Subscriber may terminate service at any time.

(2) A Franchisee shall promptly disconnect or downgrade any Subscriber who so requests by giving at least one day notice and reasonably cooperating with the Franchisee regarding the removal of the Franchisee's equipment from the Subscriber's location. No charge may be imposed for any voluntary disconnection, and downgrade charges must

comply with the requirements of federal law. No charge may be imposed by any Franchisee for any Cable Service delivered after the requested date of disconnection.

(3) A Subscriber may be asked, but not required, to disconnect a Franchisee's equipment and return it to the nearest business office.

(4) Any security deposit and/or other funds due the Subscriber shall be refunded on disconnected accounts after the equipment has been recovered by the Franchisee. The refund process shall take a maximum of thirty (30) days, from the date disconnection was requested to the date the customer receives the refund.

(5) If a Subscriber fails to pay a monthly Subscriber or other fee or charge, a Franchisee may disconnect the Subscriber's service outlet; however, such disconnection shall not be effected until after thirty (30) days from the due date. If the Subscriber pays all amounts due, including late charges, before the date scheduled for disconnection, the Franchisee shall not disconnect service. After disconnection, upon payment by the Subscriber in full of all fees or charges due, including the payment of the reconnection charge, if any, and any reasonable security deposit, the Franchisee shall promptly reinstate service on request.

(6) A Franchisee may immediately disconnect a Subscriber if the Subscriber is damaging or destroying the Franchisee's Cable System or equipment. After disconnection, the Franchisee shall restore service after the Subscriber provides adequate assurance that it has ceased the practices that led to disconnection, and paid all proper fees and charges, including any reconnect fees and amounts owed the Franchisee for damage to its Cable System or equipment and any reasonable security deposit.

(7) A Franchisee may also disconnect a Subscriber that causes signal leakage in excess of federal limits. It may do so without notice, provided that the Franchisee shall immediately notify the Subscriber of the problem and, once the problem is corrected, reconnect the Subscriber.

(8) Except as federal law may otherwise provide, a Franchisee may remove its property from a Subscriber's premises within sixty (60) days of the termination of service, voluntarily or involuntarily. If a Franchisee fails to remove its property in that period, the property shall be deemed abandoned.

(g) Changes in Service.

(1) Before a Franchisee unilaterally alters the service it provides to a class of Subscribers, it must provide the City and each affected Subscriber thirty (30) days' notice, explain, the substance and full effect of the alteration, and provide the Subscriber the right within the thirty (30) day period following notice to opt to receive any combination of services offered by Franchisee. Except as federal law otherwise provides, Subscribers may not be required to pay any charge (other than the regular service fee), including an upgrade or downgrade charge, in order to receive the services selected. No charge may be made for any service or product that the Subscriber has not affirmatively indicated it wishes to receive. Payment of the regular monthly bill does not in and of itself constitute such an affirmative indication.

(2) If a Franchisee plans to provide a Premium Channel without charge to Subscribers who do not subscribe to such Premium Channel, the Franchisee shall, not later than thirty (30) days before such Premium Channel is provided without charge, notify all Subscribers of its plans including the time period involved, notify all Subscribers they have a right to request that the Premium Channel be blocked, and block the Premium Channel upon the request of a Subscriber. For purposes of this section, the phrase "Premium Channel" shall mean any pay service offered on a per channel or per program basis which offers movies rated by the Motion Picture Association of America as X, NC-17, or R.

(h) Deposits.

A Franchisee may require a reasonable, non-discriminatory deposit on equipment provided to Subscribers. Deposits shall be placed in an interest-bearing account, and the Franchisee shall return the deposit upon return of the equipment, plus interest earned to the date repayment is made to the Subscriber, less any deduction for damages to the equipment or unpaid charges.

(i) Parental Control.

A Franchisee shall provide parental control devices to all Subscribers who wish to be able to block the video or audio portion of any objectionable channel or channels or programming from the Cable Service entering the Subscriber's home. This control option shall be provided at no charge except as federal law otherwise provides.

9. Rate Regulation

The City reserves the right to regulate service and equipment rates to the maximum degree permitted by applicable state and federal law. Each Franchisee shall comply with all such regulation provisions that the City may adopt, and all Federal laws regarding rates. Failure to comply shall constitute a material violation of a Franchise.

10. Franchise Fee

(a) Finding.

The City finds that Public Right-of-Ways of the City to be used by a Franchisee or any other Person for the provision of Cable Service over a Cable System or provision of other communications services are valuable public property acquired and maintained by the City at great expense to taxpayers. The City further finds that the grant of a Franchise to use Public Right-of-Ways is a valuable property right without which a Franchisee would be required to invest substantial capital.

(b) Payment to City.

As compensation for use of the Public Right-of-Ways, a Franchisee and any other Person providing communications services over a Cable System shall pay the City Franchise fees. Every Franchise Agreement shall specify the amounts a Franchisee is initially required to pay as a percentage of Gross Revenues, but if the specified amount is less than the maximum or if the maximum amount permitted increases, the City may increase it to any amount up to the maximum allowed by law after sixty (60) days notice to the Franchisee, so long as the increase

may by law be passed on to Subscribers. Separate percentages may be identified for Gross Revenues derived from Cable Services and Gross Revenues derived from other communications services.

(c) Not a Tax or in Lieu of Any Other Tax or Fee.

(1) The Franchise fee is not a tax, license or fee subject to any requirement of voter approval, but rather is a rental charge for special and individualized use of public property.

(2) The Franchise fee is in addition to all other fees and all taxes and payments that a Franchisee or other Person may be required to pay under any federal, state, or local law, including any applicable property and amusement taxes, except to the extent that such fees, taxes, or assessments are a Franchise fee under 47 U.S.C. § 542.

(d) Payments.

(1) The Franchise fees and any other costs or penalties assessed by the City against a Franchisee or any other Person shall be paid quarterly to the City and shall commence as of the effective date of a Franchise. The City shall be furnished at the time of each payment with a statement certified by the Franchisee's or other Person's respective chief financial officer or an independent certified public accountant reflecting the total amount of Gross Revenues for the payment period. Payments shall be made to the City no later than thirty (30) days following the end of each calendar quarter.

(2) In the event any Franchise fee or other payment is not made on or before the date specified herein, the Franchisee and any other Person shall pay interest charges computed from such due date, at an annual rate equal to the commercial prime interest rate of the City's primary depository bank during the period such unpaid amount is owed, plus two percent (2%) of the amount due to defray the City's additional expenses by reason of the delinquency.

(e) No Accord or Satisfaction.

No acceptance of any payment by the City shall be construed as a release or an accord and satisfaction of any claim the City may have for further or additional sums payable as Franchise fees under this Ordinance or for the performance of any other obligation of a Franchisee or other Person.

(f) Audit.

(1) The City shall have the right to inspect all reasonably necessary records and the right to audit and to recompute any amounts determined to be payable under this Ordinance. The Franchisee shall be responsible for providing the records to the City at an office located within the metropolitan St. Louis area. Such records shall be maintained for at least five (5) years. The City's audit expenses shall be borne by the Franchisee if the franchise fees paid during the audit period are less than 98% of the amount owed according to the audit. Any additional amounts due to the City as a result of the audit shall be paid within thirty (30) days following written notice to the Franchisee by the City of the underpayment, which notice shall

include a copy of the audit report. If recomputation results in additional revenue to be paid to the City, such amount shall be subject to interest as specified in Section 10(d)(2). All costs incurred by a Franchisee hereunder are not Franchise fees, and fall within one or more of the exceptions set forth in 47 U.S.C. § 542(g)(2) and shall not be passed on to the Subscribers in any form.

(2) A Franchisee shall maintain its fiscal and financial records and have all relevant fiscal and financial records maintained by others on its behalf in such a manner as to enable the City to determine the cost of assets of the Franchisee which are used in providing services within the City and to determine Gross Revenues.

(3) A Franchisee shall report on a quarterly basis to the City Clerk the name and address of each and every Person providing communications services over the Cable System for which charges are assessed to Subscribers but not received by the Franchisee.

11. Insurance; Surety; Indemnification

(a) Insurance Required.

A Franchisee shall maintain, and by its acceptance of a Franchise specifically agrees that it will maintain, throughout the entire length of the Franchise period, at least the following liability insurance coverage insuring the City and the Franchisee: worker's compensation and employer liability insurance to meet all requirements of Missouri law and comprehensive general liability insurance with respect to the construction, operation, and maintenance of the Cable System, and the conduct of the Franchisee's business in the City, in the minimum amounts of:

(1) $1,000,000 for property damage resulting from any one accident;

(2) $5,000,000 for personal bodily injury or death resulting from any one accident; and

(3) $2,000,000 for all other types of liability.

(4) These insurance requirements shall not be construed to limit the liability of a Franchisee for damages under any Franchise issued hereunder.

(b) Qualifications of Sureties.

All insurance policies shall be with sureties qualified to do business in the State of Missouri, with an B+7 or better rating of insurance by Best's Key Rating Guide, Property/Casualty Edition, and in a form approved by the City.

(c) Policies Available for Review.

All insurance policies shall be available for review by the City, and a Franchisee shall keep on file with the City certificates of insurance.

(d) Additional Insureds; Prior Notice of Policy Cancellation.

All general liability insurance policies shall name the City, its officers, boards, board members, commissions, commissioners, agents, and employees as additional insureds and shall further provide that any cancellation or reduction in coverage shall not be effective unless thirty (30) days' prior written notice thereof has been given to the City Clerk. A Franchisee shall not cancel any required insurance policy without submission of proof that the Franchisee has obtained alternative insurance reasonably satisfactory to the Board of Aldermen which complies with this Ordinance.

(e) Failure Constitutes Material Violation.

Failure to comply with the insurance requirements set forth in this Section shall constitute a material violation of a Franchise.

(f) Indemnification.

(1) A Franchisee shall, at its sole cost and expense, indemnify, hold harmless, and defend the City, its officials, boards, board members, commissions, commissioners, agents, and employees, against any and all claims, suits, causes of action, proceedings, and judgments for damages or equitable relief arising out of the construction, maintenance, or operation of its Cable System; copyright infringements or a failure by the Franchisee to secure consents from the owners, authorized distributors, or licensees of programs to be delivered by the Cable System; the conduct of the Franchisee's business in the City; or in any way arising out of the granting of a Franchise or a Franchisee's enjoyment or exercise of a Franchise granted hereunder, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by this Ordinance or a Franchise Agreement.

(2) Specifically, but not by way of limitation on the scope of (1) above, a Franchisee shall, at its sole cost and expense, fully indemnify, defend, and hold harmless the City, and in their capacity as such, the officers, agents, and employees thereof, from and against any and all claims, suits, actions, liability, and judgments for damages or otherwise subject to Section 638 of the Cable Act, 47 U.S.C. § 558, arising out of or alleged to arise out of the installation, construction, operation, or maintenance of its System, including but not limited to any claim against the Franchisee for invasion of the right of privacy, defamation of any Person, or the violation or infringement of any copyright, trade mark, trade name, service mark, or patent, or of any other similar right of any Person. This indemnity does not apply to programming carried on any channel set aside for public, educational, or government use, or channels-leased pursuant to 47 U.S.C. § 532, unless the Franchisee was in any respect engaged in determining the editorial content of the program, or prescreened the programming for the purported purpose of banning or regulating indecent or obscene programming.

(3) The indemnity provision includes, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim, suit, or proceeding prior to Franchisee assuming such defense. The City shall notify a Franchisee of claims and suits as soon as practicable, but failure to give such notice shall not relieve a Franchisee of its obligations hereunder. Once a Franchisee assumes such defense, the City may at its option continue to participate in the defense at its own expense.

(4) Notwithstanding anything to the contrary contained in this Ordinance, the City shall not be so indemnified or reimbursed in relation to any amounts attributable to the City's own negligence, willful misconduct, intentional or criminal acts, including in the performance of its obligations under this Ordinance or a Franchise Agreement.

12. Performance Guarantees and Remedies

(a) Security Fund.

(1) Prior to a Franchise becoming effective and on each anniversary date thereafter during the Franchise term including the date of termination, the Franchisee shall post with the City Clerk sufficient funds to serve as a cash security deposit to be used as a security fund to ensure the Franchisee's faithful performance of and compliance with all provisions of this Ordinance, the Franchise Agreement, and other applicable law, and compliance with all orders, permits, and directions of the City, and the payment by the Franchisee of any claims, liens, fees, or taxes due the City which arise by reason of the construction, operation, or maintenance of the System. The amount of the security fund on deposit shall be equal to three (3) percent of the Franchisee's projected annual Gross Revenues for the upcoming year, or in the instance of the final deposit, three percent (3%) of the actual Gross Revenues for the preceding year.

(2) In lieu of a cash security fund, a Franchisee may file and maintain with the City Clerk an irrevocable letter of credit with a surety acceptable to the City in the amount specified in the preceding paragraph to serve the same purposes as set forth therein. Said letter of credit shall remain in effect for the full term of the Franchise plus an additional six (6) months thereafter, or longer if there is any outstanding obligation or default on the part of the Franchisee, as determined by the Board of Aldermen. The Franchisee and its surety shall be jointly and severally liable under the terms of the letter of credit for the Franchisee's failure to ensure its faithful performance of and compliance with all provisions of this Ordinance, the Franchise Agreement, and other applicable law, and compliance with all orders, permits, and directions of the City, and the payment by the Franchisee of any claims, liens, fees, or taxes due the City which arise by reason of the construction, operation, or maintenance of the System. The letter of credit shall provide for thirty (30) days' prior written notice to the City of any intention on the part of the Franchisee to cancel, fail to renew, or otherwise materially alter its terms. Neither the filing of a letter of credit with the City, nor the receipt of any damages recovered by the City thereunder, shall be construed to excuse unfaithful performance by the Franchisee or limit the liability of the Franchisee under the terms of its Franchise for damages, either to the full amount of the letter of credit or otherwise.

(3) The rights reserved to the City with respect to the security fund are in addition to all other rights of the City, whether reserved by this Ordinance or authorized by other law or a Franchise Agreement, and no action, proceeding, or exercise of a right with respect to such security fund or letter of credit will affect any other right the City may have.

(4) The following procedures shall apply to drawing on the security fund and letter of credit:

(A) If the Franchisee fails to make timely payment to the City of any amount due as a result of a Franchise, fails to make timely payment to the City of any amounts

due under a Franchise Agreement or applicable law, fails to make timely payment to the City of any taxes due, or fails to compensate the City within ten (10) days of written notification that such compensation is due for any damages, costs, or expenses the City suffers or incurs by reason of any act or omission of the Franchisee in connection with its Franchise Agreement or the enforcement of its Franchise Agreement, the City may withdraw the amount thereof, with interest and any penalties, from the security fund or from funds available under the letter of credit.

(B) Within three (3) days of a withdrawal from the security fund or under the letter of credit, the City shall mail, by certified mail, return receipt requested, written notification of the amount, date, and purpose of such withdrawal to the Franchisee.

(C) If at the time of a withdrawal from the security fund and under the letter of credit by the City, the amounts available are insufficient to provide the total payment towards which the withdrawal is directed, the balance of such payment shall continue as the obligation of the Franchisee to the City until it is paid.

(D) No later than thirty (30) days after mailing of notification to the Franchisee by certified mail, return receipt requested, of a withdrawal under the security fund or letter of credit, the Franchisee shall deliver to the City for deposit in the security fund an amount equal to the amount so withdrawn or shall restore the letter of credit. Failure to make timely delivery of such amount to the City or to restore the letter of credit shall constitute a material violation of the Franchise.

(E) Upon termination of the Franchise under conditions other than those stipulating forfeiture of the Security Fund, the balance then remaining in the Security Fund shall be withdrawn by the City and paid to the Franchisee within six (6) months of such termination, provided that there is then no outstanding obligation or default on the part of the Franchisee.

(5) In addition to or in lieu of a security fund or letter of credit, a Franchise may require such guarantees as the City deems to be in the public interest.

(b) Performance Bond.

(1) Prior to any Cable System construction, upgrade, or other such work in the Public Right-of-Ways, a Franchisee shall establish in the City's favor a performance bond to ensure the Franchisee's faithful performance of the construction, upgrade, or other work. The amount of such performance bond shall be equal to ten (10) percent of the total cost of the work unless otherwise specified in the Franchise Agreement.

(2) In the event a Franchisee subject to such a performance bond fails to complete the Cable System construction, upgrade, or other work in the Public Right-of-Ways in a safe, timely, and competent manner, after notice and a reasonable opportunity to cure, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the City as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the Franchisee, or the cost of completing or repairing the System construction, upgrade, or other work in the Public Right-of-Ways, plus a reasonable allowance for attorneys' fees, up to the full amount of the

bond. The City may also recover against the bond any amount recoverable against a security fund where such amount exceeds that available under a security fund.

(3) Upon completion of the System construction, upgrade, or other such work in the Public Right-of-Ways and payment of all construction obligations of the Cable System to the satisfaction of the Board of Aldermen, the Board of Aldermen shall eliminate the bond after a time appropriate to determine whether the work performed was satisfactory, which time shall be established considering the nature of the work performed.

(4) The performance bond shall be issued by a surety with an B+7 or better rating of insurance in Best's Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the City Attorney; and shall contain the following endorsement:

> "This bond may not be cancelled, or allowed to lapse, until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

(c) Failure Constitutes Material Violation.

Failure to maintain a required security fund, letter of credit, or performance bond shall constitute a material violation of a Franchise.

(d) Remedies.

In addition to any other remedies available at law or equity, the City may apply any one or a combination of the following remedies in the event a Franchisee violates this Ordinance, its Franchise Agreement, other applicable ordinances, or applicable state or federal law:

(1) Revoke the Franchise or shorten the term pursuant to the procedures specified in this Ordinance.

(2) Impose penalties available under Section 12(h) and other applicable state and local laws for violation of City ordinances.

(3) In addition to or instead of any other remedy, seek legal or equitable relief from any court of competent jurisdiction.

(4) Apply any remedy provided for in a Franchise Agreement, including enforcing provisions, if any.

(e) Shortening, Revocation, or Termination of Franchise.

(1) The City shall have the right to shorten the term of a Franchise to a term not less than thirty-one (31) months from the date of the action shortening the Franchise term, or to revoke the Franchise, for a Franchisee's substantial and ongoing failure to construct, operate, or maintain the Cable System as required by this Ordinance or a Franchise Agreement; for defrauding or attempting to defraud the City or Subscribers; if the Franchisee is declared bankrupt; or for any other substantial and ongoing material violation of this Ordinance or

substantial and ongoing material violation of a Franchise Agreement. To invoke the provisions of this Section, the Board of Aldermen shall give the Franchisee written notice of such intent. If within thirty (30) calendar days following such written notice from the City to the Franchisee, the Franchisee has not completed corrective action or corrective action is not being actively and expeditiously pursued to the satisfaction of the Board of Aldermen, the Board of Aldermen may give written notice to the Franchisee of its decision to commence a proceeding to consider shortening the term of or revoking the Franchise, stating its reasons; provided that no opportunity to cure shall be afforded in the event the Franchisee is declared bankrupt. Revocation for bankruptcy shall be governed by paragraph Section 12(e)(3).

(2) Prior to shortening the term of or revoking a Franchise, the Board of Aldermen shall hold a public hearing, after giving at least fifteen (15) calendar days' notice by posting and publication, at which time the Franchisee and the public shall be given an opportunity to be heard. Following the public hearing, the Board of Aldermen may determine whether to shorten the Franchise term or to revoke the Franchise based on the information presented at the hearing, and other information of record. If the Board of Aldermen determines to shorten a Franchise term or revoke a Franchise, it shall make such decision by ordinance setting forth the reasons for its decision. The City may make such decision conditional on a Franchisee's failure to resolve outstanding problems or take appropriate steps to resolve such problems within a specific period of time. A copy of such decision shall be provided to the Franchisee.

(3) Any Franchise may, at the option of the Board of Aldermen following a public hearing, be revoked by ordinance one hundred twenty (120) calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee to take over the business of the Franchisee, whether in a receivership, reorganization, bankruptcy, assignment for the benefit of creditors, or other action or proceeding, unless within that one hundred twenty (120) day period:

(A) Such assignment, receivership, or trusteeship has been vacated; or

(B) Such assignee, receiver, or trustee has fully complied with the terms and conditions of this Ordinance and the existing Franchise Agreement and has executed an agreement, approved by a court of competent jurisdiction, assuming and agreeing to be bound by the terms and conditions of this Ordinance and the existing Franchise Agreement.

(C) In the event of foreclosure or other judicial Sale of a material portion of the facilities, equipment, or property of a Franchisee (other than pursuant to a pledge or mortgage which qualified as a exception to the definition of a "Franchise Transfer" and after which the Franchise Transfer was ultimately approved), the Board of Aldermen may revoke the Franchise, following a public hearing before the Board of Aldermen, by serving notice on the Franchisee and the successful bidder, in which event the Franchise and all rights and privileges of the Franchise will be revoked and will terminate thirty (30) calendar days after serving such notice, unless:

(i) The Board of Aldermen has approved the Franchise Transfer; and

(ii) The successful bidder has covenanted and agreed with the City to assume and be bound by the terms and conditions of the Franchise Agreement and this Ordinance.

(4) If the Board of Aldermen revokes a Franchise, if a Franchise expires, or if for any other reason a Franchisee abandons, terminates, or fails to operate or maintain service to its Subscribers after notice and reasonable opportunity to cure of at least thirty (30) days, the following procedures and rights are effective:

(A) The Board of Aldermen may require the former Franchisee to remove its facilities and equipment at the former Franchisee's expense. If the former Franchisee fails to do so within a reasonable period of time, the Board of Aldermen may have the removal done at the former Franchisee's or surety's expense. In removing its plant, structures, and equipment, the Franchisee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as prevailed prior to the Franchisee's removal of its equipment and appliances without affecting the electrical or telephone cable wires, or attachments. The City shall inspect and approve the condition of the public ways and public places; and cables, wires, attachments and poles after removal. The liability, indemnity and insurance as provided herein shall continue in full force and effect during the period of removal and until full compliance by the Franchisee with the terms and conditions of this paragraph and this ordinance. In the event of a failure by the Franchisee to complete any such work or any other work required by City law or ordinance within the time as may be established and to the reasonable satisfaction of the City, the City may cause such work to be done and the Franchisee shall reimburse the City the reasonable cost thereof within thirty (30) days after receipt of an itemized list of such costs.

(B) At the expiration of the term for which any Franchise is granted (if renewal is either not sought or denied) the City, at its election, shall have the right to purchase and take over all or any part of a Cable System located within the City upon the payment to the Franchisee of a sum equal to the fair market value of the System or the part taken (based on System value as a going concern). In the event of revocation, as provided for in this Ordinance, the City at its election, shall have the right to purchase and take over all or any part of a Cable System located within the City upon payment to Franchisee of a sum equal to an equitable price for the System or the part taken. If the City elects to purchase only a part of the System, the fair market value shall include both the fair market value of the part purchased together with the diminution in value of the part not purchased. The price for the Cable System or the part taken, shall not include, and the Franchisee shall not receive, anything for the value allocated to the franchise itself unless such valuation is now or subsequently provided for by the Cable Act or in the franchise itself. Upon the exercise of the option by the City and its service of an official notice of such action upon the Franchisee, the Franchisee shall immediately transfer to the City possession and title to all of the purchased facilities and property, real and personal, of the Cable System, with any existing liens and encumbrances (provided the City can require application of purchase price to such liens and encumbrances at closing); and the Franchisee shall execute such warranty deeds or other instruments of conveyance to the City as shall be reasonably necessary for this purpose. Each contract entered into by Franchisee with reference to its operations under the Franchise shall be subject to the exercise of this option by the City.

(C) If a Cable System is abandoned by a Franchisee during the Franchise term, or if the Franchisee fails to operate its System in accordance with this

Ordinance during any Transition Period, or the Franchisee otherwise terminates the Franchise, upon decision of the Board of Aldermen made after providing the Franchisee reasonable notice of at least thirty (30) days and an opportunity to be heard, the ownership of all portions of the Cable System in Public Right-of-Ways shall revert to the City and the City may sell, assign, or transfer all or part of the assets of the System, or the Board of Aldermen, at its option, may operate the System, designate another entity to operate the System temporarily until the Franchisee restores service under conditions acceptable to the City or until the Franchise is revoked and a new Franchisee selected by the City is providing service, seek an injunction requiring the Franchisee to continue operations, and/or seek to recover all damages sustained as a result of such abandonment or failure to operate. A Franchisee retains all rights to contest such actions and all rights to compensation provided by law.

(5) A Franchisee shall be deemed to have abandoned its System, or failed to operate its System during any Transition Period, if:

(A) The Franchisee fails to provide Cable Service in accordance with its Franchise over a substantial portion of the Cable System for ninety-six (96) consecutive hours, unless the Board of Aldermen authorizes a longer interruption of service in writing; or

(B) The Franchisee, for any period, willfully and without cause refuses to provide Cable Service in accordance with its Franchise over a substantial portion of the Cable System.

(6) Notwithstanding any other provision of this Ordinance, where the City has issued a Franchise requiring the completion of construction, System upgrade, or other specific obligation by a specified date, failure of the Franchisee to complete such construction or upgrade, or to comply with such other specific obligations as may be required, within such time limits, as same shall be extended by the Board of Aldermen for good cause shown by the Franchisee, will result in the forfeiture of the Franchise upon decision of the Board of Aldermen made after providing the Franchisee with reasonable notice of at least thirty (30) days and an opportunity to be heard.

(f) Remedies Cumulative.

All remedies under this Ordinance and the Franchise Agreement are cumulative unless otherwise expressly stated. The exercise of one remedy shall not foreclose use of another, nor shall the exercise of a remedy or the payment of penalties relieve a Franchisee of its obligations to comply with its Franchise. Remedies may be used alone or in combination as permitted by law; in addition, the City may exercise any rights it has at law or equity.

(g) Relation to Insurance and Indemnity Requirements.

Recovery by the City of any amounts under insurance, a performance bond, a security fund or letter of credit, or otherwise does not limit a Franchisee's duty to indemnify the City in any way; nor shall such recovery relieve a Franchisee of its obligations under a Franchise, limit the amounts owed to the City, or in any respect prevent the City from exercising any other right or remedy it may have.

(h) Penalties.

For violation of provisions of this Ordinance, subject to judicial procedures, penalties shall be chargeable to the Franchisee as follows:

(1) For purportedly transferring the Franchise without approval: $500.00 per day for each violation for each day the violation continues;

(2) For violation of customer service standards: $100.00 per violation for each day the violation continues; and

(3) For all other material violations for which actual damages may not be ascertainable: $500.00 per day for each violation for each day the violation continues.

13. Rights of Individuals Protected

(a) Discriminatory Practices Prohibited.

(1) A Franchisee shall not deny service, deny access, or otherwise discriminate against Subscribers, Users, programmers, or residents or businesses in the City on the basis of race, color, religion, national origin, sex, or age.

(2) A Franchisee shall not unreasonably discriminate among similarly situated Persons or take any retaliatory action against a Person because of that Person's exercise of any right it may have under federal, state, or local law, nor may the Franchisee require a Person to waive such rights as a condition of providing service.

(3) A Franchisee shall not deny access to Cable Service or levy different rates and charges on any group of potential residential cable Subscribers because of the income of the residents of the local area in which such group resides.

(4) A Franchisee is prohibited from unreasonably discriminating in its rates or charges or from granting undue preferences to any Subscriber, potential Subscriber, or group of Subscribers or potential Subscribers; provided, however, that a Franchisee may offer temporary, bona fide promotional discounts in order to attract or maintain Subscribers, so long as such discounts are offered on a non-discriminatory basis to similar classes of Subscribers throughout the City; and a Franchisee may offer reasonable discounts for senior citizens or the economically disadvantaged, discounts or customer specific pricing for bulk rate customers, and such other discounts as it is expressly entitled to provide under federal law, if such discounts are applied in a uniform and consistent manner. A Franchisee shall comply at all times with all applicable federal, state, and City laws, and all executive and administrative orders relating to non-discrimination.

(b) Equal Employment Opportunity.

A Franchisee shall not refuse to employ, discharge from employment, or discriminate against any Person in compensation or in terms, conditions, or privileges of employment because of race, color, religion, national origin, sex, or age. A Franchisee shall comply with all

federal, state, and local laws and regulations governing equal employment opportunities, as the same may be from time to time amended, including but not limited to 47 U.S.C. § 554.

(c) Subscriber Privacy.

A Franchisee shall at all times abide by and protect the privacy of all Subscribers pursuant to the provisions of Section 631 of the Cable Act, 47 U.S.C. § 551. A Franchisee shall not condition Subscriber service on the Subscriber's grant, of permission to disclose information which, pursuant to federal or state law, cannot be disclosed without the Subscriber's explicit consent.

14. Miscellaneous Provisions

(a) Compliance With Laws.

Each Franchisee shall comply with all federal and state laws, as well as City ordinances, resolutions, rules and regulations heretofore and hereafter adopted or established during the entire term of its Franchise.

(b) Captions.

The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions of this Ordinance. Such captions shall not affect the meaning or interpretation of this Ordinance.

(c) No Recourse Against the City.

Without limiting such immunities as the City or other Persons may have under applicable law, including but not limited to 47 U.S.C. § 555a, a Franchisee shall have no recourse whatsoever against the City or its officials, members, boards, commissions, agents or employees for any loss, costs, expense, liability, or damage arising out of any action undertaken or not undertaken pursuant to a Franchise Agreement or any provision or requirement of this Ordinance or because of the enforcement of this Ordinance or the City's exercise of its authority pursuant to this Ordinance, a Franchise Agreement, or other applicable law, unless such recourse is expressly authorized by statute, this Ordinance, or other ordinance.

(d) Rights and Remedies.

(1) The rights and remedies reserved to the City by this Ordinance are cumulative and shall be in addition to and not in derogation of any other rights and remedies which the City may have with respect to the subject matter of this Ordinance.

(2) The City hereby reserves to itself the right to intervene in any suit, action or proceeding involving any provision of this Ordinance.

(3) Specific mention of the materiality of any of the provisions herein is not intended to be exclusive of any others for the purpose of determining whether any failure of compliance hereunder is material and substantial.

(4) No Franchisee shall be relieved of its obligation to comply with any of the provisions of this Ordinance by reason of any failure of the City to enforce prompt compliance. Nor shall any inaction by the City be deemed to waive a provision or render void any provision of this Ordinance.

(e) Incorporation by Reference.

Any Franchise granted pursuant to this Ordinance shall by implication include a provision which shall incorporate by reference this Ordinance into such Franchise as fully as if copied therein verbatim.

(f) Force Majeure.

A Franchisee shall not be deemed in default of provisions of its Franchise where performance was hindered by war or riots, civil disturbances, floods, or other natural catastrophes beyond the Franchisee's control, and a Franchise shall not be revoked or a Franchisee penalized for such noncompliance, provided that the Franchisee takes prompt and diligent steps to bring itself back into compliance and to comply as soon as reasonably possible under the circumstances with its Franchise without unduly endangering the health, safety, and integrity of the Franchisee's employees or property, or the health, safety, and integrity of the public, Public Right-of-Ways, public property, or private property.

(g) Public Emergency.

In the event of a public emergency or disaster as determined by the City, a Franchisee immediately shall make the Cable System, employees, and property, as may be reasonably necessary, available for use by the City or other civil defense or governmental agency designated by the City for the term of such emergency or disaster for emergency purposes. In the event of such use, a Franchisee shall waive any claim that such use by the City constitutes a use of eminent domain, provided that the City shall return use of the System, employees, and property to the Franchisee promptly after the emergency or disaster has ended.

(h) Connections to System; Use of Antennae.

(1) Subscribers shall have the right to attach devices to a Franchisee's System to allow them to transmit signals or services for which they have paid to VCR's, receivers, and other terminal equipment. Subscribers also shall have the right to use their own remote control devices and converters, inside wire, and other similar equipment, subject to market availability, and a Franchisee shall provide information to Subscribers which will allow them to adjust such devices so that they may be used with the Franchisee's System.

(2) A Franchisee shall not, as a condition of providing service, require a Subscriber or potential Subscriber to remove any existing antenna, or disconnect an antenna except at the express direction of the Subscriber or potential Subscriber, or prohibit or discourage a Subscriber from installing an antenna switch, provided that such equipment and installations are consistent with applicable codes.

(3) No Franchisee shall install equipment to provide Basic Cable Services or other programming services (not including premium or pay-per-view programming) in a compressed or digitized form unless otherwise authorized in writing by the Board of Aldermen.

The Board of Aldermen will not unreasonably withhold consent to install such equipment, but may adopt requirements as reasonably necessary to protect the public interest, including by ensuring that channels, facilities, and equipment for Public, Educational, and Governmental use will remain accessible to Subscribers and Users.

(i) Calculation of Time.

Unless otherwise indicated, when the performance or doing of any act, duty, matter, or payment is required under this Ordinance or any Franchise Agreement, and a period of time is prescribed and is fixed herein, the time shall be computed so as to exclude the day of the act, event, or default after which the designated period of time begins to run and include the last day of the prescribed or fixed period of time, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the next day which is neither a Saturday, Sunday or legal holiday. If the period is less than seven (7) days, intermediate Saturday, Sunday and legal holidays shall be excluded in the computation.

(j) Severability.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder herein shall be valid in all other respects and continue to be effective. In the event of a subsequent change in applicable law so that the provisions which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding on the Franchisee and the City.

(k) Effective date.

GLOSSARY

Activated Channel means those Channels engineered at the headend of a Cable System for the provision of services generally available to residential Subscribers of the Cable System, regardless of whether such services actually are provided, including any Channel designated for Public, Educational, or Governmental use.

Affiliate when used in relation to any Person, means another Person who owns or controls, is owned or controlled by, or is under common ownership or control with, such Person.

Basic Cable Service means any Service Tier which includes the retransmission of local television broadcast signals.

Cable Channel or **Channel** means a portion of the electromagnetic frequency spectrum which is used in a Cable System and which is capable of delivering a television channel (as television channel is defined by the Federal Communications Commission by regulation).

Cable Operator means any Person or group of Persons (A) who provides Cable Service over a Cable System and directly or through one or more Affiliates owns a significant interest in such Cable System, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a Cable System.

Cable Service means (A) the one-way transmission to Subscribers of (i) Video Programming, or (ii) Other Programming Service, and (B) Subscriber interaction, if any, which is required for the selection of such Video Programming or Other Programming Service.

Cable System means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of 1 or more television broadcast stations; (B) a facility that serves only Subscribers in 1 or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of subchapter II of Chapter 5 of Title 47 of the United States Code, except that such facility shall be considered a Cable System (other than for purposes of section 541(c) of Title 47 of the United States Code) to the extent such facility is used in the transmission of Video Programming directly to subscribers; or (D) any facilities of any electric utility used solely for operating its electric utility system.

Federal Agency means any agency of the United States, including the Federal Communications Commission.

Franchise means an initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to section 546 of Title 47 of the United States Code), issued by a Franchising Authority, whether such authorization is designated as a Franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a Cable System.

Multichannel Video Programming Distributor means a Person such as, but not limited to, a Cable Operator, multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by Subscribers or customers, multiple channels of Video Programming.

Other Programming Service means information that a Cable Operator makes available to all Subscribers generally.

Public Education or Governmental Access Facilities means (A) Channel capacity designated for public, educational, or governmental use; and (B) facilities and equipment for the use of such Channel capacity;

Service Tier means a category of Cable Service or other services provided by a Cable Operator and for which a separate rate is charged by the Cable Operator.

Usable Activated Channels means activated Channels of a Cable System, except those Channels whose use for the distribution of broadcast signals would conflict with technical and safety regulations as determined by the Federal Communications Commission.

Video Programming means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

CHAPTER 14. VIDEO SERVICE PROVIDERS

Sec. 14.010.

Sec. 14.020. Definitions.

Sec. 14.030. Francise Fee.

Sec. 14.040. Customer Service Requirements.

Sec. 14.050. Rights-of-Way Regulation; Indemnification; Permits and Compliance with Other Laws.

Sec. 14.060. Public, Educational and Governmental Channels.

Sec. 14.070. Continued Obligations.

Sec. 14.080. Reservation of Rights.

Sec. 14.090. Notice.

Sec. 14.100. Severability.

CHAPTER 14. VIDEO SERVICE PROVIDERS

Section 14.010.

Chapter 13 of Part II of the Code of Ordinances of the City, the Cable Communications Regulatory Code, as adopted by Ordinance 7917, is hereby repealed; provided that if any portion of the Sections 67.2675 through 67.2714 R.S.Mo., inclusive, are determined to be invalid or repealed, this Section One shall be of no force and effect and the repealed City Code sections shall continue in effect until or unless subsequently modified or repealed; and further provided that nothing in herein shall be deemed to alter the continuing obligations set forth in 14.070 below. (Ord. No. 8721, § 1, 6-21-2011).

Section 14.020. Definitions.

The words and phrases used in this Section shall have the meaning as set forth in Section 67.2677 R.S.Mo. or, if not defined therein, shall have such meanings as established by City Code.

Section 14.030. Franchise Fee.

Pursuant to Section 67.2689 R.S.Mo., and as partial compensation for use of the City's public rights-of-way, each video service provider or other person providing video services within the City shall, to the extent permitted by law, pay to the City a fee of five percent (5%) of the gross revenues from such video services provided in the geographic area of the City. Such payment shall be made as required by Section 67.2689 R.S.Mo. The City shall have the right to audit any video service provider as authorized by Section 67.2691 R.S.Mo. Late payments shall accrue interest due to the City compounded monthly at one and one-half percent (1.5%) or such other maximum rate as may be established by law.

Section 14.040. Customer Service Requirements.

All video service providers providing service within the City shall adopt and comply with the minimum customer service requirements set forth in Section 67.2692 R.S.Mo. Notice or receipt of this ordinance by a video service provider shall be deemed notice of the City invoking such customer service requirements.

Section 14.050. Rights-of-Way Regulation; Indemnification; Permits and Compliance with Other Laws.

Video service providers shall comply with the requirements of Sections 67.2707 and 67.2709 and all applicable ordinances and regulations consistent with Sections 67.1830 to 67.1846 R.S.Mo. relating to use of the City's rights-of-way. Each video service provider shall indemnify and hold harmless the City and its officers, employees and agents from any loss or damage, including, but not limited to attorneys' fees, as provided in such ordinances or regulations, but in no event less than the obligation on video service providers set forth in Section 67.2695 R.S.Mo. The City may require documentation of such indemnification by written agreement or other instrument to the extent permitted by law. In addition, video service providers shall be subject to

and comply with such supplementary provisions relating to placement, screening and location of facilities as provided in the Zoning Code of the City of Webster Groves (Chapter 53), whether on public or private property, and such other applicable laws of the City, except as may be otherwise validly preempted. Notwithstanding any other ordinance to the contrary, no facilities to be used for video services shall be installed without obtaining a building permit from the City authorizing the location and plans for such facilities on private property, and an excavation permit from the City authorizing work in a public right-of-way, or other permit authorizing location of facilities from the City; provided that this provision shall not apply to installation of otherwise lawful and authorized poles or wires.

Section 14.060. Public, Educational and Governmental Channels.

Each video service provider shall designate a number of channels for public, educational and governmental programming consistent with Section 67.2703 R.S.Mo.; provided that any greater number of channels, as may be required in the incumbent cable franchise or franchise ordinance, shall be required pursuant to Section 67.2703.2 R.S.Mo. The City shall bear no cost relating to the transmission, availability or maintenance of such channels unless expressly authorized by the City in writing and approved by the governing body. Incumbent cable operators and other video service providers shall provide support for such public, educational and governmental channels consistent with Section 67.2703.8 R.S.Mo.

Section 14.070. Continued Obligations.

The obligations of a cable service provider or video service provider as set forth in any existing cable services or video services franchise or ordinance shall also continue to apply to the fullest extent permitted by applicable law.

Section 14.080. Reservation of Rights.

The City retains all rights in Sections 67.2675 through 67.2714 R.S.Mo., inclusive, and may take any and all actions permitted by law to exercise such rights or to enforce such obligations on providers of video service.

Section 14.090. Notice.

A copy of this ordinance shall be delivered to each video service provider operating in the City after notice to the City that such provider is authorized to provide service within the City; provided that the provisions of this ordinance shall, to the extent permitted by law, not be affected by any claimed or actual failure of a service provider to have received delivery of a copy of this ordinance.

(Ord. No. 8721, § 2, 6-21-2011).

Section 14.100. Severability.

The portions of this Chapter shall be severable. In the event that any portion of this Chapter is found by a court of competent jurisdiction to be invalid, the remaining

portions of this Chapter are valid, unless the court finds the valid portions of this Chapter are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the City Council's legislative intent. If any portion of the Sections 67.2675 through 67.2714 R.S.Mo., inclusive, are determined to be invalid or repealed, the City shall continue to have all authority existing prior to enactment of such Sections (see particularly Chapter 13 of this Code), and nothing herein shall be deemed to limit such authority.

(Ord. No. 8721, Section 4, 6-21-2011)

PART III. PUBLIC SAFETY

CHAPTER 20. BUILDING CODE

Article I. The Building Code

Sec. 20.0010. Short Title.

Sec. 20.0020. Building Code Adopted.

Sec. 20.0030. Jurisdictional Title.

Sec. 20.0100. Amendments to Chapter 1 – 2009 International Building Code – Chapter 1 Scope and Administration.

Sec. 20.0200. Amendments to Chapter 2 – 2009 International Building Code – Chapter 2 Definitions.

Sec. 20.300. Amendments to Chapter 3 – 2009 International Building Code – Chapter 3 Use and Occupancy Classification.

Sec. 20.0400. Amendments to Chapter 4 – 2009 International Building Code – Chapter 4 Special Detailed Requirements Based on Use and Occupancy.

Sec. 20.0700. Amendments to Chapter 7 – 2009 International Building Code – Chapter 7 Fire and Smoke Protection Features.

Sec. 20.0900. Amendments to Chapter 9 – 2009 International Building Code – Chapter 9 Fire Protection Systems.

Sec. 20.1000. Amendments to Chapter 10 – 2009 International Building Code – Chapter 10 Means of Egress.

Sec. 20.1600. Amendments to Chapter 16 – 2009 International Building Code – Chapter 16 Structural Design.

Sec. 20.1800. Amendments to Chapter 18 – 2009 International Building Code – Chapter 18 Soils and Foundations.

Sec. 20.3000. Amendments to Chapter 30 – 2009 International Building Code – Chapter 30 Elevators and Conveying Systems.

Sec. 20.3100. Amendments to Chapter 31 – 2009 International Building Code – Chapter 31 Special Construction.

Sec. 20.3400. Amendments to Chapter 34 – 2009 International Building Code – Chapter 34 Existing Structures.

Sec. 20.3600. Amendments to Appendix A – 2009 International Building Code – Appendix A Employee Qualifications.

Sec. 20.3700. Amendments to Appendix B – 2009 International Building Code – Appendix B Board of Appeals.

Sec. 20.3800. Amendments to Appendix C – 2009 International Building Code – Appendix C Group U Agricultural Buildings.

Sec. 20.3900. Amendments to Appendix D – 2009 International Building Code – Appendix D Fire Districts.

Sec. 20.4000. Amendments to Appendix E – 2009 International Building Code – Appendix E Supplementary Accessibility Requirements.

Sec. 20.4100. Amendments to Appendix F – 2009 International Building Code – Appendix F Rodent Proofing.

Sec. 20.4200. Amendments to Appendix G – 2009 International Building Code – Appendix G Flood-resistant Construction.

Sec. 20.4300. Amendments to Appendix H – 2009 International Building Code – Appendix H Signs.

Sec. 20.4400. Amendments to Appendix I – 2009 International Building Code – Appendix I Patio Covers.

Sec. 20.4500. Amendments to Appendix J – 2009 International Building Code – Appendix J Grading.

Sec. 20.4600. Amendments to Appendix K – 2009 International Building Code – Appendix K Administrative Provisions.

Sec. 20.4800. Amendments to Appendix M – 2009 International Building Code – Appendix M Lighting Limits.

Sec. 20.5700. Amendments to Appendix N – 2009 International Building Code – Appendix N Registration of Contractors.

Sec. 20.5800. Amendments to Appendix O – 2009 International Building Code – Appendix O Fee Structure.

Sec. 20.5900. Amendments to Appendix P – 2009 International Building Code – Appendix P No Permit When Monies Due the City.

Sec. 20.6000. Amendments to Appendix Q – 2009 International Building Code – Appendix Q Exterior Completion.

Sec. 20.6100. Amendments to Appendix R – 2009 International Building Code – Appendix R Exterior Properties.

Sec. 20.6200. Amendments to Appendix S – 2009 International Building Code – Appendix S Noise.

Sec. 20.6500. Amendments to Appendix V – 2009 International Residential Code – Appendix V Hours of Construction.

Sec. 20.6600. Amendments to Appendix W – 2009 International Building Code – Appendix W Site Work.

Sec. 20.6700. Amendments to Appendix X – 2009 International Building Code – Appendix X Supplemental Generator Regulations.

Sec. 20.6800. Amendments to Appendix Y – 2009 International Building Code – Appendix Y Construction Sites.

CHAPTER 20A. THE EXISTING BUILDING CODE

Sec. 20.0010A. Short Title.

Sec. 20.0020A. Existing Building Code Adopted.

Sec. 20.0030A. Jurisdictional Title.

Sec. 20.0100A. Amendments to Chapter 1 – 2009 International Existing Building Code – Chapter 1 Administration.

Sec. 20.0200A. Amendments to Chapter 2 – 2009 International Existing Building Code – Chapter 2 Definitions.

Sec. 20.0300A. Amendments to Chapter 3 – 2009 International Existing Building Code – Chapter 3 Prescriptive Compliance Method.

Sec. 20.0600A. Amendments to Chapter 6 – 2009 International Existing Building Code – Chapter 6 Alterations – Level 1.

Sec. 20.1300A. Amendments to Chapter 13 – 2009 International Existing Building Code – Chapter 13 Performance Compliance Methods.

CHAPTER 20B. THE RESIDENTIAL CODE

Sec. 20.0010B. Short Title.

Sec. 20.0020B. Residential Code Adopted.

Sec. 20.0030B. Jurisdictional Title.

Sec. 20.0100B. Amendments to Chapter 1 – 2009 International Residential Code – Chapter 1 Administration.

Sec. 20.0300B. Amendments to Chapter 3 – 2009 International Residential Code – Chapter 3 Building Planning.

Sec. 20.0400B. Amendments to Chapter 4 – 2009 International Residential Code – Chapter 4 Foundations.

Sec. 20.2400B. Amendments to Chapter 24 – 2009 International Residential Code - Chapter
24 Fuel Gas.

Sec. 20.4500B. Amendments to Appendix A – 2009 International Residential Code – Appendix A – Sizing and Capacities of Gas Piping.

Sec. 20.4600B. Amendments to Appendix B – 2009 International Residential Code – Appendix B – Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents..

Sec. 20.4700B. Amendments to Appendix C – 2009 International Residential Code – Appendix C – Exit Terminals of Mechanical Draft and Direct-venting Systems.

Sec. 20.4800B. Amendments to Appendix D – 2009 International Residential Code – Appendix D – Recommended Procedure for Safety Inspection of an Existing Appliance Installation.

Sec. 20.4900B. Amendments to Appendix E – 2009 International Residential Code – Appendix E – Manufactured Housing Used as Dwellings.

Sec. 20.5000B. Amendments to Appendix F – 2009 International Residential Code – Appendix F – Radon Control Methods.

Sec. 20.5100B. Amendments to Appendix G – 2009 International Residential Code – Appendix G – Swimming Pool, Spas and Hot Tubs.

Sec. 20.5200B. Amendments to Appendix H – 2009 International Residential Code – Appendix H – Patio Covers.

Sec. 20.5300B. Amendments to Appendix I – 2009 International Residential Code – Appendix I – Private Sewage Disposal.

Sec. 20.5400B. Amendments to Appendix J – 2009 International Residential Code – Appendix J – Existing Buildings and Structures.

Sec. 20.5500B. Amendments to Appendix K – 2009 International Residential Code – Appendix K – Sound Transmission.

Sec. 20.5600B. Amendments to Appendix L – 2009 International Residential Code – Appendix L – Permit Fees.

Sec. 20.5700B. Amendments to Appendix M – 2009 International Residential Code – Appendix M – Home Day Care – R3 Occupancy.

Sec. 20.5800B. Amendments to Appendix N – 2009 International Residential Code – Appendix N – Venting Methods.

Sec. 20.5900B. Amendments to Appendix O – 2009 International Residential Code – Appendix O – Gray Water Recycling Systems.

Sec. 20.6000B. Amendments to Appendix P– 2009 International Residential Code – Appendix P – Sizing of Water Piping System.

Sec. 20.6100B Amendments to Appendix Q – 2009 International Residential Code – Appendix Q – ICC *International Residential Code Electrical Provisions/National Electrical Code* Cross Reference.

CHAPTER 21. ELECTRICAL CODE

Sec. 21.0010. Short Title.

Sec. 21.0030. National Electrical Code Adopted.

Sec. 21.0040. Jurisdictional Titles.

Sec. 21.0050. Jurisdictional Titles.

Sec. 21.0200. Amendments to Chapter 2 – 2008 National Electrical Code – Chapter 2 – Wiring and Protection.

Sec. 21.0400. Amendments to Chapter 4 – 2008 National Electrical Code – Chapter 4 – Equipment for General Use.

Sec. 21.1000. Amendments to Annex A – 2008 National Electrical Code – Annex A – Product Safety Standards.

Sec. 21.1100. Amendments to Annex B – 2008 National Electrical Code – Annex B – Application Information for Ampacity Calculations.

Sec. 21.1200. Amendments to Annex C – 2008 National Electrical Code – Annex C – Conduit and Tubing Fill Tables for Conductors and Fixture Wires of the Same Size.

Sec. 21.1300. Amendments to Annex D – 2008 National Electrical Code – Annex D – Examples

Sec. 21.1400. Amendments to Annex E – 2008 National Electrical Code – Annex E – Types of Construction

Sec. 21.1500. Amendments to Annex F – 2008 National Electrical Code – Annex F – Availability and Reliability for Critical Operations Power Systems; and Development and Implementation of Functional Performance Tests (FPT's) for Critical Operations Power Systems

Sec. 21.1600. Amendments to Annex G – 2008 National Electrical Code – Annex G – Supervisory Control and Data Acquisition (SCADA)

Sec. 21.1700. Amendments to Annex H – 2008 National Electrical Code – Annex H – Administration and Enforcement

Sec. 21.1800 Amendments to Annex I – 2008 National Electrical Code – Annex I – Supplemental Electrical Provisions.

CHAPTER 22. THE FIRE CODE

Sec. 22.0010. Short Title.

Sec. 22.0020. Fire Prevention Code Adopted.

Sec. 22.0030. Jurisdictional Titles.

Sec. 22.0100. Amendments to Chapter 1 – 2009 International Fire Code – Chapter 1 - Administration.

Sec. 22.0300. Amendments to Chapter 3 – 2009 International Fire Code – Chapter 3 – General Precautions Against Fire.

Sec. 22.0500. Amendments to Chapter 5 – 2009 International Fire Code – Chapter 5 – Fire
Service Features.

Sec. 22.0900. Amendments to Chapter 9 – 2009 International Fire Code – Chapter 9 – Fire
Protection Systems.

Sec. 20.4600. Amendments to Appendix A – 2009 International Fire Code – Appendix A – Board of Appeals.

Sec. 20.4800. Amendments to Appendix C – 2009 International Fire Code – Appendix C –
Fire Hydrant Location and Distribution.

Sec. 20.5300. Amendments to Appendix H – 2009 International Fire Code – Appendix H – Fire Lanes.

CHAPTER 23. THE MECHANICAL CODE

Sec. 23.0010. Short Title.

Sec. 23.0020. Mechanical Code Adopted.

Sec. 23.0030. Jurisdictional Titles.

Sec. 23.0100. Amendments to Chapter 1 – 2009 International Mechanical Code – Chapter 1 – Administration.

Sec. 23.0900. Amendments to Chapter 9 – 2009 International Mechanical Code – Chapter 9 – Specific Appliances, Fireplaces, and Solid Fuel-Burning Equipment.

Sec. 23.1700. Amendments to Appendix B – 2009 International Mechanical Code – Appendix B – Recommended Permit Fee Schedule.

Sec. 23.1800. Amendments to Appendix C – 2009 International Mechanical Code – Appendix C – Amusement Devices.

CHAPTER 24. SWIMMING POOLS

Sec. 24.010. Definitions.

Sec. 24.015. Regulation of Location.

Sec. 24.020. Permits and Notification.

Sec. 24.025. Plans and Specifications.

Sec. 24.030. Construction; Design and Materials.

Sec. 24.035. Recirculation.

Sec. 24.040. Pumps.

Sec. 24.045. Pool Piping.

Sec. 24.050. Valves.

Sec. 24.055. Pool Accessories.

Sec. 24.060. Water Source.

Sec. 24.065. Drainage.

Sec. 24.070. Disinfection and pH.

Sec. 24.075. Fencing.

Sec. 24.080. Compliance; Existing Pools.

Sec. 24.085. Penalties for Violation.

CHAPTER 27. THE PLUMBING CODE

Sec. 27.0010. Short Title.

Sec. 27.0020. Plumbing Code Adopted.

Sec. 27.0030. Jurisdictional Title.

Sec. 27.0100. Amendments to Chapter 1 – 2009 International Plumbing Code – Chapter 1 – Scope and Administration.

Sec. 27.0300. Amendments to Chapter 3 – 2009 International Plumbing Code – Chapter 3 – General Regulations.

Sec. 27.0400. Amendments to Chapter 4 – 2009 International Plumbing Code – Chapter 4 – Fixtures, Faucets and Fixture Fittings.

Sec. 27.0600. Amendments to Chapter 6 – 2009 International Plumbing Code – Chapter 6 – Water Supply and Distribution.

Sec. 27.0700. Amendments to Chapter 7 – 2009 International Plumbing Code – Chapter 7 – Sanitary Drainage.

Sec. 27.0900. Amendments to Chapter 9 – 2009 International Plumbing Code – Chapter 9 – Vents.

Sec. 27.1100. Amendments to Chapter 11 – 2009 International Plumbing Code – Chapter 11 – Storm Drainage.

Sec. 27.1400. Amendments to Appendix A – 2009 International Plumbing Code – Appendix A – Fee Schedule.

CHAPTER 20, ARTICLE I. THE BUILDING CODE

20.0010 Short Title.

This Chapter shall be known as and may be cited as “The Building Code”.

20.0020 Building Code Adopted.

That a certain document, one (1) copy of which is on file in the office of the Building Commissioner of the City of Webster Groves, Missouri, being marked and designated as the *International Building Code (IBC)*, 2009 edition including Appendices A through Z as amended, as published by the International Code Council (ICC), be and is hereby adopted as the Building Code of the City of Webster Groves, in the State of Missouri, for the control of buildings and structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Building Commissioner, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

20.0030 Jurisdictional Title.

Throughout the International Building Code/2009, whenever the terms “Name of Jurisdiction” or “Local Jurisdiction” appears, it shall be deemed to mean Webster Groves, Missouri. Likewise, whenever the term “Department of Building Safety” appears it shall be deemed to mean The “Department of Planning and Development.” Whenever the term “Code” appears it shall mean the International Building Code/2009, as adopted herein.

20.0100 Amendments to Chapter 1 – 2009 International Building Code – Chapter 1 Scope and Administration.

101.1 Title. These regulations shall be known as the *Building Code* of the City of Webster Groves, Missouri, hereinafter referred to as “this code.”

101.2.1 Appendices. Appendices are adopted as amended.

104.1.1 Building Commissioner. Whenever the term “Building Commissioner” appears it shall be deemed to mean the Building Commissioner of the City of Webster Groves, Missouri.

105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* are not required for the following:

Building:

1. One-story detached accessory structures used as playhouses and similar uses provided the floor area does not exceed 100 square feet and the height does not exceed 10 feet.
2. Oil derricks.
3. Retaining walls which are not over 3 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.

4. Flat work including but not limited to sidewalks, patios, parking lots, or driveways that are less than four hundred (400) square feet in area.

   Exception. Any flat work that is a) within 4 feet of a property line; or b) that would permanently divert one drainage area to another drainage area; or c) that would deposit mud or harmful silt or create erosion or damage adjoining properties; or d) that would block or affect an existing swale or drainage path in a manner to cause damming and ponding shall require a permit.

5. Painting, papering, tiling, carpeting, counter tops and similar finish work.
6. Temporary motion picture, television and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
8. Temporary shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family *dwellings* that are less than 200 square feet and less than 12 feet high.
10. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, and the installations of towers and antennas.

Temporary testing systems: A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating, cooking and clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Identify whether the work will be done personally by the owner/occupant of the detached single family dwelling or the work will be done by a registered contractor.
8. Give such other data and information as required by the *Building Commissioner*.

105.5 Expiration. Any *permit* issued shall become invalid if the work on the site authorized by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall be evidenced by the fact that no inspection has been conducted and approved for 180 days prior. Permits for residential properties shall expire one (1) year from the date of issuance and non-residential permits shall expire two (2) years from the date of issuance. The *Building Commissioner* is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

107.2.5 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *Building Commissioner* is authorized to waive or modify the requirements for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted. A site plan shall also include any additional information necessary to determine compliance with the ordinances of the City of Webster Groves as determined by the *Building Commissioner*.

107.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *Building Commissioner* as required by Missouri Revised Statues Chapter 109 Section 255.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing, or fire protection system before obtaining the necessary permits shall be subject to, in addition to any court imposed fines or costs, a penalty that is double the total regular calculated permit fee – including inspections (permit fees + inspection fees x 2).

110.3 Required inspections. The *building official*, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.11.

110.3.1 Pre-permit inspection. An inspection of the property shall be conducted prior to the issuance of a permit.

Exception: Interior work and work deemed to be minor in nature.

110.3.2 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.3 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.4 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the *building official*.

110.3.5 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, *fireblocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

110.3.6 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

110.3.7 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R*- and *U*-values, fenestration *U*-value, duct system *R*-value, and HVAC and water-heating equipment efficiency.

110.3.9 Other inspections. In addition to the inspections specified above, the *building official* is authorized to make or require other inspections of any construction work to

ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.10 Special inspections. For *special inspections*, see Section 1704.

110.3.11 Final inspection. The final inspection shall be made after all work required by the building *permit* is completed.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *Building Commissioner*, or of a *permit* or certificate issued under the provisions if this code, shall be subject to penalties as prescribed in Section AO102.

115.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed by the City to perform to remove a violation or unsafe condition, shall be subject to the penalties as prescribed in Section AO102.

116.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested, (c) sent by regular mail addressed to the owner at the last known address, or (d) delivered in any other manner as prescribed local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

20.0200 Amendments to Chapter 2 – 2009 International Building Code – Chapter 2 Definitions.

Bed and Breakfast Facility. A single family residence, a portion of which may be used for temporary guest accommodations upon its owner being granted a conditional use permit under the provisions of Section 53.170 et seq. and a business license as provided in the Municipal Code.

Building Official. The Building Commissioner as set forth in Section 3.220 of the Municipal Code.

City Manager. The City Manager of the City of Webster Groves or his/her designee.

Curtain wall. See Section 702.

Fire Code Official: The Fire Chief as set forth in Section 3.410 and 3.420 Article VI of the Municipal Code.

Manufactured Homes. houses that are manufactured in a remote facility and then delivered to their intended site to be erected on a foundation. Manufactured homes differ from mobile homes in their absence of a chassis thereby intending manufactured homes to not be readily movable.

Public Service Agency. a business or service, which may be publicly or privately owned, engaged in supplying the public generally with some commodity or service, such as electricity, gas, water, transportation, or telephone or telegraph service. Privately owned public utilities most often operate within a designated area through an exclusive franchise granted by the legislature, public service commission, or other regulatory agency, and their operation is strictly regulated by the franchisor. Public utilities may be required to file rate schedules with a public service commission. Usually, there must be an approval by the regulatory body before such rates or proposed changes in rates may take effect.

Spandrel wall See Section 702.

20.0300 Amendments to Chapter 3 – 2009 International Building Code – Chapter 3 Use and Occupancy Classification

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2. Residential occupancies shall include the following:

Boarding houses (transient)
Hotels (transient)
Motels (transient)
Bed and breakfast facility (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3. When calculating the number of occupants for a *bed and breakfast facility*, the resident owner and occupants shall be included in the occupancy count.

20.0400 Amendments to Chapter 4 – 2009 International Building Code – Chapter 4 Special Detailed Requirements Based on Use and Occupancy.

406.1.4 Separation. Separations shall comply with the following:

1. The private garage shall be separated from the *dwelling unit* and its *attic* area by means of a minimum ½-inch gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than $^{5}/_{8}$-inch Type X gypsum board or equivalent. Door openings between a private garage and the *dwelling unit* shall be equipped with either solid wood doors, or solid or honeycomb core steel doors not less than 1 ¾ -inches thick. Or doors in compliance with Section 715.4.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching. Openings between the garage and the residence of single family detached dwellings are not required to be self-closing and self latching per section R302.5.1 or the IRC.
2. Ducts in private garage and ducts penetrating the walls or ceilings separating the *dwelling unit* from the garage shall be constructed of a minimum 0.019-inch sheet steel and shall have no openings into the garage.
3. A separation is not required between a Group R-3 and U carport provided the carport is entirely open on two or more sides and there are not enclosed areas above.
4. Windows, doors and other openings in common walls that separate bedrooms from carports and garages are not permitted.

406.1.6 Egress doors for detached garages. All detached garages shall be provided with an approved side swing type egress door.

406.2.6 Floor surface. Parking Surfaces shall be of concrete or similar noncombustible and nonabsorbent materials.

The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway. Except in detached *one- and two-family dwellings*, if a drain is used, an approved interceptor shall be installed in accordance with the *International Plumbing Code*.

Exceptions: Floors of Group S-2 parking garages shall not be required to have a sloped surface.

20.0700 Amendments to Chapter 7 – 2009 International Building Code – Chapter 7 Fire and Smoke Protection Features.

Curtain wall A building façade which does not carry any dead load from the building other than its own dead load, and one which transfers the horizontal loads (wind loads) that are incident upon it.

Spandrel wall. The roughly triangular space between the left or right exterior curve of an arch and the rectangular framework surrounding it.

717.2 Fireblocking. In combustible construction, fireblocking shall be installed to cut off concealed draft openings (both vertical and horizontal) and shall form an effective barrier between floors, between a top *story* and a roof or *attic* space. Fireblocking shall be installed in the locations specified in Sections 717.2.2 through 717.2.7.

717.2.1 Fireblocking materials. Fireblocking shall consist of the following materials:

1. Two-inch (51 mm) nominal lumber.
2. Two thicknesses of 1-inch (25 mm) nominal lumber with broken lap joints.
3. One thickness of 0.719-inch (18.3 mm) wood structural panels with joints backed by 0.719-inch (18.3 mm) wood structural panels.
4. One thickness of 0.75-inch (19.1 mm) particleboard with joints backed by 0.75-inch (19 mm) particleboard.
5. One-half-inch (12.7 mm) gypsum board.
6. One-fourth-inch (6.4 mm) cement-based millboard.
7. Batts or blankets of mineral wool, mineral fiber or other *approved* materials installed in such a manner as to be securely retained in place.

717.2.1.1 Batts or blankets of mineral wool or mineral fiber. Batts or blankets of mineral wool or mineral fiber or other *approved* nonrigid materials shall be permitted for compliance with the 10-foot (3048 mm) horizontal fireblocking in walls constructed using parallel rows of studs or staggered studs.

717.2.1.2 Unfaced fiberglass. Unfaced fiberglass batt insulation shall not be used as a fireblock.

717.2.1.3 Loose-fill insulation material. Loose-fill insulation material, insulating foam sealants and caulk materials shall not be used as a fireblock unless specifically tested in

the form and manner intended for use to demonstrate its ability to remain in place and to retard the spread of fire and hot gases.

717.2.1.4 Fireblocking integrity. The integrity of fireblocks shall be maintained.

717.2.1.4.1 Intumescent Materials. Intumescent materials shall be installed at all penetrations where non-metallic materials penetrate assemblies including but not limited to fire walls, party walls, fire barriers, shaft enclosures, fire partitions, smoke barriers, smoke partitions, fire separation walls, horizontal assemblies, solid fireblocking assemblies.

717.2.1.5 Double stud walls. Batts or blankets of mineral or other *approved* nonrigid materials shall be allowed as fireblocking in walls constructed using parallel rows of studs or staggered studs.

717.3.1 Draftstopping materials. Draftstopping materials shall not be less than1/2-inch (12.7 mm) gypsum board, 3/8-inch (9.5 mm) wood structural panel, 3/8-inch (9.5 mm) particleboard, 1-inch (25-mm) nominal lumber, cement fiberboard, batts or blankets of mineral wool, or other *approved* materials adequately supported. The integrity of draftstops shall be maintained.

20.0900 Amendments to Chapter 9 – 2009 International Building Code – Chapter 9 Fire Protection Systems.

903.3.5.3 Water flow tests. Water flow tests for fire sprinkler systems shall be conducted between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday.

903.3.5.4 Water flow safety factor. A safety factor shall be applied to all flow tests for fire sprinkler systems. A parallel curve shall be drawn to the actual flow test curve that has been reduced by 10 percent of the static pressure. A sprinkler system design shall not exceed the 10 percent curve.

20.1000 Amendments to Chapter 10 – 2009 International Building Code – Chapter 10 Means of Egress.

1008.1.2 Door swing. Egress doors shall be of the pivoted or side-hinged swinging type.
Exceptions:

1. Office areas, factory and storage areas with an *occupant load* of 10 or less.
2. Group I-3 occupancies used as a place of detention.
3. Critical or intensive care patient rooms within suites of health care facilities.
4. Doors within or serving a single dwelling unit in Groups R-2 and R-3.
5. In other than Group H occupancies, revolving doors complying with Section 1008.1.4.1.
6. In other than Group H occupancies, horizontal sliding doors complying with Section 1008.1.4.3 are permitted in a *means of egress*.
7. Power-operated doors in accordance with Section 1008.1.4.2.
8. Doors serving a bathroom within an individual sleeping unit in Group R-1.
9. In other than Group H occupancies, manually operated horizontal sliding doors are permitted in a *means of egress* from spaces with an *occupant load* of 10 or less.

Doors shall swing in the direction of egress travel where serving an *occupant load* of 50 or more persons or a Group H occupancy.

1009.4.2 Riser height and tread depth. *Stair* riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. The riser height shall be measured vertically between the leading edges of adjacent treads. Rectangular tread depths shall be 11 inches (279 mm) minimum measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. *Winder* treads shall have a minimum tread depth of 11 inches (279 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline and a minimum tread depth of 10 inches (254 mm) within the clear width of the *stair*. The variation between the depth of adjacent treads or in the height of adjacent risers shall not exceed 3/16 inch in any flight.

Exceptions:

1. *Alternating tread devices* in accordance with Section 1009.10.
2. Ship ladders in accordance with Section 1009.11.
3. *Spiral stairways* in accordance with Section 1009.9.
4. *Aisle stairs* in assembly seating areas where the *stair* pitch or slope is set, for sightline reasons, by the slope of the adjacent seating area in accordance with Section 1028.11.2.
5. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be 7 3/4 inches (197 mm); the minimum tread depth shall be 10 inches (254 mm); the minimum *winder* tread depth at the walkline shall be 10 inches (254 mm); and the minimum *winder* tread depth shall be 6 inches (152 mm).A *nosing* not less than 3/4 inch (19.1 mm) but not more than 11/4 inches (32 mm) shall be provided on *stairways* with solid risers where the tread depth is less than 11 inches (279 mm).
6. See Section 3404.1 for the replacement of existing *stairways*.
7. In Group I-3 facilities, *stairways* providing access to guard towers, observation stations and control rooms, not more than 250 square feet (23 m2) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).
8. For alterations or additions to existing residential buildings, the maximum riser height shall be 8¼ inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 0.375 inch.

   Exception: When the existing riser height complies with current code.

9. For alterations or additions to existing residential buildings, the minimum tread depth shall be 9 inches. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 0.375 inch. Winder treads shall have a minimum tread depth of 10 inches measured as above at a point 12 inches from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches at any point. Within any flight of stairs, the greatest winder tread depth at the 12-inch walk line shall not exceed the smallest by more than 0.375 inch.

   Exception: When the existing tread depth complies with current code.

1013.3 Opening limitations. Required guards shall not have openings which allow passage of a sphere 4 inches (102 mm) in diameter from the walking surface to the required guard height. Guards shall not have an ornamental pattern that would provide a ladder effect.

Exceptions:

1. From a height of 36 inches (914 mm) to 42 inches (1067 mm), guards shall not have openings which allow passage of a sphere 4 3/8 inches (111 mm) in diameter.
2. The triangular openings at the open sides of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
3. At elevated walking surfaces for access to and use of electrical, mechanical or plumbing systems or equipment, guards shall not have openings which allow passage of a sphere 21 inches (533 mm) in diameter.
4. In areas which are not open to the public within occupancies in Group I-3, F, H or S, and for alternating tread devices and ship ladders, guards shall not have openings which allow passage of a sphere 21 inches (533 mm) in diameter.
5. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies and galleries shall not have openings which allow passage of a sphere 4 inches (102 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067mm) above the adjacent walking surfaces, guards shall not have openings which allow passage of a sphere 8 inches (203 mm) in diameter.
6. Within individual dwelling units and sleeping units in Group R-2 and R-3 occupancies, guards on the open side of stairs shall not have openings which allow passage of a sphere 4 3/8 inches (111 mm) in diameter.

1013.7 Retaining walls. Guards shall be provided where retaining walls with differences in grade level on either side of the wall in excess of 30 inches are located closer than 2 feet (610 mm) to a walk, path, parking lot or driveway on the high side on retaining walls.

1029.5.3 Projections into required side and rear yards. Window wells which do not extend more than three (3) feet above the level of the ground may project into a required yard provided these projections be distant at least three (3) feet from the adjacent side lot lines.

1029.5.4 Fall protection. Fall protection shall be installed in accordance with 1806.0 et seq.

20.1600 Amendments to Chapter 16 – 2009 International Building Code – Chapter 16 Structural Design

1612.3 Establishment of flood hazard areas. To establish *flood hazard areas*, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for St Louis County, Missouri,” dated March 9, 1978, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section. (Ord. No. 1885, § 1, 4-13-1987)

1613.5.1 Acceleration parameters. The earthquake spectral response acceleration at short periods (SS) shall be 0.54g. The earthquake spectral response acceleration at 1-second periods (S1) shall be 0.18g.

20.1800 Amendments to Chapter 18 – 2009 International Building Code – Chapter 18 Soils and Foundations.

1808.1.1 Minimum foundation wall reinforcement. Every concrete foundation wall that is eight inches or more in width shall contain a minimum of 2 #4 reinforcing bars located at the top of the foundation and 2 #4 reinforcing bars located at the bottom of the foundation wall. Openings in foundation walls shall have a minimum of 2 #4 reinforcing bars located at the header of the opening.

1809.4.1 Footing reinforcement: Every concrete spread footing that is sixteen inches or more in width shall contain a minimum of 2 #4 reinforcing bars located in the bottom one third of the footing and a minimum of 2 inches from the bottom of the footing.

1809.5 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending a minimum of 30 inches (762 mm) below the finish grade;
2. Constructing in accordance with ASCE-32; or
3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Occupancy Category I, in accordance with Section 1604.5;
2. Area of 100 square feet or less; and
3. Eave height of 10 feet (3048 mm) or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

20.3000 Amendments to Chapter 30 – 2009 International Building Code – Chapter 30 Elevators and Conveying Systems.

SECTION 3009
EXISTING ELEVATORS AND ESCALATORS

3009.1 Referenced standard. All existing elevators and escalators shall conform to ASME A17.3.

20.3100 Amendments to Chapter 31 – 2009 International Building Code – Chapter 31 Special Construction

3103.5 Bond. The code official may require a permit applicant to post a performance bond, prior to issuance of the permit, to guarantee that the area is restored to its original condition or better. The amount of the bond shall be set by the code official based on the cost of the restoration.

3103.6 Design features. All temporary structures shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to insure the public health, safety and general welfare.

3103.7 Location. Temporary structures shall be located in accordance with the requirements of Tables 602 and 602.4 based on the fire-resistance rating of the exterior walls for the proposed type of construction.

3103.8 Flame-resistant treatment. Before a permit is granted, the owner or agent shall file with the code official a certificate executed by an approved testing laboratory, certifying that the tents, canopies and membrane structures and their appurtenances, sidewalls, drops and tarpaulins, bunting, shall be composed of flame-resistant material or shall be treated with a flame retardant in an approved manner and meet the requirements for flame resistance as determined in accordance with NFPA 701, and that such flame resistance is effective for the period specified by the permit.

3103.9 Label. Membrane structures, tents or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type.

3103.10 Certification. An affidavit or affirmation shall be submitted to the code official and a copy retained on the premises on which the tent or air supported structure is located. The affidavit shall attest to the following information relative to the flame resistance of the fabric:

1. Names and address of the owners of the tent, canopy or air-supported structure.
2. Date the fabric was last treated with flame-resistant solution.
3. Trade name or kind of chemical used in treatment.
4. Name of person or firm treating the material.
5. Name of testing agency and test standard by which the fabric was tested.

3103.11 Anchorage. All temporary structures shall be anchored to the ground to resist the wind loads prescribed by Section 1609 of this code. At the discretion of the code official, the anchorage system shall be designed by a registered design professional.

3103.12 Means of egress. Temporary structures shall conform to the means of egress requirements of Chapter 10 and shall have a maximum exit access travel distance of 100 feet.

3103.14 Health inspections. All temporary structures that serve food shall be inspected by the St Louis County Department of Health.

3107.1 General. Signs shall be designed, constructed and maintained in accordance with the sign code.

SECTION 3111
ANTENNAS

3111.1 Location of antennas. Antennas may be roof mounted, wall mounted, or free standing.

> **3111.1.1 Roof mounted antennas.** Antennas shall not be erected so as to injure the roof covering, and when removed from the roof, the roof covering shall be repaired to maintain weather and water tightness. The installation of any antennal structure mounted on the roof of a building shall not be erected nearer to the lot line than the total height of the antennal structure above the roof, nor shall such structure be erected near

electric power lines. All roof mounted antennas shall be located so as not to be visible from the public right-of-way.

3111.1.2 Wall mounted antennas. Antennas shall not be erected so as to injure the wall covering, and when removed from the wall, the wall covering shall be repaired to maintain weather and water tightness. The installation of any antennal structure mounted on a wall shall not be erected nearer to the lot line than the total height of the antennal structure above the ground, nor shall such structure be erected near electric power lines. All wall mounted antennas shall be located so as not to be visible from the public right-of-way.

3111.1.3 Free standing antennas. The installation of any antennal structure shall not be erected nearer to the lot line than the total height of the antennal structure. Antennal structures shall not be erected nearer an overhead electric power line than the total height of the antennal structure. Antennal structures shall not be located in the front yard as defined in the Zoning Ordinance.

3111.2 Permits required. A permit shall be required for all antennal structures. The application shall be accompanied by detailed drawings of the structure, methods of anchorage for roof or wall structures, and foundation drawings for free standing structures. All connections to the roof or wall structure shall be properly flashed to maintain water tightness.

3111.3 Permits. The approval of the code official shall be secured for all antennal structures erected on the roof of or attached to any building or structure. Antennas shall be subject to the structural provisions of Sections 1608 and 1609.

20.3400 Amendments to Chapter 34 – 2003 International Building Code – Chapter 34 Existing Structures.

3409.3 Equivalence for historic buildings. Unless otherwise approved by the Board of Appeals as an acceptable equivalent, all historic buildings shall be designed to meet equivalency as set forth in section 3412 et seq or the International Existing Building Code (IEBC).

3412.2 Applicability. Structures existing prior to [1962], in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

20.3600 Amendments to Appendix A – 2009 International Building Code – Appendix A Employee Qualifications.

Appendix A – Employee qualifications is deleted in its entirety.

20.3700 Amendments to Appendix B – 2009 International Building Code – Appendix B Board of Appeals.

Appendix B – Board of Appeals is adopted with the following amendments:

APPENDIX B
BOARD OF APPEALS

AB101.1 Application for appeal: Any person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

AB101.2 Membership of the Board: The board of appeals shall consist of five members appointed by the City Council as follows: one for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed. If no Board of Appeals has been appointed, the Board of Appeals shall be the duly appointed members of the Board of Adjustment as referenced in the Code of Webster Groves.

AB101.2.1 Alternate Members: The City Council shall appoint three (3) alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for five (5) years or until a successor has been appointed

AB101.2.2. **Qualifications:** The Board of Appeals shall consist of five (5) individuals who shall be residents of the City of Webster Groves and appointed by the City Council. When possible, the Council shall seek to appoint one individual from each of the following professions:

1. *Registered design professional* that is a registered architect; or a builder or superintendent of building construction with at least ten years of experience, five of which shall have been in responsible charge of work.
2. *Registered design professional* with structural engineering or architectural experience.
3. *Registered design professional* with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years of experience, five of which shall have been in responsible charge of work.
4. *Registered design professional* with electrical engineering experience; or an electrical contractor with at least ten years of experience, five of which shall have been in responsible charge of work.
5. *Registered design professional* with fire protection engineering experience; or a fire protection contractor with at least ten years of experience, five of which shall have been in responsible charge of work.

AB101.2.3 Rules and procedures: The board is authorized to establish policies and procedures necessary to carry out its duties.

AB101.2.3.1 Expert Testimony: The board may solicit expert testimony from qualified witnesses as it deems necessary to render a decision.

AB101.2.4 Chairman: The Board shall annually select one of its members to serve as chairman.

AB101.2.5 Disqualification of Member: A member shall not hear an appeal in which that member has any personal, professional or financial interest.

AB101.2.6 Secretary: A qualified individual shall be designated to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Building Commissioner.

AB101.3 Notice of Meeting: The board shall meet upon notice from the chairman, within sixty days of the filing of an appeal, or at stated periodic meetings.

AB101.3.1 Open Hearing: All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Commissioner and any person whose interest are affected shall be given an opportunity to be heard.

AB101.3.2 Procedure: The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information is received.

AB101.3.3 Postponed Hearing: When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

AB101.4 Board Decision: The board shall modify or reverse the decision of the code official by a concurring vote of four (4) members.

AB101.4.1 Resolution: The decision of the board shall be in writing. Copies signed by the chairman and secretary shall be furnished to the appellant and to the Code Official.

AB101.4.2 Administration: The Code Official shall take immediate action in accordance with the decision of the board.

AB101.5 Appeals of Board Decisions: Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals, or any officer, department, board or bureau of the City, may present to the Circuit Court of St. Louis County, Missouri, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of 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.

20.3800 Amendments to Appendix C – 2009 International Building Code – Appendix C Group U Agricultural Buildings.

APPENDIX C
GROUP U AGRICULTURAL BUILDINGS

Appendix C – Group U Agricultural Buildings is adopted without amendment.

20.3900 Amendments to Appendix D – 2009 International Building Code – Appendix D Fire Districts.

Section Appendix D – Fire Districts is deleted in its entirety.

20.4000 Amendments to Appendix E – 2009 International Building Code – Appendix E Supplementary Accessibility Requirements.

Appendix E – Supplementary Accessibility Requirements is adopted without amendment.

20.4100 Amendments to Appendix F – 2009 International Building Code – Appendix F Rodent Proofing.

1. **Appendix F – Rodent Proofing is adopted without amendment.**

20.4200 Amendments to Appendix G – 2009 International Building Code – Appendix G Flood-resistant Construction.

Appendix G – Flood-resistant Construction is adopted in its entirety with the following amendment:

APPENDIX G
FLOOD-RESISTANT CONSTRUCTION

G102.2 Establishment of flood hazard areas. *Flood hazard areas* are established in Section 1612.3 of the *International Building Code*, adopted by the applicable governing authority on July 11, 1995.

20.4300 Amendments to Appendix H – 2009 International Building Code – Appendix H Signs.

Appendix H – Signs is adopted with the following amendments:

APPENDIX H
SIGNS

H101.3 Conflict: When the provisions of this amendment are in conflict with the sign regulations, the sign regulations shall be enforced.

H104.2 Street numbers: Each structure to which a street number has been assigned shall have the number so assigned displayed in a position easily observed and readable from the public right of way. All numbers shall be in figures at least 3 inches (76mm) high and ½ inch (13 mm) wide.

20.4400 Amendments to Appendix I – 2009 International Building Code – Appendix I Patio Covers.

Appendix I – Patio Covers is adopted without amendment.

20.4500 Amendments to Appendix J – 2009 International Building Code – Appendix J Grading.

Appendix J – Grading is adopted with the following amendment:

APPENDIX J

GRADING

SECTION J112
FINAL GRADING AND VEGETATION

J112.1 Final Grade All lots shall have a final grade and be vegetated to allow for maintenance of the lot. The lot shall be graded to a mowable (not brush hog) condition and vegetated to prevent an erosive condition.

J112.2 Maintainability of Lot: In order for a lot to be in a mowable condition the lot shall be free of debris, noxious vegetation and other detrimental obstructions. The lot shall be graded so that a standard lawn mower can be used to maintain the lot.

J112.3 Failure to Properly Grade and Vegetate: In the event that a site is found to be unsafe and/or unhealthy, the city may restore the site to a reasonable condition by causing the lot to be graded and vegetated to a mowable (not brush hog) condition. Should such action be necessary a lien may be placed against the property in accordance with Chapter 31 of the Municipal Code.

Exception: In an emergency, the city may cause abatement of the violation without notice.

20.4600 Amendments to Appendix K – 2009 International Building Code – Appendix K Administrative Provisions

Appendix K – Administrative Provisions is adopted without amendment

20.4700 New to Appendix L – 2009 International Building Code – Appendix L Use of Explosives

APPENDIX L
USE OF EXPLOSIVES

SECTION AL101
GENERAL

AK101.1 Explosives: For the purposes of construction or demolition, explosives shall not be stored, transported through, or used for any purpose within the city limits unless approved in writing by the Director of Public Works or his designee.

20.4800 New Appendix M – 2009 International Building Code – Appendix M Lighting Limits.

APPENDIX M
LIGHTING LIMITS

SECTION AM101
GENERAL

AM101.1 General: These provisions shall be applicable to both exterior lighting and interior lighting that spills to the exterior of the building.

SECTION AM102
SECTION MAXIMUM LIGHTING LIMITS

AM102.1 The level of lighting from any source shall not exceed 0.5 foot-candles at any residential property line or 1.0 foot-candle at any non-residential property line.

For the purposes of this provision, roadways shall be considered non-residential property lines.

AM102.2 Maximum lighting limits from any source must meet the standard set forth in Section AM102.1 at any height along the property line.

SECTION AM103
SHIELDING/DIRECTING OF LIGHTS

AM103.1 All light in excess of the lighting limits established in AM102.1 shall be directed toward the earth's surface and away from adjacent property. Direction shall be by methods including but not limited to shielding, shading or use of adjustable reflectors.

AM103.2 Facilities which may require floodlighting may not arrange the light in such a way that it will shine towards roadways, onto adjacent residential property or residential use property or into the night sky in excess of the lighting levels herein established in Section AM102.1.

SECTION AM104
SECTION LIGHTS ON POLES

AM104.1 Lights on poles shall not be taller than the building whose area they illuminate nor taller than twenty-five (25) feet whichever is shorter.

> **Exception:** These provisions shall not be applicable to any installation by a governmental agency or public utility.

20.5700 New Appendix N – 2009 International Building Code – Appendix N Registration and Bonding of Contractors.

APPENDIX N
REGISTRATION OF CONTRACTORS

SECTION AN101
CERTIFICATE OF REGISTRATION

AN101.1 City Of Webster Groves Contractors' Certificate of Registration Required: No contractor engaged in work requiring a permit shall conduct business within the City of Webster Groves, Missouri until such contractor, including, in the case of a corporation, the named representative of that corporation, shall have obtained a Certificate of Registration from the City of Webster Groves to perform such work. Each individual so registered to do plumbing, electrical or mechanical work shall also be licensed by St. Louis City or St. Louis County. Only work permitted by the St Louis City/County license may be performed under that registration in the City of Webster Groves.

Exception: The forgoing provision does not apply to any person who performs labor or services for a salary or wages as an employee of a duly registered contractor, nor to any person who is performing labor or services with respect to property owned and occupied by such person pursuant to Section AN 101.5.

AN101.2 Use of Registration by Another Person. No registered contractor shall allow her/his name to be used by another person either for the purpose of obtaining permits, or for doing business or work under the Certificate of Registration. Every registered contractor shall notify the Office of the Building Commissioner of the address of her/his place of business and the name under which such business is carried on, and shall give immediate notice to the Office of the Building Commissioner of any changes in either.

AN101.3 Registered Contractor for More than One (1) Business. No person shall be the registered contractor for more than one business.

Exception: A licensed electrical, mechanical and/or plumbing contractor may be the building contractor on projects at the discretion of the Building Commissioner when the improvement value of the project does not require a completion deposit.

Under no condition shall a registered contractor obtain a permit for a discipline that requires a license for which that contractor is not licensed by St Louis City or St Louis County.

A registered contractor who is required to provide a license issued by St Louis City or St Louis County shall not perform work other than that authorized by the license. (*Example: A plumber who is only authorized to install water heaters may not install backflow prevention devices*.)

AN101.4 Certificate of Registration. A Certificate of Registration issued under this ordinance is assigned to the individual named in said registration. No registration or the rights, duties and privileges attendant thereto, shall be assigned or transferred to another person, company, partnership or other entity.

AN101.5 Home Owners as Contractors. Work may be performed by an owner of a residential building as follows.

AN101.5.1 Homeowners as Building Contractors. A building permit may be issued to a qualified homeowner for the purpose of doing contractor work on a detached single family residence that is owned and occupied by the applicant under the following conditions:

(1) The dwelling shall be designed and used solely for living purposes.
(2) The dwelling shall be occupied by, or vacant and intended for immediate occupancy by, the owner and his immediate family only as verified by occupancy permit or affidavit.
(3) The permittee shall personally be directly involved in all work and be solely responsibility for any and all construction activities.
(4) The owner or member of his immediate family residing with him shall be listed on the Certificate of Occupancy.
(5) Prior to the issuance of a permit under this section, the code official shall require an affidavit or other reasonable proof that the request for a permit complies with the foregoing provisions and that the applicant has the necessary knowledge and ability to perform the proposed work. This does not authorize a waiver or modification of any provision of this code relating to the materials, design, installation, or practice of

building contractor work, or to the preparation and approval of construction documents, or to required fees for permits or inspections.

(6) Should the dwelling be marketed for sale or sold within 1 year of approval of the final inspection (not conditional), the owner shall obtain an inspection and certification from a contractor registered in the City of Webster Groves. The certification shall be a notarized letter from a contractor stating that the permitted work was inspected and found to be installed in a safe and workmanlike condition. Each discipline shall be inspected and certified by a contractor registered in that discipline. Certificate may be rejected by the Code Official for cause.

AN101.5.2 Homeowners as Electrical, Fire Protection, Mechanical and/or Plumbing Contractors. A permit may be issued for an addition, repair, modification, or reconstruction of an existing electrical, mechanical, fire protection and/or plumbing system on the premises of a detached single family dwelling, including accessory structures, to the owner or member of his immediate family residing with him under the following conditions:

(1) The dwelling shall be designed and used solely for living purposes.
(2) The dwelling shall be occupied by, or vacant and intended for immediate occupancy by, the owner and his immediate family only as verified by occupancy permit or affidavit.
(3) The permittee shall personally perform all required work.
(4) The owner or member of his immediate family residing with him shall be listed on the Certificate of Occupancy.
(5) Prior to the issuance of a permit under this section, the code official shall require an affidavit or other reasonable proof that the request for a permit complies with the foregoing provisions and that the applicant has the necessary knowledge and ability to perform the proposed work. This does not authorize a waiver or modification of any provision of this code relating to the materials, design, installation, or practice of electrical, fire protection, mechanical, plumbing work, or to the preparation and approval of construction documents, or to required fees for permits or inspections.
(6) A homeowner permit shall not be issued for work from the electrical service entrance to and including the panel box. Such work shall be done only by a duly licensed electrical contractor who is registered with the City of Webster Groves.
(7) A homeowner permit shall not be issued for work to install a backflow prevention device. Such work shall be done only by a duly licensed plumbing contractor who is registered with the City of Webster Groves.
(8) A homeowner permit shall not be issued to install or repair a water service. Such work shall be done only by a duly licensed plumbing contractor who is registered with the City of Webster Groves.
(9) A homeowner permit shall not be issued to install or repair a sewer lateral. Such work shall be done only by a duly licensed plumbing contractor who is registered with the City of Webster Groves.
(10) Should the dwelling be marketed for sale or sold within 1 year of approval of the final inspection (not conditional), the owner shall obtain an inspection and certification from a contractor registered in the City of Webster Groves. The certification shall be a notarized letter from a contractor stating that the permitted work was inspected and found to be installed in a safe and workmanlike condition. Each discipline shall be inspected and certified by a contractor registered in that discipline.

AN101.5.3 Business Owners as Building, Electrical, Fire Protection, Mechanical, and/or Plumbing Contractors. The Building Commissioner may issue a permit for

incidental work to be done by a non-residential owner of a building. Incidental work shall be of a minor nature not related to primary structural integrity, fire resistivity, fire protection, electrical, plumbing, or mechanical work.

AN101.6 Application for Certificate of Registration: Application for such Certificate of Registration shall be on a form prescribed by the Building Commissioner and shall require the following information:

(1) Office address and phone number of the applicant
(2) Payment of a fee of seventy-five dollars ($75.00)
Exception: A construction business headquartered within the City of Webster Groves which has been issued a business license is credited up to $75.00 based upon the amount of the business license. [Example: If the business license cost is $35.00 the fee is $40.00. If the business license cost is $1000.00 the fee is $0] Registration fees shall be pro-rated as follows:
(3) Name(s), residential address(es) and phone number(s) of the proprietor(s) or partner(s) if the applicant is not a corporation
(4) Name(s) and residential address(es) and phone number(s) of the officer(s) if the applicant is a corporation
(5) Photo copy of:
(a) the current drivers license of the license holder (or similar proof of photographic identification)
(b) the current electrical, mechanical or plumbing license of St. Louis City and\or St. Louis County
(6) Receipt of an original Certificate of Insurance issued to the City of Webster Groves certifying that the applicant has coverage as follows:
(a) Workers Compensation or signed affidavit that workers compensation is not required – State Requirements
(b) General Commercial Liability – three hundred thousand dollars ($300,000.00) per occurrence
(c) Products/Completed Operations, Aggregate – three hundred thousand dollars ($300,000.00)
(7) Other information as may be required by the Building Commissioner

AN101.7 Certificate of Registration to be issued, When: A Certificate of Registration allowing the registered contractor to perform contracting work in the City of Webster Groves, Missouri shall be issued by the Building Commissioner upon verification that the fee and all information required by AN101.6 has been submitted, and that the applicant has not committed any act defined herein as a prohibited act.

AN101.8 Term of the Certificate of Registration: The Certificate of Registration shall be valid for a term of one (1) year from the date of issuance, except that the Certificate of Registration shall be deemed as revoked at the expiration date of any of the required insurance coverage.

AN101.8.1 Certificate of Registration Lapsed: No work shall continue unless the Certificate of Registration that has lapsed is renewed.

AN101.8.2 Required Insurance Lapsed: No work shall continue unless the required insurance coverage that has lapsed is renewed.

AN101.9 Prohibited Acts: The following acts are hereby determined to be "prohibited acts" as that term is used herein:

1. Abandonment or willful failure to perform, without justification, any improvement contract or project engaged in or undertaken by a contractor, or willful deviation from or disregard of plans or specifications in any material respect without the consent of the owner and approval of the appropriate regulating agency
2. Making any substantial misrepresentation in the solicitation or procurement of an improvement contract, or making any false promise of a character likely to influence, persuade, or induce
3. Committing any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note, or other document incident to an improvement transaction
4. Preparing or accepting any mortgage, promissory note, or other evidence of indebtedness upon the obligations of an improvement transaction with knowledge that it recites a greater monetary obligation than the agreed consideration for the improvement work
5. Violation of any provision this Ordinance or failure to abate violations of this Ordinance
6. Failure to notify the Building Commissioner of any change or control in ownership, management, or business name or location
7. Conducting a business in any name other than that which is duly registered
8. Willful failure to comply with any order, demand, rule, regulation, or requirement made by the Building Commissioner pursuant to the provisions of this Ordinance
9. Promise or offer to pay, credit, or allow to a buyer any compensation or reward for the procurement of an improvement contract with others
10. Failure to carry or renew insurance as required in this Ordinance
11. Failure to register as a contractor or renew contractor registration as required in this Ordinance
12. Engaging in fraud, misrepresentation, bribery, or attempted bribery in the securing of a Certificate of Registration
13. Falsely certifying an installation as provided for in AN101.5.2 (10)

AN101.10 Basis for Revocation: Upon a finding of the Building Commissioner that any registered contractor has committed any act defined herein as a prohibited act, the Building Commissioner may issue a notice of revocation. Such notice shall indicate that unless a hearing is sought as provided below, the Certificate of Registration of such registered contractor shall be revoked within thirty (30) days of the date of such notice.

> **Exception:** Should the registered contractor fail to carry or renew insurance or fail to register or renew registration, a stop work order may be issued. The registered contractor shall be given a reasonable time within which to update their insurance or registration before a summons is issued for failure to register as a contractor as provided for in AN101.1.

Upon a finding of the Building Commissioner that any homeowner has committed any act defined herein as a prohibited act, the Building Commissioner may issue a stop work order and require that the homeowner employ a registered contractor to complete the project. Such notice shall indicate that unless a hearing is sought within thirty (30) days as provided below, the ability of the homeowner to act as a contractor shall be revoked.

Permits issued to a registered contractor prior to the outcome of the hearing may continue provided the Building Commissioner has reasonable grounds to allow the work to continue. No new permits shall be issued unless the registration is reinstated.

AN101.11 Hearing for Revocation or Rejection of the Certificate of Registration: Any contractor, homeowner who shall receive a notice of revocation/stop work order or any contractor whose application for registration has been rejected by the Building Commissioner shall be entitled to a hearing. Such contractor or homeowner shall request such a hearing in writing with the City Manager within thirty (30) days of the date of the notice of such revocation or rejection. Such request shall be accompanied by a fifty dollar ($50.00) hearing fee. When such a hearing is requested, the City Manager shall set a time and place within thirty (30) days. The City Manager shall conduct the hearing. Any party may be represented by counsel. After hearing all parties and evidence, the City Manager may affirm, reverse, or modify the decision of the Building Commissioner.

AN101.12 Penalty - Prohibited, Unlawful Acts: The committing of any of the acts described herein as prohibited acts shall be deemed to be a violation of this Ordinance, shall be subject to the penalties as prescribed in herein.

AN101.13 Engaging in Business Without a Certificate of Registration: Any person who shall violate a provision of this ordinance or shall fail to comply with any of the requirements thereof or who shall fail to comply with the directive of the Building Commissioner or of a permit or certificate of registration issued under the provisions of this ordinance, shall be guilty of an ordinance violation, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

20.5800 New Appendix O – 2009 International Building Code – Appendix O Fee Structure.

APPENDIX O
FEE STRUCTURE

SECTION AO101
FEE SCHEDULE

AO101.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid. All fees shall be paid in accordance with the code enforcement fee schedule.

SECTION AO102
VIOLATIONS AND PENALTIES

AO102.1 Violations and Penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official or of a permit or certificate issued under the provisions of this code, shall be guilty of an ordinance violation, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

AO102.2 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing, or fire protection system before obtaining the necessary permits shall be subject to, in addition to any court imposed fines or costs, , a penalty that is double the total regular calculated permit fee – including inspections (permit fees + inspection fees x 2).

AO102.3 Certain Violation Not Corrected; Removal by City; Special Tax Bill. After the expiration of ten days after date of the notice of violation, if the violations are not removed from the lot, the Building Commissioner shall have the violation removed therefrom, keeping an accurate record of the expense of all labor and material used in such removal as to each lot. He shall report such expense to the City Council, certifying to the correctness thereof, showing the lot by lot and block numbers or other legal description, and the date or dates on which the removal occurred, and the name and address of the owner, lessee, occupant or other person exercising control of the lot. Upon receipt by the City Council of that report, the City Council shall assess against each lot concerned a special assessment or tax equivalent to the expense incurred in removing the violation therefrom, including administrative costs in the amount of forty dollars ($40.00), and shall direct the City Clerk to issue a special tax bill therefor, against each such lot. Such special tax bill shall be due and payable thirty (30) days after its date, shall bear interest at the rate of eight percent (8%) per annum from and after thirty (30) days after its date, and shall be a lien against the lot against which it is issued until paid.

SECTION AO104
REFUNDS

AO 104.1 Refunds. Unless provided for in other provisions of this code, written requests for refunds shall be reviewed for merit and issued when deemed appropriate.

20.5900 New Appendix P – 2009 International Building Code – Appendix P No Permit When Monies Due the City.

APPENDIX P
MONIES DUE THE CITY

SECTION AP101
NO PERMIT WHEN MONIES DUE THE CITY

AP101.1 No Permit to be Issued When Monies Due the City: The Code Official shall not issue a permit to any applicant, as defined under 107.3, who owes any tax, fee, bill, debt, or other monetary obligation to the City of Webster Groves until such outstanding tax, fee bill, debt, monetary obligation or lien is paid to the satisfaction of the City Manager or the City Manager's designee.

20.6000 New Appendix Q – 2009 International Building Code – Appendix Q Exterior Completion.

APPENDIX Q
COMPLETION DEPOSITS

SECTION AQ101
COMPLETION DEPOSITS

AQ101.1 Initial Building Permit. When a new building permit is issued, a Completion Deposit in the amount of $500.00 plus one half percent (½%) of the improvement value exceeding $19,999 shall be due at the time of issuance. This amount is in addition to the non-refundable building permit, plan review, and inspection fees. Completion Deposits are refundable to the extent that actual funds have been deposited with the City.

Exceptions:
1. Construction activity which is exclusively interior to an existing structure
2. Electrical, mechanical, plumbing and fire protection permits
3. Projects with an improvement value of less than $20,000

AQ101.1.1 Project Completion. All work covered by an Initial Building Permit shall be completed within 12 months of the date of issue for single family residential projects and 24 months for any other projects. Should the project not be completed within the time set forth, the Initial Building Permit shall be deemed expired, and the Completion Deposit shall be forfeited and placed in the general fund of the City of Webster Groves. One extension may be granted by the Building Commissioner for cause. Said extension shall not exceed 3 months.

AQ101.1.2 Deposit Refund. Cash Completion Deposits shall be refunded upon certification by the Building Commissioner that the applicant has completed the work to the satisfaction of the City prior to expiration of the Initial Building Permit. Final inspection and approval of the project shall be the evidence that the project is completed. Deposits, regardless of who paid them initially, shall be refunded to the person who was the owner of the property at the time the permit was issued unless sufficient evidence demonstrates otherwise. Unless a deed can be produced to demonstrate otherwise, the owner of the property shall be the person listed as owner on the application for building permit.

AQ101.1.3 Date of Issue. The Date of Issue shall be the earlier of either:
1. the date that the building permit and inspection fees, and Completion Deposit (if any) are paid to the City, and the Initial Building Permit is issued; or
2. the date that the City authorizes in writing that construction may commence in advance of issuance of an Initial Building Permit.

AQ101.2 Renewal of Permit. When a building permit has expired, all work except that authorized by the Building Commissioner which is necessary to protect the safety and welfare of the community, shall cease and may not resume until a Renewal Building Permit has been applied for and issued. A refundable Completion Deposit in the amount of $500.00 or ten percent (10%) of the improvement value, whichever is greater, up to a maximum Completion Deposit of $50,000.00, shall be due at the time the Renewal Building Permit is issued. This amount is in addition to the non-refundable building permit renewal and inspection fees.

Section Exception: Any homeowner, who was issued an Initial Building Permit and has acted as the general contractor for construction work at his or her place of residence, as provided for in other sections of this Code, may employ a contractor who is registered with the City of Webster Groves to complete the work covered in the Initial Building Permit. The Renewal Building Permit so issued will be subject to the Completion Deposit provisions of AQ101.1

AQ101.2.1 Project Completion. All work covered by the Renewal Building Permit shall be completed within 12 months of the date of issue for single family residential projects and 24 months for any other projects. Should the project not be completed within the time set forth, Renewal Building Permit shall be deemed expired, and the completion deposit shall be forfeited and placed in the general fund of the City of Webster Groves.

AQ101.2.2 Deposit Refund. Cash Completion Deposits shall be refunded upon certification by the Building Commissioner that the applicant has completed the work to the satisfaction of the City prior to expiration of the Renewal Building Permit. Final inspection and approval of the project shall be the evidence that the project is completed. Deposits, regardless of who paid them initially, shall be refunded to the person who was the owner of the property at the time the permit was issued. Unless a deed can be produced to demonstrate otherwise, the owner of the property shall be the person listed as owner on the application for building permit.

AQ101.3 Methods of Completion Deposit Payment. A Completion Deposit may be in the form of a cash payment, or a performance bond issued by a bonding company with the City of Webster Groves named as the beneficiary.

SECTION AQ102
PERMIT SUSPENSION AND RENEWAL

AQ102.1 Suspension of permit: Any permit issued shall become invalid if the authorized work is not commenced within six months after the date of issuance or if the authorized work is suspended or abandoned for a period of six months. Suspension or abandonment shall be evidenced by the fact that no inspection has been requested, conducted and approved within 6 months of the last recorded inspection.

AQ102.2 Expiration of permit, and exterior completion deadline: For purposes of this section AQ102 et seq., the following terms shall have the following meaning:

"Improvement" – Any work requiring a building permit.
"Improvement, Major" – Any work requiring a building permit with an improvement value of 1 million dollars ($1,000,000.00) or more.

AQ102.3 Permit refund: No refund of permit or inspection fees shall be made without cause as provided for in AQ 102.6.

AQ102.4 Permit Void: Any permit issued shall become void and invalid if the authorized work on the building is not completed within twelve (12) months from the Date of Issuance for improvements or twenty-four (24) months for major improvements. Extensions may be granted for cause as provided for in AQ 102.6.

AQ102.5 Permit Renewal: Once a building permit becomes void and invalid, a permit renewal shall be required, and all work shall cease until a renewal permit is issued. The permit renewal fee shall be equal to one hundred percent (100%) of the original permit fees plus original inspection fees. The renewal shall extend the permit for twelve (12) months from the date of

issuance of the renewal permit in the case of an improvement, and for twenty-four (24) months in the case of a major improvement. This renewal fee is nonrefundable.

AQ102.6 Appeal: Any person directly affected by the provisions of Appendix AQ101 or 102 et seq. may appeal to the Building Commissioner, provided that a written letter of appeal is filed not less than 20 days after date on the Notice of Expiration. The appeal shall be based on an extraordinary or exceptional situation, condition or hardship that is not self-imposed.

20.6100 New Appendix R – 2009 International Building Code – Appendix R Exterior Properties.

APPENDIX R
EXTERIOR PROPERTIES

SECTION AR101
DRIVEWAYS

AR101.1 Maximum slope. The maximum slope of a driveway shall be fifteen percent (15%). [*This provision shall be applicable to new or expanded driveways*.]

AR101.2 Scraping the bottom of the vehicle. Driveways shall be designed so that at any point along the driveway, including the apron, the bottom of the vehicle with a minimum ground clearance of six (6) inches measured at any point on the vehicle does not scrape the driveway.

AR101.3 Storm water runoff. Driveways shall be designed so that storm water is not directed onto adjacent properties or to any structure on the property.

AR101.4 Driveway surfaces. Driveway surfaces shall be concrete, bituminous or similar materials.

Exception:

1. An existing gravel driveway may continue to be used provided the driveway is not enlarged.
2. Any gravel from any driveway that causes a nuisance by flowing onto adjoining property of the street shall be surfaced as provided above.
3. New gravel driveways may be permitted on single-family residential lots when the slope of the driveway does not exceed 3% as measured from the intersection of the driveway with the front property line.
4. Gravel driveways shall be designed in such a manner that no mud, gravel or similar materials will be deposited onto the street by any means including but not limited to water flow or vehicle tires.
5. Gravel driveways shall be engineered systems and, at a minimum, be contained to the designated driveway area by a suitable means.
6. Gravel driveways shall be properly maintained.
7. That portion of the driveway that is located in the public rights-of-way shall be concrete, asphalt, or other such material acceptable to the Director of Public Works.

AR101.4.1 Concrete driveway surfaces: Concrete driveways shall be a minimum of 3½ inches thick.

AR101.4.2 Bituminous (Asphalt) driveway surfaces: Bituminous (Asphalt) driveways shall be a minimum of 3 inches thick.

Exception: Bituminous (Asphalt) driveways may be reduced to 2½ inches when placed over a minimum 4 inch rock base.

AR101.4.3 Variation: The Building Commissioner may approve variations from the above upon finding that the proposed installation will adequately address issues including, but not limited to storm water runoff and the general welfare of the community. Driveway surfaces made of materials including but not limited to rock, chat and/or stone shall not be used unless the rock, chat, and/or stone is part of an engineered grid system where the grid is the structural portion of the driveway and the stone is used only for filler or drainage purposes.

20.6200 New Appendix S – 2009 International Building Code – Appendix S Noise

APPENDIX S
NOISE

SECTION AS101
NOISE

AS101.1 NOISE – It shall be unlawful of any person to operate any equipment on any construction site if the operation of that device emits noise measured at the lot line of the construction site in excess of the following:

OSHA Daily Permissible Noise Level Exposure	
Hours per day	Sound level
8	90dB
6	92dB
4	95dB
3	97dB
2	100dB
1.5	102dB
1	105dB
.5	110dB
.25 or less	115dB

AS101.2 No activity as measured along a residential property may generate noise greater than 70 dB as measured at the residential property line without cause.

AS101.3 Construction Activity – Construction and maintenance activities during those times that construction activities are permitted are not to exceed the noise level exposures as outlined in AS101.1.

Exception: Activities during times of an emergency nature.

20.6300 New Appendix T – 2009 International Building Code – Appendix T

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20.6400 New Appendix U – 2009 International Building Code – Appendix U

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20.6500 New Appendix V – 2009 International Residential Code – Appendix V Hours of Construction.

APPENDIX V
HOURS OF CONSTRUCTION

SECTION AV101
HOURS OF CONSTRUCTION

AV101.1 Definitions:

Construction: Any activity related to the improvement of a property including but not limited to the mobilization of equipment, starting of generators, delivery of materials, grading, demolition, and/or erection of a structure whether in whole or in part.

Legal Holiday: New Years Day, Martin Luther King's Birthday (celebrated), Presidents Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day

AV101.2 Construction – Permission Required: No person, firm or corporation shall, without the written permission of the City Manager or his duly authorized representative, engage in any construction activity or any facet thereof, within the City of Webster Groves, except during the hours of 7:00 AM to 9:00 PM, local time, Mondays through Saturdays and 9:00 AM to 9:00 PM, local time, on Sundays and legal holidays.

20.6600 New Appendix W – 2009 International Building Code – Appendix W Site Work.

APPENDIX W
SITE PLAN

SECTION AW101
SITE PLAN

AW101.1 Application: The provisions of this appendix shall control the design, construction and maintenance of one- and two-family dwelling sites.

AW101.2 Contents of site plan: A site plan shall contain the information necessary to determine compliance with the ordinances of the City of Webster Groves.

AW101.3 Registered land surveyor. A registered land surveyor may be required by the Code Official when deemed necessary.

20.6700 New Appendix X – 2009 International Building Code – Appendix X Generators.

APPENDIX X
SUPPLEMENTAL GENERATOR REGULATIONS

SECTION AX101
SUPPLEMENTAL GENERATOR REGULATIONS

AX101.1 Definitions:

Permanent generator: a generator that is permanently interconnected with the electric components of the building and intended to provide temporary power in the event of a primary power outage. A permanent generator may be served by the natural gas system of the building.

Portable generator: a generator that intended to be moved from place to place and remains in service for no longer than the duration of the power outage.

Primary fuel source: The main fuel source of the building including but not limited to a natural gas system.

Primary power source: The main power source of the building including but not limited to an electrical system.

Secondary fuel source: A non -primary fuel source of the building including but not limited to liquid petroleum gas, gasoline, and kerosene.

AX101.2 General:

AX101.2.1 Power source:
Generators, whether permanent or portable, shall only be used as a secondary source of power to any structure.

AX101.2.2 Partial power: A generator may provide power to all or part of the structure.

AX101.2.3 Sizing: Generators shall be properly sized for the electrical devices served.

AX101.2.4 Propane gas [Liquid Petroleum Gas (LPG)]: When liquefied petroleum gas is used as a fuel source, tanks shall be located in the rear yard and in compliance with the Fire Code.

AX101.2.5 Extension cords: Extension cords shall be properly sized for the devices served. Extension cords shall not be used as a permanent source of power distribution.

AX101.2.6 Article 445: Generators and their associated wiring and equipment shall also comply with the applicable provisions of the Electrical Code and the Mechanical Code.

AX101.3 Portable generator: No portable generator shall be connected to a permanent fuel source or interconnected with a primary power source.

AX101.4 Permanent generator:

AX102.3.1 Concrete pad: A permanent generator shall be installed on a concrete pad or similar hard surface.

AX102.3.2 Primary fuel and power source: A permanent generator can be interconnected with the primary power source of the structure. The fuel source of a permanent generator can be a primary or secondary fuel source. Connection to the primary fuel source shall only be permitted when the permanent generator is interconnected with the primary power source.

AX101.5 Permit:

AX101.5.1 A permit shall be required as follows for the installation of a permanent generator.

AX101.5.1.1 Electrical permit: An electrical permit shall be required when a generator is permanently connected to the primary electrical power source of the structure.

AX101.5.1.2 Permit application: The application for a permit to install a permanent generator shall include documentation that the permanent generator will not cause a noise in excess of 70 decibels (dB) as measured at any height along the property line. Documentation may include but not be limited to engineering studies based on distances from property lines or the location and type of sound barriers.

AX101.5.2 A permit is not required for a portable generator provided that the installation, maintenance and use of a portable generator or its appurtenances shall comply with the provisions of AX101.6, AX101.7 and AX101.8.

AX101.6 Separation distances:

AX101.6.1 Generators – Locations permitted:
Generators may be located only in a side or rear yard as provided for in the Zoning Code.

AX101.6.2 Exhaust – distance from property line and building: Exhaust discharge points shall be located so as not to negatively impact adjoining public and private properties.

AX101.7 Enclosures: No generator shall be installed in a manner that creates a health or fire hazard or any other nuisance.

AX101.7.1 Garages, basements, fenced areas: No generator shall be located within an enclosed structure. An enclosed structure shall include, but not be limited to, a house, basement, garage (attached or detached), or a fenced area that does not provide an adequate means for dispersing the exhaust.

AX101.7.2 Carports and gazebos: A generator may be located under an unenclosed structure including but not limited to a carport or gazebo, provided that an adequate means for dispersing the exhaust is provided and the required clearance to combustibles are met.

20.6800 New Appendix Y – 2009 International Building Code – Appendix Y Construction Sites.

APPENDIX Y
CONSTRUCTION SITES

SECTION AY101
PURPOSE

AY101.1 PURPOSE – The purpose of this provision is to ensure construction sites are maintained in a condition that provides for the general health, safety and welfare of the public by regulating, controlling, preventing, reducing and eliminating the dumping or depositing of garbage, litter, debris or waste material at construction sites or buildings under construction and areas adjacent thereto; requiring builders and/or owners to restore building sites upon completion of construction; preventing, reducing and eliminating the dumping or depositing of debris, dust, sand or mud on streets; preventing, reducing and eliminating erosion during and after the construction process; and generally ensuring that good construction practices are in place.

SECTION AY102
DEFINITIONS

AY102.1 DEFINITIONS

Only for the purpose of the requirements contained in this Appendix Y, the following terms shall have the definitions assigned herein:

1. Contractor – Any person or corporation, including the owner of the property, responsible for construction activity.
2. Dumpster – Any receptacle used for the temporary storage of waste.
3. Equipment – Includes but is not limited to hoists, vehicles, trailers [equipment, storage (PODs), and personnel], backhoes, bobcats, concrete forms and, in general, equipment used for construction or demolition projects.
4. Materials – Includes but is not limited to studs, joists, drywall and, in general, materials used for construction.
5. Public property – Includes but is not limited to streets, highways, sidewalks, tree lawns, public and private rights-of-way.
6. Sites – Includes but is not limited to locations where construction and demolition activities are present.
7. Spoilage – Includes but is not limited to mud, dirt, rock, gravel and sand.
8. Waste – Includes but is not limited to construction waste, rubbish, garbage, litter and yard waste.

SECTION AY103
DUMPSTERS

AY103.1 DUMPSTERS

AY103.1.1 Dumpsters required upon sites. All sites upon which construction or demolition activities will generate any waste shall be equipped with adequate and suitable dumpsters for the deposit of such waste. All waste generated by construction or demolition activities shall be deposited into the required dumpsters and shall not be allowed to accumulate upon the site.

AY103.1.2 Size of dumpsters. Dumpsters shall be of sufficient size and dimensions to adequately contain all waste at the site.

AY103.1.3 Unrelated waste. Each site shall be provided with its own dumpsters. Only waste material that is related to the site shall be deposited in the in the dumpsters.

AY103.1.4 Covers required. All dumpsters located on the site or on public property shall be equipped with a cover or similar means to ensure that the contents of the dumpster remains in the dumpster.

AY103.1.5 Containers to be emptied periodically. Dumpsters shall be emptied at periodic intervals to prevent overloading, the scattering of materials contained therein, noxious odors and/or other nuisances.

AY103.1.6 Placement upon construction site. Dumpsters shall be located completely on the site rather than on streets, highways or public property. When it is not practical to place dumpsters on the site, a permit shall be obtained from the Director of Public Works prior to the placement of the dumpster on public property.

AY103.1.7 Dumpsters on public property overnight. When it is necessary to leave a dumpster overnight and unattended, approved warning devices shall be installed when required by the Director of Public Works, to warn oncoming traffic of their location.

AY103.1.8 Dumpsters on public property or public right-of-way. Any dumpster that is placed on public property or in the public right-of-way shall obtain a permit from the Department of Public Works.

SECTION AY104
WASTE

AY104.1 WASTE

AY104.1.1 Waste to be placed in dumpsters. All waste shall be placed within approved dumpsters or similar receptacles. Dumpsters shall not be overloaded.

Exception. Waste that is removed daily.

AY104.1.2 Yard waste. Yard waste shall not be commingled with other waste.

AY104.1.3 Cleanliness of site. The site shall be maintained free of all waste.

AY104.1.4 Failure to maintain site free of waste. If the contractor fails to maintain the site free of waste to the satisfaction of the City, the City may declare the site to be a public nuisance. Failure to maintain a site free of waste shall constitute a public nuisance pursuant to Section 31.010 of the Code of Webster Groves. The Contractor shall be subject to penalties under the provisions of Section AO102, and the City may also pursue abatement of the nuisance in accordance with Chapter 31 of the Code of Webster Groves.

AY104.1.8 Burning. Construction waste shall not be burned on site in lieu of removal.

SECTION AY105
MUD ON STREETS

AY105.1 MUD ON STREETS

AY105.1.1 Spoilage on street. When construction practices or spillage from a site causes any spoils to spill on a public or private road, sidewalk or public property, such nuisance shall be removed by street cleaning (not flushing) before the end of each working day.

AY105.1.2 Failure to clean street/sidewalk. If the contractor fails to clean the street and/or sidewalk to the satisfaction of the City, the City may declare the site a public nuisance. Failure to clean a street or sidewalk shall constitute a public nuisance pursuant to Section 31.010 of the Code of Webster Groves. The Contractor shall be subject to penalties under the provisions of this Code, and the City may also pursue abatement of the nuisance in accordance with Chapter 31 of the Code of Webster Groves.

SECTION AY106
PUBLIC PROPERTY

AY106.1 PUBLIC PROPERTY

AY106.1.1 Use of public property – The use of public property for the storage of equipment, materials and spoilage is prohibited.

Exception. Uses approved by the Director of Public Works.

AY106.1.2 Maintain streets and sidewalks free of obstructions. All streets and sidewalks located on sites and on public property shall be maintained free from obstructions.

Exception. Uses approved by the Director of Public Works.

AY106.1.3 Damage to streets and sidewalks. Should damage occur to utilities and/or public property including but not limited to streets, curbs, gutters, tree lawns, sidewalks and utilities (overhead and underground), damage shall be repaired or replaced immediately.

Exception. Damage that has not created an eminent danger or caused the absence of essential services may be delayed. However, all damage shall be repaired or replaced prior to the completion of the project.

AY106.1.4 Repairs to meet city specifications. All repairs to and replacements of utilities and work on public property shall be completed in accordance with accepted engineering practices and the standards and specifications of the City of Webster Groves.

AY106.1.5 Failure to repair damage. Failure to repair damage shall constitute a public nuisance pursuant to section 31.010 of the Code of Webster Groves. Failure to repair

damage to a street or sidewalk shall constitute a public nuisance pursuant to Section 31.010 of the Code of Webster Groves. The Contractor shall be subject to penalties under the provisions of Section AO102, and the City may also pursue abatement of the nuisance in accordance with Chapter 31 of the Code of Webster Groves.

SECTION AY107
EROSION CONTROL

AY107.1 EROSION CONTROL

AY107.1.1 Best management practices. All erosion control measures shall meet the design criteria, standards and specifications for Land Disturbance as provided for in Chapter 81 of the Code of Webster Groves.

SECTION AY108
STOCKPILE OF SPOILAGE AND MATERIALS

AY108.1 STOCKPILE OF SPOILAGE AND MATERIALS

AY108.1.1 Onsite spoilage and materials storage. Spoilage and materials shall be stabilized as provided for in Chapter 81 of the Code of Webster Groves.

SECTION AY109
TOILET FACILITIES

AY109.1 TOILET FACILITIES

AY109.1.1 When required. Portable toilets shall be provided when adequate toilet facilities are not provided for on site and within 300 feet of the work area.

AY109.1.2 Location of portable toilets. Portable toilets shall be located on the site and not on public property. Portable toilets shall be located a minimum of 15 feet from all curb lines, ten feet from side property lines, and at such locations so as to minimize adverse aesthetic conditions. The doors shall not face any street or adjacent property line.

AY109.1.3 Servicing. Portable toilets shall be serviced at regular intervals.

AY109.1.4 Portable toilets to be locked after hours. All portable toilets must be locked and secured from tipping over when no construction or demolition activity is present.

SECTION AY110

Intentionally left blank.

SECTION AY111
PARKING OF CONSTRUCTION VEHICLES AND EQUIPMENT

AY111.1 PARKING OF CONSTRUCTION VEHICLES AND EQUIPMENT

AY111.1.1 Overnight parking/storage of vehicles and equipment on streets. No construction vehicles or equipment shall be located on the rights-of-way overnight.

Exception: Those uses permitted by the Director of Public Works.

AY111.1.2 Adequate area for construction vehicles and equipment. Each site shall provide sufficient areas on site for all construction vehicles and equipment.

AY111.1.3 On-site Storage of vehicles and equipment. Construction vehicles and equipment shall not be stored on the site unless they are being used or intended for immediate use and are needed for the project. Construction vehicles and equipment should not be staged more than 48 hours before their intended use and must be removed within 48 hours of the end of their intended use.

SECTION AY112
ABATEMENT OF NUISANCE

AY112.1 NOTIFICATION – Any site determined by the Building Commissioner or his representative to be a public nuisance shall be posted with a written notice describing the nature of the nuisance, the Code section, and a deadline not less than 48 hours or more than 96 hours from the date of posting when the stated nuisance shall be abated.

Exception: Notice is not required for emergency measures as provide for in sections AY104, AY105, and AY106.

AY112.2 CITY ABATEMENT – In the event a duly noticed nuisance is not abated prior to the prescribed deadline, the City may abate same, and the cost thereof shall be levied as a special tax in the manner provided for in Chapter 31 of the Code of Webster Groves.

SECTION AY113
TRAILERS

AY113.1 Construction trailers parked on public property – Trailers that are used for the storage of construction or demolition tools, supplies or materials to be used in connection with construction or demolition activities upon a single family residential site shall not exceed 1000 cubic feet of enclosed or 150 square feet if open. All construction trailers shall, to the extent possible, be located on the site rather than on public property. In such cases where the only practical location for such trailers is on public property, the trailer shall be located immediately in front of and adjacent to the site. The trailer shall be located on public property only during the times when the particular contractor utilizing the trailer actually is in engaged in construction or demolition activities on the site.

AY113.2 Structures Used as Temporary Facilities. Temporary structures for uses including but not limited to offices and storage and will be located on private property over night shall be properly installed using adequate construction practices including but not limited to tie downs, piers, skirting or other methods recommended by the manufacturer and approved by the code official to ensure life safety and not create a blight to the neighborhood.

SECTION AY114
ATTRACTIVE NUISANCE

AY114.1 ATTRACTIVE NUISANCE – Sites shall be maintained so that they do not create an attractive nuisance.

SECTION AY115
PROTECTION FOR EXCAVATIONS

AY115.1 EXCAVATION PROTECTION –

AY115.1.1 Excavation protection. Construction fences or similar barrier shall be required for the protection of the public. When an on-site excavation that is 4 feet deep or greater is left open for more than 10 calendar days, the contractor shall provide a construction fence that is not less than 4 feet high protecting the excavation.

AY115.1.2 Site protection. When an excavation is made on public property or within 10 feet of the public property, the excavation shall be protected by a construction fence or similar barrier that is not less than 4 feet high or by an adequate cover.

AY115.1.3 Maintenance of protection. All protection shall be maintained in good condition during the period of construction or demolition.

AY115.1.4 Excavations in public right-of-way left open overnight. When it is necessary to leave an excavation in a public right-of-way open overnight and unattended, barricades with flashing lights shall be placed one at each side of the excavation so that the lights are visible to oncoming traffic. This is in addition to the aforementioned protection.

SECTION AY116
NOISE

Intentionally left blank.

SECTION AY117
RESTORATION AND CLEAN UP

AY117.1 RESTORATION AND CLEAN UP – In the event that a site is abandoned, the city may restore the site to a reasonable condition by causing the lot to be graded and vegetated to a mowable (not brush hog) condition. Should such action be necessary a lien may be placed against the property in accordance with AY118.3.

SECTION AY118
VIOLATIONS AND PENALTIES

AY118.1 Violations and Penalties: Any person who shall violate a provision of this ordinance or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Commissioner or of a permit or certificate issued under the provisions of this Ordinance, shall be guilty of an ordinance violation, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

AY118.2 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing, or fire protection system before obtaining the necessary permits shall be subject to, in addition to any court imposed fines or costs, a permit fee that is double the total regular calculated permit fee – including inspections.

AY118.3 Certain Violation Not Corrected; Removal by City; Special Tax Bill. After the expiration of ten days after date of the notice of violation, if the violations are not removed from the lot, the Building Commissioner shall have the violation removed therefrom, keeping an accurate record of the expense of all labor and material used in such removal as to each lot. He shall report such expense to the City Council, certifying to the correctness thereof, showing the lot by lot and block numbers or other legal description, and the date or dates on which the removal occurred, and the name and address of the owner, lessee, occupant or other person exercising control of the lot. Upon receipt by the City Council of that report, the City Council shall assess against each lot concerned a special assessment or tax equivalent to the expense incurred in removing the violation therefrom, including administrative costs in the amount of forty dollars ($40.00), and shall direct the City Clerk to issue a special tax bill therefor, against each such lot. Such special tax bill shall be due and payable thirty (30) days after its date, shall bear interest at the rate of eight percent (8%) per annum from and after thirty (30) days after its date, and shall be a lien against the lot against which it is issued until paid.

AY118.4 Emergency procedures. Whenever it becomes necessary to abate a nuisance immediately, in order to protect the public health, safety or welfare, the City Manager may abate such nuisance without notice, and he may use any suitable means or assistance for such purpose. The City Manager shall certify the cost of abating such nuisance to the Council and the Council may be ordinance levy the cost thereof as a special tax against the property on which said nuisance is located, which said tax shall be collected as are other City taxes and shall constitute a first lien on the property until paid.

20.6900 New Appendix Z – 2009 International Building Code – Appendix Z

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(Ord. No. 8761, § 2 7-17-12)

ARTICLE IV. THE EXISTING BUILDING CODE

20.0010A Short Title.
This Chapter shall be known as and may be cited as “The Existing Building Code”.

20.0020A Building Code Adopted.

That a certain document, one (1) copy of which is on file in the office of the Building Commissioner of the City of Webster Groves, Missouri, being marked and designated as the *International Existing Building Code*, 2009 edition including Appendices A and B as amended, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Webster Groves, in the State of Missouri, for the control of buildings and structures as herein provided; and each and all terms of the International Existing Building

Code /2009, are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance with the additions, insertions, deletions, and changes prescribed in this ordinance.

20.0030A Jurisdictional Title.
Throughout the International Existing Building Code/2009, whenever the terms "Name of Jurisdiction" or "Local Jurisdiction" appear, it shall be deemed to mean Webster Groves, Missouri. Likewise, whenever the term "Department of Building Safety" appears it shall be deemed to mean The Department of Planning and Development. Whenever the term "Code" appears it shall mean the International Existing Building Code/2009, as adopted herein.

20.0100A Amendments to Chapter 1 – 2009 International Existing Building Code – Chapter 1 Administration.

101.1 Title. These regulations shall be known as the *Existing Building Code* of the City of Webster Groves, Missouri, hereinafter referred to as "this code."

103.1.1 Building Official. Whenever the term "Code Official" appears it shall be deemed to mean the Building Commissioner of the City of Webster Groves, Missouri.

105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* are not required for the following:

Building:

1. One-story detached accessory structures used as playhouses and similar uses provided the floor area does not exceed 100 square feet and the height does not exceed 10 feet.
2. Oil derricks.
3. Retaining walls which are not over 3 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
4. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.
5. Flat work including but not limited to sidewalks, patios, parking lots, or driveways that are less than four hundred (400) square feet in area.

   Exception. Any flat work that is a) within 4 feet of a property line; or b) that would permanently divert one drainage area to another drainage area; or c) that would deposit mud or harmful silt or create erosion or damage adjoining properties; or d) that would block or affect an existing swale or drainage path in a manner to cause damming and ponding shall require a permit.

6. Painting, papering, tiling, carpeting, counter tops and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
9. Temporary shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family *dwellings* that are less than 200 square feet and less than 12 feet high.

Exception: Tree houses used as toys which do not require permits.

11. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, and the installations of towers and antennas.

Temporary testing systems: A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating, cooking and clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.3 Application for permit. To obtain a *permit*, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the *permit* for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Identify whether the work will be done personally by the owner/occupant of the detached single family dwelling or the work will be done by a registered contractor.
8. Give such other data and information as required by the *building official*.

105.5 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall be evidenced by the fact that no inspection has been conducted and approved for 180 days prior. Irregardless of the delays, permits for residential properties shall expire one (1) year from the date of issuance and non-residential permits shall expire two (2) years from the date of issuance. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or a of a permit or certificate issued under the provisions if this code, shall be guilty of a code violation, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

20.0200A Amendments to Chapter 2 – 2009 International Existing Building Code – Chapter 2 Definitions.

MARKET VALUE. Market value shall be the appraised improvement value for the most current assessment year as listed by the Department of Revenue of St. Louis County, Missouri.

20.0300A Amendments to Chapter 3 – 2009 International Existing Building Code – Chapter 3 Prescriptive Compliance Method.

308.4 Equivalence for historic buildings. Unless otherwise approved by the Board of Appeals (the board) as an acceptable equivalent, all historic buildings shall be designed to meet or exceed the performance compliance methods as set forth in Chapter 13 of this code. The board may require that supporting evidence shall be provided in order to assist the board in rendering a decision. The board may require that supporting evidence be sealed by a registered professional.

20.0600A Amendments to Chapter 6 – Alterations --- Level 1

603.2 Emergency escape openings. Substandard bedroom egress windows may remain unless the windows are replaced. New windows shall be considered as new work and shall comply with the egress requirements for bedroom windows as provided for in the *International Building Code*.

Required emergency escape openings shall be provided and maintained in accordance with the following.

603.2.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m2).

Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m2).

603.2.2 Minimum opening height. The minimum net clear opening height shall be 24 inches (610 mm).

603.2.3 Minimum opening width. The minimum net clear opening width shall be 20 inches (508 mm).

603.2.4 Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with this code and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

20.1300A Amendments to Chapter 13 – 2009 International Existing Building Code – Chapter 13 Performance Compliance Methods.

[B] 1301.2 Applicability. Structures existing prior to June 19, 1962, in which there is work involving *additions*, *alterations* or *changes of occupancy* shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

(Ord. No. 8762 § 2 7-17-12)

ARTICLE V. THE RESIDENTIAL CODE

20.0010B Short Title.
This Chapter shall be known as and may be cited as “The Residential Code”.

20.0020B Residential Code Adopted.
That a certain document, one (1) copy of which is on file in the office of the Building Commissioner of the City of Webster Groves, Missouri, being marked and designated as the *International Residential Code*, 2009 edition including Appendices A through Q as amended, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Webster Groves, in the State of Missouri, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each

and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Building Commissioner, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

20.0030B Jurisdictional Title.
Throughout the International Residential Code, 2009 edition, whenever the terms “Name of Jurisdiction” or “Local Jurisdiction” appear, it shall be deemed to mean Webster Groves, Missouri. Likewise, whenever the term “Department of Building Inspection” appears it shall be deemed to mean The Department of Planning and Development, Division of Building Inspection. Whenever the term “Code” appears it shall mean the International Residential Code/2009, as adopted herein.

SECTION 2.

20.0100B Amendments to Chapter 1 - International Residential Code - Chapter 1 Administration:

R109.1 Types of inspections. For onsite construction, from time to time the *building official*, upon notification from the *permit* holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the *permit* holder or his or her agent wherein the same fails to comply with this code.

> **109.1.1 Pre-permit inspection.** An inspection of the property shall be conducted prior to the issuance of a permit.
>
> **Exception:** Interior work and work deemed to be minor in nature.
>
> **R109.1.2 Foundation inspection.** Inspection of the foundation shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or *equipment* and special requirements for wood foundations.
>
> **R109.1.3 Plumbing, mechanical, gas and electrical systems inspection.** Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or *appliances* are set or installed, and prior to framing inspection.
>
> **Exception:** Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105. 1 prior to inspection shall be permitted.
>
> **R109.1.4 Floodplain inspections.** For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including *basement*, and prior to further vertical construction, the *building official* shall require submission of documentation, prepared and sealed by a registered *design professional*, of the elevation of the lowest floor, including *basement*, required in Section R322.
>
> **R109.1.5 Frame and masonry inspection.** Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping,

draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are *approved*.

R109.1.6 Other inspections. In addition to the called inspections above, the *building official* may make or require any other inspections to ascertain compliance with this code and other laws enforced by the *building official*.

R109.1.6.1 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between *dwelling units* or due to location on property, the *building official* shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

R109.1.7 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or a of a permit or certificate issued under the provisions if this code, shall be guilty of a code violation, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

20.0300B Amendments to Chapter 3 - International Residential Code - Chapter 3 Building Planning:

TABLE R301.2 (1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

1. GROUND SNOW LOAD "20 psf"
2. WIND DESIGN
   A. SPEED "90 mph"
   B. TOPOGRAPHIC EFFECTS "No"
3. SEISMIC DESIGN CATEGORY "C"
4. SUBJECT TO DAMAGE FROM
   A. Weathering "Severe"
   B. Frost Line Depth "30 inches"
   C. Termite " Slight to Moderate "
5. WINTER DESIGN TEMPERATURE "2^{0}F"
6. ICE SHIELD UNDERLAYMENT REQUIRED "NO"
7. FLOOD HAZARDS "FEMA Initial Identification date (March 15, 1974)" "FEMA FIRM Effective Date September 29, 1978"
8. AIR FREEZING INDEX "1500 days"
9. MEAN ANNUAL TEMPERATURE "54^{0}F"

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exceptions:

1. A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses protected by a residential fire sprinkler system if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

2. A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses not protected by an automatic residential fire sprinkler system if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

R302.2.4 Structural independence. Each individual townhouse shall be structurally independent.

Exceptions:

1. Foundations supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may fasten to the common wall framing.
3. Nonstructural wall and roof coverings.
4. Flashing at termination of roof covering over common wall.
5. Townhouses separated by a common 1-hour or 2-hour fire-resistance-rated wall as provided in Section R302.2.

R302.5.1 Opening protection. Openings from a private garage or carport directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and the residence shall be equipped with solid wood doors not less than 1 3/4 inches in thickness, solid or honeycomb core steel doors not less than 1 3/4 inches thick, or 20 minute fire-rated door.

R302.5.4 Man doors for detached garages. All detached garages shall be provided with an approved side swing type egress door.

R302.11.1 Fireblocking materials. Except as provided in Section R302.11, Item 4, fireblocking shall consist of the following materials.

1. Two-inch (51 mm) nominal lumber.
2. Two thicknesses of 1-inch (25.4 mm) nominal lumber with broken lap joints.
3. One thickness of 23/32-inch (18.3 mm) wood structural panels with joints backed by 23/32-inch (18.3 mm) wood structural panels.
4. One thickness of 3/4-inch (19.1mm) particleboard with joints backed by 3/4-inch (19.1 mm) particleboard.
5. One-half-inch (12.7 mm) gypsum board.
6. One-quarter-inch (6.4 mm) cement-based millboard.

7. Batts or blankets of mineral wool or other *approved* materials installed in such a manner as to be securely retained in place.

R302.11.1.1 Batts or blankets of mineral or glass fiber. Batts or blankets of mineral or other *approved* nonrigid materials shall be permitted for compliance with the 10-foot (3048 mm) horizontal fireblocking in walls constructed using parallel rows of studs or staggered studs.

R302.11.1.2 Mineral wool. mineral wool batt insulation used as fireblocking shall fill the entire cross section of the wall cavity to a minimum height of 16 inches (406 mm) measured vertically. When piping, conduit or similar obstructions are encountered, the insulation shall be packed tightly around the obstruction.

R302.11.3 Penetrations of fire blocking. Penetrations through fire blocking shall be protected in an approved manner to maintain the integrity of the element penetrated.

R302.11.3.1 Non-metallic penetrations. Intumescent materials shall be installed at all penetrations where non-metallic materials penetrate assemblies.

R305.1 Minimum height. Habitable space, hallways, bathrooms, toilet rooms, laundry rooms and portions of basements containing these spaces shall have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. For rooms with sloped ceilings, at least 50 percent of the required floor area of the room must have a ceiling height of at least 7 feet (2134 mm) and no portion of the required floor area may have a ceiling height of less than 5 feet (1524 mm).
2. Bathrooms shall have a minimum ceiling height of 6 feet 8 inches (2032 mm) at the center of the front clearance area for fixtures as shown in Figure R307.1. The ceiling height above fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (2032 mm) above a minimum area 30 inches (762 mm) by 30 inches (762 mm) at the showerhead.
3. Beams and girders spaced not less than 4 feet (1219 mm) on center may project not more than 6 inches (152 mm) below the required ceiling height.

R306.5 Hose bibb. Every dwelling shall be provided with two outside frost-proof hose bibbs. Hose bibbs shall be installed so that the one is at or near the front of the building and the other is at or near the rear of the building. Hose bibbs shall be protected from backflow in accordance with the International Plumbing Code.

R306.6 Floor drain. A floor drain shall be installed within 15 feet of and in the same room as the heating/cooling system(s) or hot water heater(s) and at the lowest floor level. The floor drain installations shall comply with the International Plumbing Code.

Exception. When the Building Commissioner determines that an equivalent form of protection is provided.

R309.4 Automatic garage door openers. Automatic garage door openers, if provided, shall be listed in accordance with UL325.

R309.4.1 Egress doors for detached garages. Any detached garage that is provided with an automatic garage door opener shall also be provided with an approved side swing type egress door.

R310.1 Emergency escape and rescue required. *Basements,* habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. Where *basements* contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a *yard* or court that opens to a public way.

Exception:

1. *Basements* used only to house mechanical *equipment* and not exceeding total floor area of 200 square feet (18.58 m2).

2. Basements in existing residences that are converted to habitable space, exclusive of a bedroom, are not required to provide emergency escape and rescue openings.

3. When an addition is made to an existing residence, emergency escape and rescue shall be provided.

R310.3.1 Opening force for Bulkhead doors: The opening force to open a bulkhead door shall not exceed a 15-pound force. The door shall be set in motion when subjected to a 30-pound force. The door shall swing to a full-open position when subjected to a 15-pound force when applied to the latch side.

R311.7.4 Stair treads and risers. Stair treads and risers shall meet the requirements of this section. For the purposes of this section all dimensions and dimensioned surfaces shall be exclusive of carpets, rugs or runners.

R311.7.4.1 Riser height. The maximum riser height shall be 7 3/4 inches (196 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The variation in the height of adjacent risers shall not exceed 3/16 inch in any flight.

Exception: For alterations or additions to existing residential buildings, the maximum riser height shall be 8¼ inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 0.375 inch.

R311.7.4.2 Tread depth. The minimum tread depth shall be 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within

any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The variation between the depth of adjacent treads shall not exceed 3/16 inch in any flight. Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth.

Exception: For alterations or additions to existing residential buildings, the minimum tread depth shall be 9 inches. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 0.375 inch.

Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of the stair. Within any flight of stairs, the largest winder tread depth at the walkline shall not exceed the smallest winder tread by more than 3/8 inch (9.5 mm).

Exception: For alterations or additions to existing residential buildings winder treads shall have a minimum tread depth of 10 inches measured as above at a point 12 inches from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches at any point. Within any flight of stairs, the greatest winder tread depth at the 12-inch walk line shall not exceed the smallest by more than 0.375 inch.

R312.3 Opening limitations. Required *guards* shall not have openings from the walking surface to the required *guard* height which allow passage of a sphere 4 inches (102 mm) in diameter. Guards shall not have an ornamental pattern that would provide a ladder effect.

Exceptions:

1. The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail of a *guard*, shall not allow passage of a sphere 6 inches (153 mm) in diameter.
2. *Guards* on the open sides of stairs shall not have openings which allow passage of a sphere 4 3/8 inches (111 mm) in diameter.

R313.2 One- and two-family dwellings automatic fire systems. A builder of one- or two-family dwellings or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or resolution by any county or other political subdivision. Any county or other political subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory option for purchasers to have the right to choose and the requirement that builders offer to purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or two-family dwelling or townhouse. The provisions of this section shall expire on December 31, 2019.

Exception: An automatic residential fire sprinkler system shall not be required for *additions* or *alterations* to existing buildings that are not already provided with an automatic residential sprinkler system.

20.0400B Amendments to Chapter 4 - International Residential Code - Chapter 4 Foundations:

R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other *approved* structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332.

Every concrete spread footing that is sixteen inches or more in width shall contain a minimum of 2 #4 reinforcing bars located in the bottom one third of the footing and a minimum of 2 inches from the bottom of the footing.

R404.1.2.2 Reinforcement for foundation walls. Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with Table R404.1.2(1).Vertical reinforcement shall be provided in accordance with Table R404.1.2(2), R404.1.2(3), R404.1.2(4), R404.1.2(5), R404.1.2(6), R404.1.2(7) or R404.1.2(8). Vertical reinforcement for flat *basement* walls retaining 4 feet (1219 mm) or more of unbalanced backfill is permitted to be determined in accordance with Table R404.1.2(9). For *basement* walls supporting above-grade concrete walls, vertical reinforcement shall be the greater of that required by Tables R404.1.2(2) through R404.1.2(8) or by Section R611.6 for the above-grade wall. In buildings assigned to Seismic Design Category D0, D1 or D2, concrete foundation walls shall also comply with Section R404.1.4.2.

Every concrete foundation wall that is eight inches or more in width shall contain a minimum of 2 #4 reinforcing bars located at the top of the foundation and 2 #4 reinforcing bars located at the bottom of the foundation wall. Openings in foundation walls shall have a minimum of 2 #4 reinforcing bars located at the header of the opening.

20.2400B Amendments to Chapter 24 - International Residential Code - Chapter 24 Fuel Gas:

G2420.5.1.1 Shutoff valves in basements. When it is impractical to locate a shutoff valve for a fireplace within 6 feet of the appliance, the shutoff valve may be located in the next floor below. The shutoff valve shall be clearly identified and shall be readily accessible (not concealed).

20.4500B Amendments to Appendix A – International Residential Code – Appendix A – Sizing and Capacities of Gas Piping:

Appendix A – Sizing and Capacities of Gas Piping is adopted without amendment.

20.4600B Amendments to Appendix B – International Residential Code – Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents:

Appendix B – Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents is adopted without amendment.

20.4700B Amendments to Appendix C – International Residential Code – Exit Terminals of Mechanical Draft and Direct-venting Systems:

Appendix C – Exit Terminals of Mechanical Draft and Direct-venting Systems is adopted without amendment.

20.4800B Amendments to Appendix D – International Residential Code – Recommended Procedure for Safety Inspection of an Existing Appliance Installation:

Appendix D – Recommended Procedure for Safety Inspection of an Existing Appliance Installation is adopted without amendment.

20.4900B Amendments to Appendix E - International Residential Code – Appendix E – Manufactured Housing Used as Dwellings:

Appendix E – Manufactured Housing Used as Dwellings is adopted with the following amendment:

SECTION AE201
DEFINITIONS

AE201.1 General. For the purpose of these provisions, certain abbreviations, terms, phrases, words and their derivatives shall be construed as defined or specified herein.

ACCESSORY BUILDING. Any building or structure, or portion thereto, located on the same property as a *manufactured home* which does not qualify as a *manufactured home* as defined herein.

BUILDING SERVICE EQUIPMENT. Refers to the plumbing, mechanical and electrical *equipment* including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating ventilation, cooling, fire protection and facilities essential for the habitable occupancy of a *manufactured home* or accessory building or structure for its designated use and occupancy.

MANUFACTURED HOME. A structure transportable in one or more sections which, in the traveling mode, is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length or, when assembled on site, is comparable in size and height as determined by the Architectural Review Board of the City of Webster Groves, and which is designed to be used as a *dwelling* with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a *label* certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall not be considered a *manufactured home*.

MANUFACTURED HOME INSTALLATION. Construction which is required for the installation of a *manufactured home*, including the construction of the foundation system, required structural

connections thereto and the installation of on-site water, gas, electrical and sewer systems and connections thereto which are necessary for the normal operation of the *manufactured home*.

MANUFACTURED HOME STANDARDS. The *Manufactured Home* Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development.

MOBILE HOME. A structure transportable in one or more sections which, in the traveling mode, is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length or, when erected on site, is 320 or more square feet (30 m2), and which is built on a permanent chassis and designed to be used as a *dwelling* without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a *label* certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall not be considered a *manufactured home*.

MOBILE HOME PARK. A tract of land subdivided in accordance with Chapter 50 of the Municipal Code the use of which is exclusively for mobile homes. Such individual lots may be identified as being owned or rented.

PRIVATELY OWNED (NONRENTAL) LOT. A parcel of real estate outside of a *manufactured home* rental community (park) where the land and the *manufactured home* to be installed thereon are held in common ownership.

Manufactured Homes. houses that are manufactured in a remote facility and then delivered to their intended site to be erected on a foundation. Manufactured homes differ from mobile homes in their absence of a chassis thereby intending manufactured homes to not be readily movable.

AE402.2 Location of Mobile Homes. No mobile home shall be located on any property other than a designated Mobile Home Park.

20.5000B Amendments to Appendix F - International Residential Code – Appendix F Radon Control Methods:

Appendix F – Recommended Procedure for Safety Inspection of an Existing Appliance Installation is adopted without amendment.

20.5100B Amendments to Appendix G – International Residential Code – Swimming Pool, Spas and Hot Tubs:

Appendix G – Swimming Pool, Spas and Hot Tubs is adopted without amendment.

20.5200B Amendments to Appendix H – International Residential Code – Patio Covers:

Appendix H – Patio Covers is adopted without amendment.

20.5300B Amendments to Appendix I – International Residential Code – Private Sewage Disposal:

Appendix I – Private Sewage Disposal is adopted without amendment.

20.5400B Amendments to Appendix J – International Residential Code – Existing Buildings and Structures:

Appendix J – Existing Buildings and Structures is adopted without amendment.

20.5500B Amendments to Appendix K – International Residential Code – Sound Transmission:

Appendix K – Sound Transmission is adopted without amendment.

20.5600B Amendments to Appendix L – International Residential Code – Permit Fees:

Appendix L – Permit Fees is deleted in its entirety.

20.5700B Amendments to Appendix M – International Residential Code – Home Day Care—R3 Occupancy:

Appendix M – Home Day Care—R3 Occupancy is adopted without amendment.

20.5800B Amendments to Appendix N – International Residential Code – Venting Methods:

Appendix N – Venting Methods is adopted without amendment.

20.5900B Amendments to Appendix O – International Residential Code – Gray Water Recycling Systems:

Appendix O – Gray Water Recycling Systems is adopted without amendment.

20.6000B Amendments to Appendix P– International Residential Code – Sizing of Water Piping System:

Appendix P – Sizing of Water Piping System is adopted without amendment.

20.6100B Amendments to Appendix Q – International Residential Code – ICC *International Residential Code Electrical Provisions/National Electrical Code* Cross Reference:

Appendix Q – ICC *International Residential Code Electrical Provisions/National Electrical Code* Cross Reference is adopted without amendment.

(Ord. No. 8763 § 2 7-17-12)

CHAPTER 21. ELECTRICAL CODE

ARTICLE I. THE ELECTRICAL CODE

Sec. 21.0010 Short Title.
This Chapter will be known and may be cited as "The Electrical Code."

Sec. 21.0030 National Electrical Code Adopted.
Certain documents, copies of which are filed in the office of the Building Commissioner, said copies being marked and designated as the 2008 National Electrical Code, as published by the National Fire Protection Association are hereby adopted along with its annexes as the Electrical Code of the City of Webster Groves, Missouri, for the control of buildings and structures as herein provided; and each and all terms of the 2008 National Electrical Code are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance with the additions, insertions, deletions and changes prescribed in this Ordinance.

Sec. 21.0040 Jurisdictional Titles.
Throughout the 2009 International Code Council Electrical Code – Annex H, Administration and Enforcement, whenever the terms "Name of Jurisdiction" or "Local Jurisdiction" appear, it shall be deemed to mean "Webster Groves, Missouri." Likewise whenever the "Code Official" appears it shall be deemed to mean the "Building Commissioner."

Sec. 21.0050 Jurisdictional Titles.
Throughout the 2008 National Electrical Code, whenever the terms "Name of Jurisdiction" or "Local Jurisdiction" appear, it shall be deemed to mean "Webster Groves, Missouri." Likewise whenever the "Code Official" appears it shall be deemed to mean the "Building Commissioner."

Sec 21.0200 Amendments to National Electric Code Chapter 2 – Wiring and Protection

210.12 Arc-Fault Circuit Interrupter Protection.

(A) Definition. An *arc-fault circuit interrupter* is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected.

(B) Dwelling Unit Bedrooms. All branch circuits that supply 125-volt, single-phase, 15- and 20-ampere outlets installed in dwelling unit bedrooms shall be protected by an arc-fault circuit interrupter listed to provide protection of the entire branch circuit.

Exception: Smoke detectors, overhead lighting circuits, and dedicated outlets located in bedrooms.

Sec. 21.0400 Amendments to National Electrical Code Chapter 4 – Equipment for General Use

406.11 Tamper-Resistant Receptacles in Dwelling Units. In all areas specified in 210.52, 125-volt, 15- and 20-ampere receptacles shall be listed tamper-resistant receptacles.

Exception: Receptacles in the following locations shall not be required to be tamper-resistant:
(1) Receptacles located more than five and one half (5½) feet above the floor.
(2) Receptacles that are part of a luminaire or appliance,

(3) A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8),
(4) Nongrounding receptacles used for replacements as permitted in 406.3(D)(2)(a).

Sec. 21.1000 Amendments to National Electrical Code Annex A – Product Safety Standards

ANNEX A – Product Safety Standards is adopted without amendment. *This annex is not a part of the requirements of this NFPA document but is included for informational purposes only*.

Sec. 21.1100 Amendments to National Electrical Code Annex B – Application Information for Ampacity Calculations

ANNEX B – Application Information for Ampacity Calculations is adopted without amendment. *This annex is not a part of the requirements of this NFPA document but is included for informational purposes only*.

Sec. 21.1200 Amendments to National Electrical Code Annex C – Conduit and Tubing Fill Tables for Conductors and Fixture Wires of the Same Size

ANNEX C – Conduit and Tubing Fill Tables for Conductors and Fixture Wires of the Same Size is adopted without amendment. *This annex is not a part of the requirements of this NFPA document but is included for informational purposes only*.

Sec. 21.1300 Amendments to National Electrical Code Annex D – Examples

ANNEX D – Examples is adopted without amendment. *This annex is not a part of the requirements of this NFPA document but is included for informational purposes only*.

Sec. 21.1400 Amendments to National Electrical Code Annex E – Types of Construction

ANNEX E – Types of Construction is deleted in its entirety and amended by inserting the following:

Types of Construction are those identified in the 2009 edition of the International Code Council's International Building Code.

Sec. 21.1500 Amendments to National Electrical Code Annex F – Availability and Reliability for Critical Operations Power Systems; and Development and Implementation of Functional Performance Tests (FPT's) for Critical Operations Power Systems

Annex F – Availability and Reliability for Critical Operations Power Systems; and Development and Implementation of Functional Performance Tests (FPT's) for Critical Operations Power Systems is adopted without amendment. *This annex is not a part of the requirements of this NFPA document but is included for informational purposes only*.

Sec. 21.1600 Amendments to National Electrical Code Annex G – Supervisory Control and Data Acquisition (SCADA)

Annex G – Supervisory Control and Data Acquisition (SCADA) is adopted without amendment. *This annex is not a part of the requirements of this NFPA document but is included for informational purposes only*.

Sec. 21.1700 Amendments to National Electrical Code Annex H – Administration and Enforcement

ANNEX H – Administration and Enforcement is deleted in its entirety and amended by inserting the following:

Annex H
Article 1
SCOPE

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the *electrical Code – Administrative Provisions* of the City of Webster Groves, Missouri and shall be cited as such and will be referred to herein as "this code."

101.2 Purpose. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of electrical systems and equipment.

101.3 Scope. This code shall regulate the design, construction, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems and equipment.

SECTION 102
APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in 101.

102.1.1 Existing installations. Except as otherwise provided for in this article, a provision in this code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, existing electrical systems and equipment lawfully in existence at the time of the adoption of this code.

102.1.2 Maintenance. Electrical systems, equipment, materials and appurtenances, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. Devices or safeguards that are required by this code shall be maintained in compliance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of the electrical systems and equipment. To determine compliance with this provision, the code official shall have the authority to require that the electrical systems and equipment be reinspected.

[EB] 102.1.3 additions, alterations and repairs. Additions, alterations, renovations and repairs to electrical systems shall comply with the provisions of the *International Existing Building Code* and this code, as applicable.

[EB] 102.1.4 Change in occupancy. The provisions if the *International Existing Building Code* shall apply to all buildings undergoing a change of occupancy.

102.1.5 Moved buildings. Electrical systems and equipment that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

102.2 Differences. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.3 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.4 Validity. In the event any part of provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

102.4.1 Segregation of invalid provisions. Any invalid part of this code shall be segregated from the remainder of this code by the court holding such part invalid, and the remainder shall remain effective.

102.5 Application of references. References to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such articles, sections or provisions of this code.

102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Annex A and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes or standards, the provisions of this code shall apply.

Exception. Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

102.7 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances, or bylaws adopted by the jurisdiction, compliance with applicable standards of nationally recognized standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the code official

to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

Article 2
DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings indicated in this Article.

201.2 Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code, International Energy Conservation Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Private Sewage Disposal Code, International Property Maintenance Code, International Residential Code, International Zoning Code* or NFPA 70, such terms shall have meaning ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202
GENERAL DEFINITIONS

APROVED. Approved by the code official or other authority having jurisdiction.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, where the agency has been approved by the code official.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or duly authorized representative.

LISTED AND LISTING. Equipment, appliances or materials included in a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of listed equipment, appliances or materials, and whose listing states either that the equipment, appliances or materials meet nationally recognized standards, or has been tested and found suitable for use in a specified manner. Not all testing laboratories, inspection agencies and other organizations concerned with product evaluation use the same means for identifying listed equipment, appliances or materials, Some do not recognize equipment, appliances or materials as listed unless they are also labeled. The authority having jurisdiction shall utilize the system employed by the listing organization to identify a listed product.

OCCUPANCY. The purpose for which a building, or part thereof, is utilized or occupied.

Article 3
ORGANIZATION AND ENFORCEMENT

SECTION 301
DEPARTMENT OF ELECTRICAL INSPECTION

301.1 Creation of enforcement agency. The department of electrical inspection is hereby created and the official in charge thereof shall be known as the code official. The function of the department shall be to assist the code official in the administration and enforcement of the provisions of this code.

301.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

301.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the code official.

SECTION 302
DUTIES AND POWERS OF THE CODE OFFICIAL

302.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provide for in this code.

302.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and regulations and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

302.3 Applications and permits. The code official is authorized to receive applications, review construction documents and issue permits for the installation of electrical systems and equipment, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

302.4 Notices and orders. The code official is authorized to issue all necessary notices or orders in accordance with Article 10 as are required to effect compliance with this code.

302.5 Inspections. The code official shall make all of the inspections necessary to determine compliance with the provisions of this code in accordance with Article 7.

302.6 Identification. The code official shall carry proper identification as required by Section 702.4.1.

302.7 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code in accordance with Section 702.4.

302.8 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, notices and orders issued, and as required by this code, such records shall be retained in the official records for the period required for retention of public records.

302.8.1 Approvals and modifications. A record of approvals and modifications granted shall be maintained by the code official and shall be available for public inspection during business hours in accordance with applicable laws.

302.8.2 Inspections. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

302.8.3 Alternative methods or materials. The application for modification, alternative methods or materials, and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the code official.

302.9 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thererby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any official, officer or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

SECTION 303
CCERTIFICATE OF OCCUPANCY

303.1 Use and occupancy. No building or stricture shall be used or occupied until a certificate of occupancy has been provided in accordance with the *International Building Code*.

Article 4
PERMITS AND FEES

SECTION 401
GENERAL

401.1 Permits required. Permits required by this code shall be obtained from the code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on

the premises designated therein at all times and shall be readily available for inspection by the code official.

401.2 Types of permits. An owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace electrical systems or equipment, the installation of which is regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work.

> **Exception:** Where repair or replacement of electrical systems or equipment must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the department of electrical inspection.

401.3 Work exempt from permit. The following work shall be exempt from the requirement for a permit:

1. Listed cord and plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles, but not the outlets therefor.
3. Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Temporary wiring for experimental purposes in suitable experimental laboratories.
5. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

SECTION 402
APPLICATION

402.1 General. The code official is authorized to receive applications for and issue permits as required by this code.

402.2 Application. Application for a permit required by this code shall be made to the code official in such form and detail as prescribed by the code official. Applications for permits shall be accompanied by such plans as prescribed by the code official.

402.3 Action on application. The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable.

402.4 Inspection required. Before a permit is issued, the code official is authorized to inspect and approve the systems, equipment, buildings, devices, premises, and spaces or areas to be used.

402.5 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

SECTION 403
CONDITIONS

403.1 Conditions of a permit. A permit shall constitute permission to conduct work as set forth in this code in accordance with the provisions of this code. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions if this code or other applicable regulations or laws of the jurisdiction.

403.2 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The code official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Suspension or abandonment shall be evidenced by the fact that no inspection has been conducted and approved for 180 days prior.

403.3 Extensions. The code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 90 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

403.4 Posting the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official.

403.5 Validity. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors on the construction documents and other data. The code official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

403.6 Information on the permit. The code official shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain general description of the operation or occupancy and its location and any other information required by the code official. Issued permits shall bear the signature of the code official.

403.7 Suspension or revocation. The code official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error, on the basis of

incorrect, inaccurate or incomplete information; in violation of any ordinance, regulation or any of the provisions of this code; or if any one of the following conditions exist:

1. The permit is used for a location or establishment other than that for which it was issued.

2. The permit is used for a condition or activity other than that listed in the permit.

3. Conditions and limitations set forth in the permit have been violated.

4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.

5. The permit is used by a different person or firm than the name for which it was issued.

6. The permittee failed, refused or neglected to comply with orders or notice duly served in accordance with the provisions of this code within the time provided therein.

7. The permit was issued in error or in violation of an ordinance, regulation or this code.

SECTION 404
FEES

404.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid. All fees shall be paid in accordance with the code enforcement fee schedule.

404.3 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing, or fire protection system before obtaining the necessary permits shall be subject to, in addition to any court imposed fines or costs, , a penalty that is double the total regular calculated permit fee – including inspections (permit fees + inspection fees x 2).

404.4 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with, or concurrently with, the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

404.5 Refunds. The code official is authorized to establish a refund policy.

Article 5
CONSTRUCTION DOCUMENTS

SECTION 501
GENERAL

501.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The code official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of the construction documents is not necessary to determine compliance with this code.

501.2 Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted where approved by the code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed ands show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the code official.

501.2.1 Penetrations. Construction documents shall indicate where penetrations will be made for electrical systems and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

501.2.2 Load calculations. Where an addition or alteration is made to an existing electrical system, an electrical load calculation shall be prepared to determine if the existing electrical service has the capacity to serve the added load.

501.3 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The code official is permitted to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

SECTION 502
EXAMINATION OF DOCUMENTS

502.1 General. The code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

502.2 Approval of construction documents. When the code official issues a permit, the construction documents shall be approved, in writing by stamp, as “Reviewed for Code Compliance.” One set of construction documents so reviewed shall be retained by the code official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the code official or the authorized representative.

502.2.1 Previous approvals. This code shall not require changes in the construction documents, construction or installation of electrical systems or equipment for which a lawful permit has been hereto fore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

502.2 Phased approval. The code official is authorized to issue a permit for the installation of part of an electrical system before the construction documents for the electrical system have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire system will be granted.

SECTION 503
DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE

503.1 General. Where it is required that documents be prepared by a registered design professional, the code official shall require the owner to engage and designate on the permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall be permitted to designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge, The code official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the system.

SECTION 504
HANDLING SUBMITTALS

504.1 deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the code official within a specified period.

Deferral of any submittal items shall have the prior approval of the code official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the code official.

Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, who shall review them and forward them to the code official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general compliance with the design of the system. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the code official.

504.2 Amended construction documents. Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction which are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

504.3 Retention of construction documents. One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

APPROVAL

SECTION 601
GENERAL

601.1 Approved materials and equipment. All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

> **601.1.1 Technical assistance.** To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the department, the code official is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or organization acceptable to the code official and shall analyze the properties of the design, operation or use of the building or premises and facilities and appurtenances situated thereon, to recommend necessary changes. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

601.2 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire-safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of electrical inspection.

601.3 Alternative materials, methods equipment and appliances. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

601.4 Material, equipment and appliance reuse. Materials, equipment, appliances and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

SECTION 602
TESTING

602.1 Required testing. Wherever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials of methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

602.2 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedure.

602.3 Testing agency. All tests shall be performed by an approved agency.

602.4 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

SECTION 603
ALTERNATIVE ENGINEERED DESIGN

603.1 General. The design, documentation, inspection, testing and approval of an alternative engineered design electrical system shall comply with this section.

603.2 Design criteria. An alternative engineered design shall conform to the intent of the provisions of this code and shall provide an equivalent level of quality, strength, effectiveness, fire resistance, durability and safety. Materials, equipment or components shall be designed and installed in accordance with the manufacturer's installation instructions.

603.4 Technical data. The registered design professional shall submit sufficient technical data to substantiate the proposed alternative engineered design and to prove that the performance meets the intent of this code.

603.5 Construction documents. The registered design professional shall submit to the code official two or more complete sets of signed and sealed construction documents for the alternative engineered design. The construction documents shall include floor plans and a diagram of the work.

603.6 Design approval. Where the code official determines that the alternative engineered design conforms to the intent of this code, the electrical system shall be approved. If the alternative engineered design is not approved, the code official shall notify the registered design professional in writing, stating the reasons therefor.

603.7 Inspection and testing. The alternative engineered design shall be tested and inspected in accordance with the requirements of this code.

Article 7
INSPECTIONS AND TESTING

SECTION 701
GENERAL

701.1 General. The code official is authorized to conduct inspections that are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

SECTION 702
REQUIRED INSPECTIONS

702.1 General. The code official, upon notification, shall make the inspections set forth in this section.

702.1.1 Evaluation and follow-up inspection services. Prior to the approval of a prefabricated construction assembly having concealed electrical work and the issuance of an electrical permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the electrical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to this code.

702.1.1.1 Evaluation service. The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

702.1.1.2 Follow-up inspection. Except where ready access is provided to electrical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the approve evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the electrical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

702.1.1.3 Test and inspection records. Required test and inspection records shall be available to the code official at all times during the fabrication of the electrical system and the erection of the building; or such records as the code official designates shall be filed.

702.1.2 Concealed work. Work shall remain accessible and exposed for inspection purposes until approved. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Wherever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the code official shall have the authority to require that such work be exposed for inspection. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

702.1.3 Underground. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping and conductors installed, and before backfill is put in place., Where excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected material, approved running boards, sleeves or other means.

702.1.4 Rough-ins. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all wiring and other components to be concealed are complete, and prior to the installation of floor, wall or ceiling membranes.

702.1.5 Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws, which are enforced by the department of electrical inspection.

702.1.6 Final inspection. The final inspection shall be made after all work required by the permit is completed.

702.1.7 Inspection record card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the code official to make conveniently the required entries thereon regarding inspection of the work. This card shall be maintained on the job site by the permit holder until final approval has been granted by the code official.

702.1.8 Approval required. Work shall not be performed beyond the point indicated in each successive inspection and test without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and tests and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

702.2 Validity. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

702.3 Preliminary inspection. Before issuing a permit, the code official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. The code official shall be notified when the installation is ready for inspection and is authorized to conduct the inspection within a reasonable period of time.

702.4 Entry. The code official shall carry proper identification issued by the governing authority where inspecting structures, premises of facilities in the performance of duties under this code and shall be identified by proper credentials issued by this governing authority.

702.4.1 Identification. The code official shall carry proper identification issued by the governing authority where inspecting structures, premises or facilities in the performance of duties under this code and shall be identified by proper credentials issued by this governing authority.

702.4.2 Impersonation prohibited. A person shall not impersonate the code official through the use of a uniform, identification card, badge or any other means.

702.4.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that

there exists in a structure or upon any premises a condition that is contrary to or in violation of this code, which makes the structure or premises, unsafe, dangerous or hazardous, the code official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the code official is authorized to first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused the code official shall have recourse to the remedies provided by law to secure entry.

702.5 Inspection agencies. The code official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

702.6 Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the code official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to the means for inspection of such work.

702.7 Assistance from other agencies. The code official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

702.8 Contractors' responsibilities. It shall be the responsibility of every contractor who enters into contracts for the installation or repair of electrical systems for which a permit is required to comply with adopted state and local rules and regulations concerning licensing.

SECTION 703
TESTING

703.1 General. Electrical work shall be tested as required in this code. Tests shall be performed by the permit holder and observed by the code official.

703.2 Apparatus, material and labor for tests. Apparatus, material and labor required for testing an electrical system or part thereof shall be furnished by the permit holder.

703.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

Article 8
SERVICE UTILITIES

SECTION 801
GENERAL

801.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the code official.

801.2 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

801.3 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility services or energy sources to the building, structure, or system regulated by this code in case of an emergency where it is necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

> **803.3.1 Connection after order to disconnect.** A person shall not make utility serviced or energy source connections to systems regulated by this code, which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such systems.

SECTION 802
OVERHEAD UTILITY DISTRIBUTION ON CERTAIN PROPERTIES

802.1 Location of facilities. Any person authorized to install and maintain pipes, wires, cables, conduits, manholes, service boxes, poles, brackets, or other appliances or conveniences in, over or upon the streets, alleys, ways, parks or other property of the City of Webster Groves shall so locate and maintain the facilities as not to obstruct or interfere with the normal or customary uses of the streets, alleys, ways, parks or other property, or with similar facilities installed or maintained by others.

Any public utility shall, upon reasonable notice and without cost to the City, for public convenience, change the location of any pipes, wires, cables, conduits, manholes, service boxes, poles, brackets or other facilities or conveniences.

Notwithstanding anything to the contrary in this Code, all electrical, telephone, cable television and other utility service lines from the utility distribution system to newly erected buildings, other than two (2) or fewer adjacent new single-family dwellings on streets served by overhead utility distribution system(s), shall be installed underground, except that the City Manager (or designee of the City Manager), pursuant to administrative guidelines established by the City, and approved by the City Council, may approve above ground installations in whole or in part for non-exempted residential or non-residential lines only when documentation is provided that proves the impracticability of installing such lines underground.

802.2 Underground utility service lines. All electrical, telephone, cable television and other utility service lines from the utility distribution system to newly erected buildings, other than two (2) or fewer new adjacent single-family dwellings on streets served by overhead utility distribution system(s), shall be installed underground, except that the City Manager (or a designee of the City Manager), pursuant to administrative guidelines established by the City, and approved by the City Council, may approve above ground installations in whole or in part for non-exempted residential or non-residential lines only when documentation is provided that proves the impracticability of installing such lines underground.

UNSAFE SYSTEMS AND EQUIPMENT

SECTION 901
CONDITIONS

901.1 Unsafe electrical systems. An electrical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe electrical system. Use of an electrical system regulated by this code constituting a hazard to health, safety of welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use, such unsafe equipment and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

901.2 Authority to condemn electrical systems. Wherever the code official determines that any electrical system, or portion thereof, regulated by this code has become hazardous to life, health or property, the code official shall order in writing that such electrical systems either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective electrical system or equipment after receiving such notice.

Where such electrical system is to be disconnected, written notice as prescribed in this code shall be given. In cases of immediate danger to life of property, such disconnection shall be made immediately without such notice.

901.3 Dangerous conditions. Whenever the code official shall find in any structure or upon any premises dangerous or hazardous conditions or materials, the code official is authorized to order such dangerous conditions or materials to be removed or remedied in accordance with the provisions if this code.

901.4 Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

901.5 Notice. If an unsafe condition is found, the code official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe condition to be removed within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of the order.

901.6 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested, (c) sent by regular mail addressed to the owner at the last known address, or (d) delivered in any other manner as prescribed local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

Article 10
VIOLATIONS

SECTION 1001
UNLAWFUL ACTS

1001.1 General. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any system or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

SECTION 1002
NOTICE OF VIOLATION

1002.1 Issuance. Where the code official finds any building, premises, vehicle, system or equipment that is in violation of this code, the code official is authorized to issue corrective orders.

1002.2 Notice. Wherever the code official determines violations of this code or observes an apparent or actual violation of a provision of this code or other codes or ordinances under the code official's jurisdiction, the code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for reinspection. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

1002.3 Service. Any order or notice issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, regular mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be mailed by certified mail with return receipt requested or a certificate of mailing or by regular mail, to the last known address of the owner, occupant or both.

1002.4 Compliance with orders and notices. Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains.

1002.5 Failure to correct violations. If the notice of violation is not complied with, the code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of any order or direction made pursuant thereto.

1002.6 Failure to comply. Failure to comply with an abatement notice or other corrective notice issued by the code official shall result in each day that such violation continues being regarded as a new and separate offense.

1002.7 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with or removed without authorization from the code official.

SECTION 1003
PENALTIES

1003.1 Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or a of a permit or certificate issued under the provisions if this code, shall be guilty of a code violation, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

1003.2 Abatement of violation. The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 1004
STOP WORK ORDER

1004.1 Issuance. Upon notice from the code official that any electrical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume.

1004.2 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

1004.3 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Article 11
MEANS OF APPEAL

SECTION 1101
GENERAL

1101.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

1101.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an at least equivalent method of protection or safety is proposed. The board shall have no authority to waive the requirements of this code.

SECTION 1102

MEMBERSHIP

1102.1 Membership of the Board. The board of appeals shall consist of five members appointed by the City Council as follows: one for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed. If no Board of Appeals has been appointed, the Board of Appeals shall be the duly appointed members of the Board of Adjustment as referenced in the Code of Webster Groves.

1102.2 Qualifications. The Board of Appeals shall consist of five (5) individuals who shall be residents of the City of Webster Groves and appointed by the City Council. When possible, the Council shall seek to appoint one individual from each of the following professions:

1. *Registered design professional* that is a registered architect; or a builder or superintendent of building construction with at least ten years of experience, five of which shall have been in responsible charge of work.
2. *Registered design professional* with structural engineering or architectural experience.
3. *Registered design professional* with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years of experience, five of which shall have been in responsible charge of work.
4. *Registered design professional* with electrical engineering experience; or an electrical contractor with at least ten years of experience, five of which shall have been in responsible charge of work.
5. *Registered design professional* with fire protection engineering experience; or a fire protection contractor with at least ten years of experience, five of which shall have been in responsible charge of work.

1102.3 Alternate Members. The City Council shall appoint three (3) alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for five (5) years or until a successor has been appointed

1102.4 Chairman. The Board shall annually select one of its members to serve as chairman.

1102.5 Disqualification of Member: A member shall not hear an appeal in which that member has any personal, professional or financial interest.

1102.6 Secretary. A qualified individual shall be designated to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Building Commissioner.

1102.7 Expert Testimony. The board may solicit expert testimony from qualified witnesses as it deems necessary to render a decision.

1102.8 Compensation of members. Compensation of members shall be determined by law.

SECTION 1103
PROCEDURES

1103.1 Application for appeal. A person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

1103.2 Notice of meeting. The board shall meet upon notice from the chairman, within sixty days of the filing of an appeal, or at stated periodic meetings.

1103.3 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Commissioner and any person whose interest are affected shall be given an opportunity to be heard.

1103.4 Rules of procedure. The board shall adopt and make available to the public through the secretary rules of procedure under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

1103.5 Postponed hearing. Where five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

1103.6 Decisions. The board shall modify or reverse the decisions of the code official by a concurring vote of four (4) members.

> **1103.6.1 Resolution.** The decision of the board shall be in writing. Copies signed by the chairman and secretary shall be furnished to the appellant and to the Code Official.
>
> **1103.6.2 Administration.** The code official shall take immediate action in accordance with the decision of the board.

1103.7 Appeal of the decision of the Board of Appeals. Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals, or any officer, department, board or bureau of the City, may present to the Circuit Court of St. Louis County, Missouri, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of 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.

Sec. 21.1800 New Annex to National Electrical Code Annex I – Supplemental Electrical Provisions

Annex I – Supplemental Electrical Provisions is adopted as follows:

Article 12
ELECTRICAL PROVISIONS

SECTION 1201
GENERAL

1201.1 Scope. This Article governs the design and construction of electrical systems and equipment.

> **1201.1.1 Adoption.** Electrical systems and equipment shall be designed and constructed in accordance with the *International Residential Code* or NFPA 70 as applicable, except as otherwise provided in this code.

1201.2 Abatement of electrical hazards. All identified electrical hazards shall be abated. All identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the code official responsible for enforcement of this code. Electrical wiring, devices, appliances and other equipment which is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

1201.3 Appliance and fixture listing. Electrical appliances and fixtures shall be tested and listed in published reports of inspected electrical equipment by an approved agency and installed in accordance with all instructions included as part of such listing.

SECTION 1202
PROVISIONS

1202.1 General. The provisions of this section shall apply to the design, construction, installation, use and maintenance of electrical systems and equipment. Where differences occur between provisions of this code and referenced codes or standards, the provisions of this code shall apply.

1202.2 Nonmetallic-sheathed cable. The use of Type NM, NMC and NMS (nonmetallic sheathed) cable wiring methods shall not be limited based on height, number of stories or construction type of the building or structure.

1202.3 Cutting, notching and boring. The cutting, notching and boring of wood and steel framing members, structural members and engineered wood products shall be in accordance with the *International Building Code*.

1202.4 Penetrations. Penetrations of walls, floors, ceilings and assemblies required to have a fire-resistance rating, shall be protected in accordance with the *International Building Code*. Where cables, conductors and raceways penetrate fireblocking or draftstopping, such penetrations shall be protected by filling the annular space with an approved fireblocking material.

1202.5 Smoke detector circuits. Smoke detectors required by the *International Building Code* and installed within dwelling units shall not be connected as the only load on a branch circuit. Such detectors shall be supplied by branch circuits having lighting loads consisting of lighting outlets in habitable spaces.

[M] 1202.6 Appliance access. Where appliances requiring access are installed in attics or underfloor spaces, a lighting fixture controlled by a switch located at the required passageway opening to such space and receptacle outlet shall be provided at or near the appliance location.

[FG} 1202.7 Prohibited grounding electrode. Fuel gas piping shall not be used as a grounding electrode.

[F] 1202.8 Emergency and standby power. Emergency and standby power systems required by the *International Building Code* or *International fire Code* shall be installed in accordance with the *International Building Code*, the *International Fire Code*, NFPA 110, NFPA 111 and this code.

[B] 1202.9 Smoke control systems. Smoke control systems required by the *International Building Code* or *International Fire Code* shall be supplied with two sources of power. Primary power shall be the normal building power systems. Secondary power shall be from an approved standby source complying with this code. The standby power source and its transfer switches shall be in a separate room from the normal power transformers and switch gear, and shall be enclosed in a room constructed of not less than 1-hour fire-resistance-rated fire barriers, ventilated directly to and from the exterior. Power distribution from the two sources shall be by independent routes. Transfer to full standby power shall be automatic and within 60 seconds of failure to the primary power.

> **[B] 1202.9.1 Power sources and power surges.** Elements of the smoke management system relying on volatile memories or the like shall be supplied with uninterruptable power sources of sufficient duration to span 15-minute primary power interruption. Elements of the smoke management system susceptible to power surges shall be suitably protected by conditioners, suppressors or other approved means.
>
> **[B] 1202.9.2 Wiring.** In addition to meeting the requirements of this code, all signal and control wiring for smoke control systems, regardless of voltage, shall be fully enclosed within continuous raceways.

[M] 1202.10 Wiring in plenums. Combustible electrical or electronic wiring methods and materials, optical fiber cable, and optical fiber raceway exposed within plenums regulated by Section 602 of the *International Mechanical Code* shall have a peak optical density not greater than 0.50, an average optical density not greater than 0.15, and a flame spread not greater than 5 feet when tested in accordance with NFPA 262. Only type OFNP (plenum-rated nonconductive optical fiber cable) shall be installed in plenum-rated optical fiber raceways. Wiring, cable and raceways addressed in this section shall be listed and labeled as plenum rated and shall be installed in accordance with this code.

> **[M] 1202.10.1 Combustible electrical equipment.** Combustible electrical equipment exposed within plenums regulated by Section 602 of the *International Mechanical Code* shall have a peak rate of heat release not greater than 100 kilowatts, a peak optical density not greater than 0.50, and an average optical density not greater than 0.15 when tested in accordance with UL 2043. Combustible electrical equipment shall be listed and labeled.

[M] 1202.11 Engine and gas turbine-powered equipment and appliances. Permanently installed equipment and appliances powered by internal combustion engines and turbines shall be installed in accordance with the manufacturer's installation instructions, the *International Mechanical Code*, *International Fuel Gas Code* and NFPA 37.

[M] 1202.12 Stationary fuel cell power plants. Stationary fuel cell power plants having a power output not exceeding 1,000 kW shall be tested in accordance with ANSI Z21.83 and shall be installed in accordance with the manufacturer's installation instructions and NFPA 853.

[M] 1202.13 boiler control requirements. The power supply to the electrical control system for boilers shall be from a two-wire branch circuit that has a grounded conductor or from an isolation transformer with a two-wire secondary. Where an isolation transformer is provided, one conductor of the secondary winding shall be grounded. Control voltage shall not exceed 150 volts nominal, line to line. Control and limit devices shall interrupt the ungrounded side of the circuit. A means of manually disconnecting the control circuit shall be provided, and controls shall be arranged so that when deenergized, the burner shall be inoperative. Such disconnecting means shall be capable of being locked in the off position and shall be provided with ready access.

[M] 1202.14 Equipment and door labeling. Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.

[M] 1202.15 Smoke alarm power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

> **Exception:** Smoke alarms are not required to be equipped with battery backup in Group R-1 where they are connected to an emergency electrical system.

[F] 1202.16 Smoke alarm interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R-2, R-3, or R-4 or within an individual sleeping unit in Group R-1, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

SECTION 1203
EXISTING ELECTRICAL FACILITIES

[PM] 1203.1 Existing buildings. This section shall apply to the buildings and structures that are within the scope of the *International Property Maintenance Code*. Every occupied building shall be provided with an electrical system in compliance with the requirements of Sections 1203.1.1 through 1203.1.5.

> **[PM] 1203.1.1 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with this code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical serviced having a rating of not less than 60 amps.
>
> **[PM] 1203.1.2 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

[PM] 1203.1.3 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

[PM] 1203.1.4 Receptacles. Every habitable space in a dwelling shall be provided with at least two separate and remote receptacle outlets. Every laundry areas shall be provided with at least one grounding-type receptacle outlet or a receptacle outlet with ground fault circuit interrupter protection. Every bathroom shall contain at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

[PM] 1203.1.5 Lighting Fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall be provided with at least one electric lighting fixture.

(Ord. No. 8764, § 2 7-17-12)

CHAPTER 22. THE FIRE CODE

ARTICLE I. THE FIRE CODE

Sec. 22.0010 Short Title.
This Chapter will be known and may be cited as "The Fire Code."

Sec. 22.0020 Fire Prevention Code Adopted.
Certain documents, copies of which are filed in the office of the Fire Chief, said copies being marked and designated as the 2009 International Fire Code, as published by the International Code Council, Inc. are hereby adopted along with its appendices as the Fire Code of the City of Webster Groves, Missouri, for the control of buildings and structures as herein provided; and each and all terms of the 2009 International Fire Code are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance with the additions, insertions, deletions and changes prescribed in this Ordinance.

Sec. 22.0030 Jurisdictional Titles.
Throughout the 2009 International Fire Code, whenever the terms "Name of Jurisdiction" or "Local Jurisdiction" appear, it shall be deemed to mean "Webster Groves, Missouri." Likewise whenever the "Code Official" appears it shall be deemed to mean the "Fire Chief."

Sec. 22.0100 Amendments to Chapter 1 – International Fire Code – Chapter 1 - Administration.

101.1 Title: These regulations shall be known as the Fire Code of Webster Groves, Missouri, hereinafter referred to as "this code."

> **105.1.4 Permit for Public Display of Fireworks:** The Code Official may, upon written application, permit a public display of fireworks, on the 4th of July, or at any other time. Such permit may not be issued unless the Code Official is satisfied that the proposed display will be supervised by responsible persons and will be of such character and so located that it will not constitute a hazard to property or endanger the life or limb of any person. The Code Official may, at its discretion, as a condition of granting any such permit, provide such rules and regulations as to the character and quantity of fireworks, and manner of using them, as well as insurance, location and supervision of the proposed display, as in the opinion of the Code Official will best insure safety to both persons and property.

109.3 Violation penalties: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a code violation, punishable by a fine of not more than one thousand dollars ($1000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than one thousand dollars ($1,000.00).

Sec. 22.0300 Amendments to Chapter 3 – International Fire Code – Chapter 3 – General Precautions Against Fire.

314.5 Decorative Trees: Lights shall be prohibited on live or fresh trees inside institutional occupancies. Where installed on artificial trees, such trees shall first comply with Section 805.0 of the *International Building Code*.

Sec. 22.0500 Amendments to Chapter 5 – International Fire Code – Chapter 5 – Fire Service Features.

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and appendix D.

> **Exception:** The *Fire Code Official*, may modify these requirements due to unique conditions that comply with the intent of these provisions.

506.3 Key (knox) boxes. Key (knox) boxes shall be installed at locations approved by the Fire Chief.

507.4 Water supply test. The *fire code official* shall be notified prior to the water supply test. Water supply tests shall be witnessed by the *fire code official* or *approved* documentation of the test shall be provided to the *fire code official* prior to final approval of the water supply system.

> **507.4.1 Water flow tests.** Water flow tests for fire sprinkler systems shall be conducted between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday.
>
> **507.4.2 Water flow safety factor.** A safety factor shall be applied to all flow tests for fire sprinkler systems. A parallel curve shall be drawn to the actual flow test curve that has been reduced by 10 percent of the static pressure. A sprinkler system design shall not exceed the 10 percent curve.

Sec. 22.0900 Amendments to Chapter 9 – International Fire Code – Chapter 9 – Fire Protection Systems.

> **907.1.4 Annunciator panels.** Annunciator panels boxes shall be installed in locations approved by the Fire Chief.
>
> **912.4.1 Signs on Buildings with Fire Department Connections:** On all new buildings with fire department connections, an approved sign shall be mounted on the street front or on the side of the building. Such sign shall have letters FDC at least 6 inches high and words in letters at least 2 inches high to indicate the location. All signs and locations shall be subject to the approval of the fire code official.

20.4600 Amendments to Appendix A - International Fire Code – Appendix A Board of Appeals:

Appendix A – Board of Appeals is deleted in its entirety and replaced with the following:

APPENDIX B

BOARD OF APPEALS

A101.1 Application for appeal: Any person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

A101.2 Membership of the Board: The board of appeals shall consist of five members appointed by the City Council as follows: one for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed. If no Board of Appeals has been appointed, the Board of Appeals shall be the duly appointed members of the Board of Adjustment as referenced in the Code of Webster Groves.

A101.2.1 Alternate Members: The City Council shall appoint three (3) alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for five (5) years or until a successor has been appointed

A101.2.2. **Qualifications:** The Board of Appeals shall consist of five (5) individuals who shall be residents of the City of Webster Groves and appointed by the City Council. When possible, the Council shall seek to appoint one individual from each of the following professions:

1. *Registered design professional* that is a registered architect; or a builder or superintendent of building construction with at least ten years of experience, five of which shall have been in responsible charge of work.
2. *Registered design professional* with structural engineering or architectural experience.
3. *Registered design professional* with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years of experience, five of which shall have been in responsible charge of work.
4. *Registered design professional* with electrical engineering experience; or an electrical contractor with at least ten years of experience, five of which shall have been in responsible charge of work.
5. *Registered design professional* with fire protection engineering experience; or a fire protection contractor with at least ten years of experience, five of which shall have been in responsible charge of work.

A101.2.3 Rules and procedures: The board is authorized to establish policies and procedures necessary to carry out its duties.

A101.2.3.1 Expert Testimony: The board may solicit expert testimony from qualified witnesses as it deems necessary to render a decision.

A101.2.4 Chairman: The Board shall annually select one of its members to serve as chairman.

A101.2.5 Disqualification of Member: A member shall not hear an appeal in which that member has any personal, professional or financial interest.

A101.2.6 Secretary: A qualified individual shall be designated to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Building Commissioner.

A101.3 Notice of Meeting: The board shall meet upon notice from the chairman, within sixty days of the filing of an appeal, or at stated periodic meetings.

A101.3.1 Open Hearing: All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Commissioner and any person whose interest are affected shall be given an opportunity to be heard.

A101.3.2 Procedure: The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information is received.

A101.3.3 Postponed Hearing: When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

A101.4 Board Decision: The board shall modify or reverse the decision of the code official by a concurring vote of four (4) members.

A101.4.1 Resolution: The decision of the board shall be in writing. Copies signed by the chairman and secretary shall be furnished to the appellant and to the Code Official.

A101.4.2 Administration: The Code Official shall take immediate action in accordance with the decision of the board.

A101.5 Appeals of Board Decisions: Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals, or any officer, department, board or bureau of the City, may present to the Circuit Court of St. Louis County, Missouri, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of 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.

20.4800A Amendments to Appendix C - International Fire Code – Appendix C Fire Hydrant Locations and Distribution:

Appendix C Fire Hydrant Locations and Distribution is amended by inserting the following:

APPENDIX C
FIRE HYDRANT LOCATION AND DISTRIBUTION

C106 Definitions:

1. Structure – for the purposes of this ordinance a structure shall not include minor residential structures including but not limited to fences (both residential and non-residential), arbors, sheds, toys (swing sets, play houses, etc.), cell towers.
2. Adjoining ground shall be construed to mean any surface within 3 feet of the fire hydrant.

C107 Single family and two family residential properties.

1. No fire hydrant shall be distant more than 600 feet from another fire hydrant.
2. No structure shall be erected where any point along the perimeter of such structure is more than 500 feet from an existing fire hydrant.
3. In measuring the distances set forth in 1 and 2 above, such distances shall be measured only over all weather streets, roads, driveways or paved all weather parking areas.

C108 Commercial and industrial properties.

1. A fire hydrant shall be provided every 300 feet, and no fire hydrant shall be distance more than 300 feet from the nearest fire hydrant.
2. No point along the perimeter of any structure shall be more than 300 feet distant from a fire hydrant.
3. Not withstanding the provisions of 1 and 2 above, each structure shall have not less than 3 fire hydrants located within 1,000 feet of such structure. Any fire hydrants installed within such 1,000 feet of the building or structure shall:
   A. Have one of such fire hydrants within 300 feet of the building or structure.
   B. One additional fire hydrant within 500 feet of the building or structure.

C109 Minimum size of water mains serving fire hydrants. All water mains serving fire hydrants shall be installed in accordance with the following minimum standards.

1. Single family and two family structures shall have water mains not less than 8 inches in diameter, except that if such main is connected to the water system in more than 1 location, such main may be reduced to not less than 6 inches.
2. All other structures within the scope of this ordinance shall be served by water mains having fire hydrants thereon, which water mains shall not be less than 8 inches in diameter. Larger mains shall be provided as required by the fire department.
3. Notwithstanding the provisions of 1 and 2 above, single leads to the fire hydrants may be served with a water main of not less than 6 inches in diameter so long as such lead main is not greater than 300 feet in length.
4. The minimum fire flow from a single fire hydrant in any Use Group shall be 1,500 gallons per minute at 20 psi residual pressure.

   Exception: On existing public and private water mains, sufficient water supply for hydrants shall be provided such that hydrants are capable of flowing a minimum of 500 gallons per minute with 20 psi residual pressure for 15 minutes. Additional water supply may be required by the fire department.

5. The minimum fire flow from multiple fire hydrants in any Use Group shall be 1,500 gallons per minute at 20 psi residual pressure as measured at the most hydraulically remote fire hydrant.

   Exception: On existing public and private water mains, sufficient water supply for hydrants shall be provided such that hydrants are capable of flowing a minimum of 500 gallons per minute with 20 psi residual pressure for 15 minutes. Additional water supply may be required by the fire department.

C110 Water hydrant supply control valve. Each fire hydrant shall be provided with a control valve on the hydrant connection such that the hydrant can be removed from service without shutting off water supply to other fire hydrants. Control valves not required on hydrants of a looped water main less than 8 inches in diameter and such water main has a control valve every 1200 feet or less.

C111 Fire hydrant obstruction. It shall be unlawful for any person, persons, firm, partnership or corporation to damage, deface, obstruct, obscure from view or restrict access to any fire hydrant whether the same is located on a public way, public or private lands. No parking within 10 feet of a hydrant. Maintain clear area of 3 feet from hydrant.

C112 Hydrant location. Fire hydrants shall be placed in accordance with the following specifications:

1. For average conditions, hydrants should be placed 50 feet from the building protected. When it is impractical to place them at this distance, they may be put nearer, provided they are set in locations where the chance of injury by falling walls is minimal, and from which fire department personnel are not likely to be driven away by smoke or heat.
2. All fire hydrants should be located on or adjacent (within 20 feet) to all weather streets, roads, driveways, or parking areas. In parking or traffic areas, fire hydrants should be located on islands or otherwise protected from the traffic and available to the fire apparatus at all times.
3. In setting hydrants due regard should be given to final grade plane. The fire department connection shall be located not less than 18 inches nor more than 48 inches above the level of the adjoining ground, sidewalk, or grade surface.
4. There shall be a hydrant within 150 feet of the fire department connection of buildings with sprinkler systems. The Fire Marshall shall be permitted to require a distance closer than 150 feet.

C113 Tampering with fire hydrant. It shall be unlawful for any person to use or operate a fire hydrant for any purpose other than the suppression of a fire. This provision shall not apply to employees of the City of Webster Groves or Missouri American Water employees. All other persons shall obtain a permit to draw water from a fire hydrant. (water meter, back flow preventer).

C114 Fire hydrant standards. All fire hydrants installed within the jurisdiction of the Webster Groves Fire Department from and after the effective date of this ordinance shall each have not less than (2) 2 ½ inch outlets and (1) 4 ½ inch outlet and shall be of break away design, frost free with chain, left hand open design and have National Standard threads.

C115 Color coding of fire hydrants. All fire hydrants installed after the effective date of this Ordinance shall be color-coded.

1. All fire hydrants attached to mains that are 12 inches or larger shall be painted with green bonnet and caps.
2. All fire hydrants attached to mains that are 8 inches shall be painted with orange bonnet and caps.
3. All fire hydrants attached to mains that are 6 inches or less shall be painted with a red bonnet and caps.

20.5300A Amendments to Appendix H - International Fire Code – Appendix H Fire Lanes:

APPENDIX H
FIRE LANES

Fire Lanes: In addition to those locations required by code, duly designated and posted fire lanes are as follows:

Hixson Junior High School and Moss Athletic Field: Along the north line of above property, beginning at the northeast corner and continuing west a distance of 596 feet following curb-line on the north side of driveway.
Along the south side of the driveway immediately north of Moss Athletic Field from the northeast to northwest corners, a distance of 335 feet.
South along the east side of Moss Athletic Field a distance of 73 feet beginning at the northeast corner of the fenced area.
South along the west side of Moss Athletic Field a distance of 97 feet beginning at the northwest corner of the fenced area and continuing along curb line.
Both sides of the semi-circle driveway located immediately in front of the front entrance to 630 South Elm Avenue.
Both sides of the outer roadway and driveway from South Elm Avenue northeastwardly a distance of 870 feet.
Union Pacific Railroad Right-of-Way, along the north side of Glencoe Avenue from North Gore Avenue to Allen Avenue.

Webster College, 470 East Lockwood Avenue: Along the south curb line of the driveway beginning 21 feet east of the southeast corner of the intersection of East Lockwood Avenue and Plymouth Avenue, thence running southwardly, southeastwardly, northeastwardly and northwardly in a semicircle for a distance of 623 feet.

Webster University, Big Bend Buildings: Beginning at a point 132 feet east of the west property line at 8342 Big Bend Boulevard at the curb line of Big Bend Boulevard running 154 feet along the south curb of the semicircular driveway. Also from a point at the curb line of Big Bend Boulevard 118 feet west of the east property line of 8338 Big Bend Boulevard, running southward along the east side of the driveway for 178 feet, and from that point running west for 126 feet on the south side of the driveway. Also beginning at a point 138 feet west of the east property line and 47 feet south of the curb line of Big Bend Boulevard thence running south 126 feet along west side of drive to a point, thence running west for a distance of 210 feet along north curb line of the driveway. (No-Parking--Fire Lane).

Loretto-Hilton Center for the Performing Arts, 130 Edgar Road: Along the east curbline of the drive beginning 322 feet south of the southeast corner of the intersection of Big Bend Boulevard and Edgar Road, thence running eastwardly, southwardly and southwestwardly for a distance of 305 feet.

Old Orchard Municipal Parking Lot: Beginning at a point 100 feet east of the southeast corner of the intersection of Log Cabin Lane and Big Bend Boulevard, thence running south 200 feet along the western edge of the sidewalk of the parking lot, being the rear property lines of 8110 Big Bend Boulevard to 8144 Big Bend Boulevard.

Webster Pines Apartments, 8717 Watson Road: Beginning at a point 61 feet east of the west property line of the Webster Pines Apartments, 8717 Watson Road, and the northern edge of the right-of-way of Watson Road, then running northwardly, northwestwardly and northeastwardly along the curb lines of the east and west entrances and driveway for a distance of 88 feet in each direction.
Along the inner curb line running southeastwardly, eastwardly and northeastwardly in a semicircle for a distance of 120 feet between the western and eastern edge of the building located at 8717 Watson Road.

Theatre Lane: The east side of Theatre Lane for a distance of 95 feet from the intersection of Newport Avenue.
The east side of Theatre Lane for a distance of 40 feet from the intersection with Fairview Avenue.
The west side of Theatre Lane.
The north side of the private alley running between Theatre Lane and Bompart Avenue (and situated between Newport Avenue and Fairview Avenue) between the west line of Theatre Lane and a point 90 feet west thereof.

Valley Road: The west side of Valley Road from East Cedar Avenue to East Swon Avenue.

History Center and Southwest Park: South of the entrance to the driveway to the History Center and Southwest Park, prohibiting parking for 25 feet in both directions from the same entrance off Rock Hill Road.
(Ord. No. 8765, § 2 7-17-12)

CHAPTER 23

ARTICLE I. THE MECHANICAL CODE

Sec. 23.0010 Short Title.
This Chapter will be known and may be cited as "The Mechanical Code."

Sec. 23.0020 Mechanical Code Adopted.
Certain documents, copies of which are filed in the office of the Building Commissioner, said copies being marked and designated as the 2009 International Mechanical Code, as published by the International Code Council, Inc. are hereby adopted including its appendices as the Mechanical Code of the City of Webster Groves, Missouri, for the control of buildings and structures as herein provided; and each and all terms of the 2009 International Mechanical Code are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance with the additions, insertions, deletions and changes prescribed in this Ordinance.

Sec. 23.0030 Jurisdictional Titles.
Throughout the 2009 International Mechanical Code, whenever the terms "Name of Jurisdiction" or "Local Jurisdiction" appear, it shall be deemed to mean "Webster Groves, Missouri." Likewise whenever the "Code Official" appears it shall be deemed to mean the "Building Commissioner."

Sec. 23.0100 Amendments to Chapter 1 – International Mechanical Code – Chapter 1 - Administration.

101.1 Title: These regulations shall be known as the Mechanical Code of Webster Groves, Missouri, hereinafter referred to as "this code."

106.5.2 Fee Schedule. The fees for mechanical work shall be as indicated in appendix B.

106.5.3 Fee Refunds. The code official shall authorize the refunding of fees as follows:
1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 100 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 100 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 30 days after the date of the fee payment.

107.7 Periodic Inspections. Periodic inspections shall be made by the Code Official of all equipment and devices listed in Table 107.7 at the frequency specified in Table 107.7, or at such other times as the Code Official shall deem appropriate. Fees for inspections shall be paid by the owner of such equipment or devices in accordance with this Mechanical Code as amended.

Table 107.7 Periodic Mechanical Inspection Frequencies

Item	Frequency	Remarks
Air filtration systems required to maintain indoor air quality	Annually	Engineered systems specifically approved to allow reduced outdoor air quantities
Amusement Devices, Kiddie Rides and concessions		
Permanent Location	Twice during season	
Not Permanent	Whenever relocated	
Auto Lifts	Annually	
Boilers	Annually	R-2 and R-3 residential heating boilers are exempted
Conveyors, Power Operated	Annually	
Crematories	Annually	
Dumbwaiters Power Operated over 100 lb capacity	Annually	
Elevators - Freight and Passenger, Man lifts, Moving Stairways and Chairlifts	Not less than annually, up to three times per year, at the discretion of the Code Official	At the time of enactment of this section, it is the intention of the County to phase in Comprehensive Annual Elevator Inspections meeting both County and State obligations, and phase out more-frequent-than annual non-comprehensive inspections
Emergency Generator	Annually	
Hoists	Annually	
Incinerators	Annually	Class IA and domestic are exempted
Kitchen Exhaust Systems	Semi-Annually	Domestic systems within individual dwelling units are exempted.
Miscellaneous Equipment	Annually	
Moving Walks	Annually	
Paint Spray Booth Exhaust Systems	Annually	
Pressure Vessels with Manhole	Annually	
Unfired Pressure Vessels (Air Compressors)	Annually	
Water Heaters and/or Storage Tanks of 120 Gallons or More	Annually	

108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a code violation, punishable by a fine of not more than one thousand dollars ($1000.00) or by imprisonment not exceeding 90 days, or both such fine and

imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, pr to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than one thousand dollars ($1,000.00).

Sec. 23.0900 Amendments to Chapter 9 – International Mechanical Code – Chapter 9 – Specific Appliances, Fireplaces, and Solid Fuel-Burning Equipment.

901.1 Scope. This chapter shall govern the approval, design, installation, construction, maintenance, alteration and repair of the appliances and equipment specifically identified herein and factory-built fireplaces. The approval, design, installation, construction, maintenance, alteration and repair of gas-fired appliances shall be regulated by the *International Fuel Gas Code*.

Exception. Section 603 (IFGC) Log Lighters specifically **603.1 General.** Is amended to read as follows:

603.1 General. Log lighters are prohibited.

Sec. 23.1700 Amendments to Appendix B – International Mechanical Code – Appendix B – Recommended Permit Fee Schedule.

B101.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid. All fees shall be paid in accordance with the code enforcement fee schedule.

Sec. 23.1800 Amendments to Appendix C – International Mechanical Code – Appendix C – Amusement Devices.

Appendix C – Amusement Devices is added to read as follows:

APPENDIX C
AMUSEMENT DEVICES

SECTION C101
GENERAL

C101.1 Scope: The provisions of this chapter shall govern the installation, repair, alteration, maintenance, operation, and inspection of every amusement ride or device and any accessories connected or attached to such rides or devices.

Exception: Non-powered playground equipment.

C101.2 Requirements Not Covered. Any requirement necessary for the strength or stability of an amusement ride or device or for the protection of the health or safety of the occupants or general public, which is not specifically covered by this chapter shall be determined by the Code Official.

C101.3 Identification. Every amusement ride or device shall be identified by a descriptive name, manufacturer and identification number. There shall be permanently attached to every ride or device, in a readily visible location, the name of the manufacturer, name of the ride or device, the year of manufacture, and the unique identification number. The Code Official may request additional information and reports of tests and analysis, as necessary.

C101.4 Permit-Required. No person shall install, erect, set up or operate any amusement ride or device unless the required permit therefore has been issued. Application for such permit shall be made not less than fourteen (14) days prior to date of installation or operation. Special circumstances will be reviewed by the Code Official.

C101.4 1 Permit Status. An issued permit shall be construed to be a license to proceed with installation and erection. The operation after inspection and approval shall not be construed as authority to set aside, neglect, cancel or violate any provisions of this code nor shall issuance of such permit prevent the Code Official thereafter from requiring correction of errors or provision of additional needed safeguards. No amusement ride shall operate without a current Missouri state operating permit.

Exception: Inflatable bounce houses do not require a state permit.

C101.4.2 Permit Application. The permit application procedure for permanent amusement rides or devices shall be as required by Section 106 et seq. of the mechanical code.

C101.4.3 Information Provided With Permit. The application for a temporary amusement ride or device permit shall be accompanied by the following:

1. A copy of the site plan identifying the location of each amusement ride or device and the required separation distances showing buildings and overhead electrical wiring.
2. Copy of the general liability insurance certificate required by Section C101.6.
3. A copy of the current certificate of compliance required by Section C104.2.
4. Copy of the current Missouri state operating permit.

C101.5 Inspections. No person shall operate or permit the operation of an amusement ride or device unless it is certified for operation pursuant to a currently valid inspection and approval as provided by this chapter and other applicable provisions of this code.

C101.5.1 Owners and operators shall comply with ASTM F-24 Standard Practice for Maintenance Procedures for Amusement Rides and Devices.

C101.6 Insurance. All owners or operators of amusement devices shall carry general liability insurance through a carrier licensed and operating in the State of Missouri. The minimum amount of such coverage shall be: $1,000,000.00 per occurrence to include Bodily Injury and

Property Damage. No permits shall be issued until proof of such insurance coverage is provided to the authority having jurisdiction in the form of an insurance certificate.

C101.6.1 Insurance Certificates. The limits of liability specified in Section C101.6 are minimum requirements and shall be carried by the amusement operator or owner covering all operations in Webster Groves, Missouri and said authority having jurisdiction shall be named as an additional insured. Insurance certificates shall be filed with the Code Official.

C101.7 Fees. Permit and inspection fees shall be as specified in this code as amended.

SECTION C102
DEFINITIONS

C102.1 Definitions. For the purposes of this chapter, words and phrases listed below shall have the meanings indicated.

Amusement Rides or Devices: Any device or combination of devices, which carries passengers or expects persons to walk or crawl along, around or over a fixed or restricted course for the purpose of amusement. This shall include all mechanical devices, gravity propelled rides, inflatables, bungee jumps, rock climbing walls, mechanical bulls**,** dry slides over 20 feet in height and any other such devices.

Owner: Any person, agent, firm or corporation having a legal or equitable interest in the equipment.

Restraining Device: A safety belt, harness, chain, bar or other physical support, retention, or restraint to the passenger of a ride or device.

Special Amusement Buildings: Any temporary or permanent building or portion thereof that is occupied for amusement and entertainment and the means of egress path is not readily apparent due to visual or audio distractions or is not readily available because of the nature of the attraction or mode of conveyance though the building or structure.

SECTION C103
OPERATORS

C103.1 Operators. An amusement ride or device shall be operated by a ride operator certified by the owner or his designated agent. A ride or device operator shall have knowledge of the use and function of all normal operating controls, signal systems and safety devices applicable to the ride or device and of the proper use, function, capacity and speed of the particular ride or device which is operating. When the ride or device is shut down, provision shall be made to prevent operations by the public. No person other than a certified ride operator shall be permitted to handle the controls of a ride or device during normal operation except where such ride or device is designed to be controlled by the passenger.

C103.2 Adequate Number of Operators. All devices shall have the proper number of ride operators in accordance with the manufacturer’s requirements.

SECTION C104
NON DESTRUCTIVE TESTING

C104.1 Non Destructive Test (NDT). A non destructive test as required by the manufacturer of amusement ride or device shall be performed on an annual basis, or at the frequency specified by the manufacturer. This examination shall be performed in accordance with the manufacturer's written inspection procedure by a certified testing agency. NDT is not required on inflatable bounce houses.

C104.2 Certificate of Compliance. A current certificate of compliance must be submitted annually to the authority having jurisdiction by the owner certifying that each amusement device has been tested in accordance with the manufacturers' written test procedures.

SECTION C105
MODIFIED OR REBUILT EQUIPMENT

C105.1 Modified and Rebuilt Rides and Devices. An amusement ride or device which has been rebuilt or modified other than repaired and restored to its original condition shall be re-identified by a new name and identification number and shall be re-certified as a completely new piece of equipment.

SECTION C106
ASSEMBLY AND DISASSEMBLY

C106.1 Assembly and Disassembly. Assembly and disassembly of amusement rides or devices shall be by competent personnel trained and experienced in assembly and erection of such equipment.

C106.2 Supervision. The assembly and disassembly of an amusement ride or device shall be done by or under the immediate supervision of a person experienced in the proper performance of such work in respect to the device or structure.

C106.3 Assembly. Parts shall be properly aligned, and shall not be bent, distorted, cut or otherwise modified to force a fit. Parts requiring lubrication shall be lubricated in course of assembly and as required by the manufacturer**.** Fastening and locking devices, such as bolts, cap screws, cotter pins and lock washers shall be installed where required for dependable operation. Nuts shall be drawn tight, cotter pins shall be spread and lock nuts firmly set. Welding shall be done by welders certified in accordance with the requirements of the American Welding Society (AWS).

C106.4 Replacement of Parts. Parts which are excessively worn or which have been materially damaged shall be replaced or repaired.

C106.5 Tools and Equipment. Persons engaged in the assembly or disassembly of amusement rides or devices or temporary structures shall use tools of proper size and design to enable the work to be done safely.

C106.6 Supports Required. A portable amusement ride or device shall be placed on stable supports to prevent shifting, tipping, swaying or erratic motion. Use of shim blocks shall be kept to a minimum. Adequate means of drainage shall be provided to prevent water from collecting and softening supporting areas. The area surrounding the amusement ride or device shall be clear and kept free from trash and tripping hazards.

C106.7 Permanent Foundations. A non-portable amusement ride or device permanently erected shall be set on properly designed and constructed foundations or footings and secured to these footings in a manner to prevent shifting, tipping, swaying or erratic motion.

Exception: The provisions pertinent to erratic motion or sway does not apply to an amusement ride or device designed to permit flotation characteristics or flexibility.

C106.8 Leveling and Alignment. Corner posts, central columns or support structures of an amusement ride or device designed to operate on a vertical axis shall be plumbed and secured so that the path of the sweeps or platforms shall be level and operate on a true horizontal plane at right angles to the axis of the pivot. An amusement ride or device whose carriers are designed to operate on a horizontal axis shall be leveled so that the carriers all orbit in a true vertical plane.

> **C106.8.1 Tipping and/or Shifting.** The base of an amusement ride or device employing a combination of orbiting planes or a ride whose carriers operate normally in a plane other than true horizontal or vertical shall be leveled, plumbed and secured so that they will not tip or shift and will be stable under the most adverse operating conditions, except for an amusement ride or device designed to permit flotation characteristics or flexibility or designed to operate properly regardless of whether the base is plumb or level.

SECTION C107
SAFEGUARDS

C107.1 Guarding of Machinery. Machinery used in or with an amusement ride or device shall be enclosed, barricaded or otherwise effectively guarded against contact. Guards removed for maintenance purposes shall be replaced before normal operation is resumed. All amusement rides or devices containing or having a mounting or mountings that would catch, wind up or entangle long hair shall have adequate guards.

C107.2 Public Protection. An amusement ride or device shall not be used or operated while any person is to be endangered by it. Areas in which persons may be so endangered shall be fenced, barricaded or otherwise guarded against public intrusion.

C107.3 Signage. Signage describing any limitations of usage or the safety of riders or operators shall be placed in a prominent location at the entry to the ride where the patrons cannot obstruct it. The signage shall include number of riders, minimum or maximum rider height, weight, age or any other restrictions imposed by the ride manufacturer.

SECTION C108
DESIGN LOAD AND SPEED

C108.1 Design Load and Speed Shall Not be Exceeded. An amusement ride or device shall not be overcrowded or loaded in excess of its safe carrying capacity, nor shall it be operated at an unsafe speed or at any speed beyond that recommended by the manufacturer. See Section C101.3.

SECTION C109
INSPECTIONS

C109.1 Daily Inspection. Prior to carrying passengers, the owner/operator shall conduct or cause to be conducted a daily documented and signed pre-opening inspection, based on the manufacturer provided instructions, to ensure the proper operation of the ride or device. The inspection program shall include, but not be limited to the following:

1. Inspection of all passenger-carrying devices, including restraint devices and latches.
2. Visual inspection of entrances, exits, stairways, and ramps.
3. Functional test of all communication equipment necessary for the operation of the ride.
4. Inspection or test of all automatic and manual safety devices.
5. Inspection or test of the brakes, including service brakes, emergency brakes, parking brakes, and backstops.
6. Visual, inspection of all fencing, guarding, and barricades.
7. Visual inspection of the ride structure.
8. The ride or device shall be operated for a minimum of one complete operating cycle.
9. Hydraulic systems shall be checked for leaks, damaged pipes and worn or deteriorated hoses. Only manufacturer approved hydraulic fluid shall be used.
10. A record of each inspection shall be maintained and shall be readily available to the Code Official at the time of inspection.

C109.2 Unscheduled Cessation. An amusement ride or device, or the specifically affected element, shall be appropriately inspected and operated, without passengers, to determine that it is functioning properly following an unscheduled cessation of operation caused by:

1. Malfunction or significant adjustment, or
2. Mechanical, electrical, or operational modification, or
3. Environmental conditions that affected the operation, or any combination of the three.
4. A record of each inspection shall be maintained and shall be readily available to the Code Official at the time of inspection.

C109.3 Documentation. Device setup, maintenance and inspection manuals from the manufacture, along with an operator training record signed by the trainer and trainee, shall be presented to the Code Official at the time of inspection.

SECTION C110
WEATHER HAZARDS

C110.1 Wind and Storm Hazards. An amusement ride or device shall not be operated above wind limits established by the manufacturer or when storm warnings have been posted by the weather service, except as may be necessary to release or discharge passengers.

SECTION C111
LIGHTING

C111.1 Lighting. Amusement rides or devices, temporary structures, access thereto and exits there from shall, while in operation or occupied, be provided with illumination by natural or artificial means sufficient to guard against personal injuries.

SECTION C112
ACCESS AND EGRESS

C112.1 Access and Egress. Safe and adequate means of access to and egress from amusement rides, devices and temporary structures shall be provided. Such means of access and egress shall have:

1. Protection provided from hazards or falling by the use of rails, enclosures, barriers or similar means.
2. All passageways shall be kept free from debris, obstructions, projections and other hazards. All surfaces shall be maintained to prevent slipping and tripping.
3. Width of passageways shall not be less than the width of exit doors or stairs to which they lead. Headroom clearance shall not be less than 6' 8".
4. Stairways or ramps and the necessary connecting landings or platforms shall be provided whenever the entrance to or exit from such amusement device, ride, or temporary structure is above or below grade or floor level**.**

C112.2 Design. Stairways, landings and ramps shall provide the following:

1. Stairways, landings and ramps shall be designed, constructed and maintained to sustain safely a live load of at least 100 pounds per square foot.
2. Stairways, landing and ramps leading to or from an amusement ride or device intended for the public shall not be less than 36 inches wide for single lane passage. Landings shall have at least dimensions equal to the ramp width. Stair treads shall not be less than 11 inches (measured from riser to riser) and the rise shall not be greater than 7 inches (measured from tread to tread). Between any two connected levels, the treads shall be of uniform depth and the risers shall be of uniform height. The slope of ramps shall not exceed one-foot rise in 12 feet of run.
3. Guard rails shall be a minimum of 42 inches in height, non-climbable with no opening greater than 4 inches.
4. Handrails for stairs shall be a minimum of 34 inches in height and a maximum of 38 inches. The intermediate rail shall be 30 inches in height. These measurements are from nose of tread.

SECTION C113
BOOTHS

C113.1 General. Temporary booths utilized for cooking food shall be located such that at least ten (10) feet of clearance exists on two sides for the use of fire equipment or other emergency vehicles, and shall not be located within ten (10) feet of amusement rides or devices. Each booth used for cooking shall be provided with at least one 2A10BC fire extinguisher. When cooking produces grease the cooking appliance shall be under a Type 1 hood with a UL300 fire suppression system with a current service inspection tag and a Type K fire extinguisher shall also be provided.

Exception: Type I hoods are not required for cooking equipment in tents.

SECTION C114
SIGNAL SYSTEMS

C114.1 Signal Systems. Signal systems for the starting and stopping of amusement rides or devices shall be provided where the operator of the device does not have a clear view of the point at which passengers are loaded or unloaded. Any code of signals adopted shall be printed

and kept posted at both operator's and signalman's stations. All persons who may use these signals shall be carefully instructed in their use. Signals for the movement or operation of an amusement device shall not be given until all passengers, operators, and other persons who may be endangered are in a position of safety.

SECTION C115
DESIGN AND CONSTRUCTION

C115.1 Allowable Loads. Amusement rides or devices subject to the provisions of this code shall be so designed and constructed that the maximum allowable loads will not stress any part beyond allowable limits.

C115.2 Anchors. Amusement rides or devices shall be anchored, guyed, stayed or otherwise supported to provide proper stability and to restrict any adverse change in stability.

C115.3 Brakes. If tubs or other components of an amusement ride or device may collide upon failure of normal controls, emergency brakes sufficient to prevent such collisions shall be provided. On rides or devices which make use of inclined tracks, automatic anti-rollback devices shall be installed to prevent backward movement of the tubs in case of failure of the propelling mechanism.

C115.4 Speed Limiting Devices. An amusement ride or device capable of exceeding its maximum safe operating speed shall be provided with a speed-limiting device.

C115.5 Passenger Protections. The interior and exterior parts of all passenger-carrying amusement rides or devices with which a passenger may come in contact shall be smooth and rounded, free from sharp, rough or splintered edges and corners, with no protruding studs, bolts, screws or other projections that could cause injury. Interior parts upon which or against which a passenger may be forcibly thrown by the action of the ride shall be adequately padded.

> **C115.5.1 Guards.** Devices that are self-powered and that are operated by passengers shall have the driving mechanism so guarded and the guards so locked in place as to prevent passengers from gaining access to the mechanism.
>
> **C115.5.2 Restraining Devices.** Restraining devices, such as belts, bars, foot rests and other equipment as may be necessary for safe entrance and exit and for support while the device is in operation shall be provided. Such equipment and the fastenings shall be of sufficient strength to retain the passengers. The fastenings shall be of a type, which cannot be inadvertently released.

C115.6 Fences. All amusement devices shall be enclosed with a fence with entrance and exit gates. Fences shall be a minimum of 42 inches high with no opening or space over 4 inches, non climbable, and shall be self supporting. The exit gate shall swing away from the device**.**

SECTION C116
ANCILLARY EQUIPMENT

C116.1 Air Compressors. Air compressors, air compressor tanks and equipment used in connection therewith, shall be constructed, equipped and maintained in accordance with ASME B19.1. The equipment shall be inspected and tested at least once a year. A record of each inspection shall be kept by the owner and/or manager on the premises where the equipment is

located and shall be made available on request by the Code Official. Compressor relief valves shall be piped so as to direct the relieved air away from passengers and operators.

C116.2 Engine Driven Power Sources. Internal combustion power sources shall be of adequate type, design and capacity to handle the design load.

C116.2.1 Fuel Supply. Fuel tanks shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Where it is impossible to provide tanks of proper capacity for a complete day, the ride or device shall be shut down and unloaded or evacuated during the refueling procedure. Under no circumstances shall the fuel supply be replenished while the engines are running.

C116.2.2 Ventilation. An enclosed area in which an internal combustion engine is operated shall be ventilated. Exhaust fumes from the engine shall be discharged outside the area.

C116.2.3 Location. Internal combustion power sources shall be located in a manner permitting proper maintenance and shall be protected either by guards, fencing or enclosure.

C116.3 Mechanical Power Transmission. All power transmission parts shall be shielded, enclosed or barricaded to protect the public.

SECTION C117
FIRE PROTECTION

C117.1 Accessibility. Provisions shall be made for fire and emergency vehicle access to all portions of any site on which amusement devices or rides, as defined herein, are located whether permanent or temporary installations.

C117.2 Fire Resistance of Fabrics. Fabrics constituting part of an amusement ride or device or enclosure therefore shall be flame resistant and shall be capable of passing a flame resistant field test in accordance with Chapter 6 of NFPA 701.

C117.3 Flammable Waste. Flammable waste such as oily rags and other flammable materials shall be placed in covered metal containers. Such containers shall not be kept at or near site.

C117.4 Flammable Liquids and Gases. Gasoline and other volatile liquids and flammable gases shall be stored in cool and ventilated places. Smoking and the carrying of lighted cigars, cigarettes or pipes is prohibited in any area where such liquids or gases are stored or are transferred from one container to another.

C117.4.1 Storage. Storage and use of flammable liquids and gases shall comply with the requirements of the building code.

C117.5 Special Amusement Buildings. Temporary amusement buildings shall be equipped with an automatic fire detection system and an automatic sprinkler system throughout. Actuation of any fire detection device shall immediately sound an alarm at a constantly attended location at the building. Permanent amusement building shall comply with the building code.

C117.6 Fire Extinguishers. Each ride shall have at least one serviceable and tagged type ABC fire extinguisher provided by the ride operator and shall be sized in accordance with NFPA 10 and the requirements of the IFC. Extinguishers shall be within an easy reach of operator.

SECTION C118
ELECTRICAL INSTALLATIONS

C118.1 Electrical Installation. Electrical permits shall be required for permanent installations including wiring, equipment and appliances. All electrical installations shall be in accordance with the Electrical Code adopted by the authority having jurisdiction. All electrical disconnects, connection boxes, connectors, raceways and wiring shall be UL listed. The Code Official shall be permitted to require additional safety measures such as extra grounding, ground fault interrupters, etc. if in his opinion conditions at the site or the type or condition of equipment justify such additional protection. The Code Official may issue supplemental rules and regulations to further interpret the electrical requirements as provided for in paragraph 104.1 of this code.

C118.2 Junction Boxes and Components. All junction boxes and electrical components for operation of amusement rides or devices shall be segregated from passageways by fencing. All fencing shall be constructed such that it prohibits unauthorized entry, and shall be maintained for the duration of the event.

SECTION C119
INFLATABLE DEVICES

C119.1 Stakes. Inflatable devices shall be staked in accordance with the manufacturer's and Consumer Product Safety Commission requirements, whichever is more restrictive. Stakes shall be a minimum of 30 inches in length, 7/8 in diameter and driven a minimum of 24 inched into the ground. Sandbags shall not be used outdoors unless specifically approved by the manufacturer. Sandbags shall have documentation of their weight or a scale shall be provided to verify the weight.

C119.2 Tethers. All tethers shall be in good condition, of the proper length and size with no knots and shall not be frayed. Connections at each end shall be made in accordance with the manufacturer's directions. The connection points at the inflatable shall be in good condition and not modified.

C119.3 Repairs. All inflatable devices shall be kept clean and in good condition. All repairs shall be approved by the manufacturer.

C119.4 Blower and Fans. Inflation devices shall maintain the proper CFM required by the manufacturer during its use and operation. All inflatable devices and their appurtenances shall be UL listed and in good condition. All air supply tubes shall be utilized unless manufacturer states a different requirement.

C119.5 Electrical Connection. Extension cords shall be a minimum of 12 gauge wire size, listed for rough service and not over 100 feet in length. If building power is utilized to power the blower only one extension cord may be plugged into a branch circuit. GFIC protection is required. (Ord. No. 8766, § 2 7-17-12)

CHAPTER 24. SWIMMING POOLS

Article I. Private Residential Swimming Pools

Section 24.010. Definitions.

The words, terms or phrases listed herein, for the purpose of this article, shall be defined as follows:

"**Backwash Piping**" means the piping which extends from the backwash outlet of the filters to its terminus at the point of disposal.

"**Body Feed**" means filter aid fed into a diatomite-type filter throughout the filtering cycle.

"**Cartridge Filter**" means a filter using filter cartridges.

"**Diatomite**" (Diatomaceous Earth) means a type of filter aid.

"**Diatomite-Type Filter**" means a filter designed to be used with filter aid.

"**Design Rate**" means the average flow rate over the filtration cycle.

"**Face Piping**" means the piping with all valves and fittings which is used to connect the filter system together as a unit.

"**Filter**" means any material or apparatus by which water is clarified.

"**Filter Aid**" means a diatomite type of filter media.

"**Filter Cartridge**" means a disposable filter element which employs no filter aid.

"**Filter Element**" means that part of a filtered device which retains the filter media.

"**Filter Media**" means the fine material which entraps the suspended particles.

"**Filter Rock**" means graded rock and gravel used to support filter sand.

"**Filter Sand**" means a type of filter media.

"**Filter Septum**" means that part of the filter element in a diatomite-type filter, upon which a cake of diatomite is deposited.

"**Inlet**" means the fitting or opening through which filtered water enters the pool.

"**Main Outlet**" means the outlet(s) at the deep portion of the pool through which the main flow of water leaves the pool when being drained or recirculated.

"**Main Suction**" means the line connecting the main outlet to the pump suction.

"**Pool Deck**" means paved area or walk immediately surrounding or adjacent to a swimming pool.

"**Pool Depths**" means the distance between the floor of the pool and the maximum operating water level when pool is in use.

"**Pool Floor**" means that portion of the pool that is horizontal or inclined less 45 ☐ to the vertical from the horizontal.

"**Pool Walks**" means the finished area around the pool.

"**Pool Wall**" means that portion of the pool that is vertical or inclined more than 45 ☐ to the vertical from the horizontal.

"**Precoat**" means in diatomite-type filter the initial coating of filter aid placed on the filter septum at the start of the filter cycle.

"**Recirculating Piping**" means the piping from the pool to the filter and return to the pool, through which the water circulates.

"**Recirculating Skimmer**" means a device connected with the pump suction used to skim the pool over a self-adjusting weir and return the water to the pool through the filter.

"**Residential Swimming Pool**" means any type of pool used for swimming or bathing, 18 inches or more in depth, and/or with a surface area exceeding 250 square feet. This shall include all appurtenant equipment which is used, or intended to be used, and available to the family of the owner and his private guests.

"**Return Piping**" means the piping which carries the filtered water from the filter to the pool.

"**Skimmer-Filter**" means a recirculating skimmer with a filter forming an integral part of the device.

"**Transition Point**" means point where floor slope changes between shallow and deep area.

"**Underdrain**" means an appurtenance at the bottom of the filter to assure equal distribution of water through the filter media.

"**Vacuum Fitting**" means the fitting in the wall of the pool which is used as a convenient outlet for connecting the underwater suction cleaning equipment, or a recirculating skimmer.

"**Vacuum Piping**" means the piping which connects the vacuum fitting to the pump suction.

"**Width and Length**" shall be determined by actual water dimensions.

Section 24.015. Regulation of Location.

A. Private residential swimming pools shall be permitted on property used for residence purposes only, and such pools shall be considered as an accessory building.

B. All private residential swimming pools, including pool walks, shall provide at least the minimum yard requirements as established in the Zoning Ordinance of the City of Webster Groves.

Section 24.020. Permits and Notification.

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the City unless the necessary permits and/or appraisal therefor shall have first been obtained from the City of Webster Groves. Notification of such construction shall be given to the Metropolitan St. Louis Sewer District at the time an application for a permit is requested from the City.

Section 24.025. Plans and Specifications.

A. All drawings and plans for the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances for which a permit is required shall first be presented to the City Building Commissioner for examination and approval as to the proper location, construction, and use, and thereafter shall be presented to the City Sanitarian, to the proper officials of the City Water Division and the Metropolitan St. Louis Sewer District for examination and approval with regard to such codes as are within their duty to enforce. After said drawings and plans have been examined and passed upon, the same shall be returned to the Commissioner for examination and approval.

B. All plans and drawings shall be drawn to a scale of not less than 1/8 of an inch to the foot, on paper or cloth, in ink, or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete, showing the lot lines, and including information pertaining to the pool, walk and fence construction, water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detail plans and vertical elevations shall also be provided as required by the Building Commissioner.

C. No person shall construct, enlarge, alter or use any private residential swimming pool and appurtenances until plans have been examined and approved and the necessary permits issued by the proper agencies as set forth herein.

D. All private residential swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. If any deviations from such plans are desired, a supplementary plan covering that portion of the work involved shall be filed for approval and shall conform to the provisions of this ordinance and all other relevant codes and ordinances.

Section 24.030. Construction; Design and Materials.

A. All private residential swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps; the water drawn from the pool being clarified before being returned to the pool.

B. The pool water shall be disinfected either manually or as a part of the recirculation system.

C. Private residential swimming pool walls and floor shall be constructed of any impervious material which will provide a tight tank with white or light colored finish easily cleaned surfaces. All walls shall be vertical for a distance up to 30 inches measured from the water surface, and shall present a smooth finish. The floor or bottom surface of the pool shall have a non-slip finish as smooth as possible.

D. The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected, and the wall slope shall not be more than 2 feet horizontal in 5 feet vertical to a depth up to 5 feet from the top.

E. The deck area partially or entirely surrounding the pool shall be made of such size to meet the requirements of general use, shall be safe and sanitary, shall be drained so that soiled water cannot flow into the pool, and shall have a slip-resistant but easily cleaned surface.

Section 24.035. Recirculation.

Every pool shall be equipped with a recirculating system capable of filtering the entire contents of the pool in eighteen (18) hours maximum, but preferably twelve (12) to fourteen (14) hours.

A. Filters shall be capable of maintaining the clarity of the water to permit the ready identification, through an 8 foot depth of water, of a disc 2 inches in diameter, which is divided into four (4) quadrants in alternate colors of red and white.

B. All pressure filters shall be equipped with influent and effluent pressure gauge (or approved equal), to determine the pressure differential and frequency of cleaning.

C. All other filters shall be equipped with at least one pressure vacuum or compound gauge (or approved equal) as applicable, which shall be positioned in such a way as to determine the differential across the filter and the need of cleaning.

D. All pressure filter systems shall be equipped with air release at the high point in the system. Each sand filter shall be provided with a visual means of determining when the wash water flowing to waste indicates practically all soil has been removed from the sand.

E. Operating instructions shall be furnished with every filter system.

F. Where dissimilar metals are used in the construction of the filter, which may set up galvanic currents, then suitable provision shall be made to resist electrolytic corrosion.

G. Sand Filter Systems where used shall be designed and installed to operate at a rate not to exceed 5 gallons per minute, per square foot of filter area and to

backwash at a minimum rate of 10 gallons per minute, per square foot of surface area.

H. Filter tanks may be noncode and built for a minimum of seventy-five (75) pounds working pressure and tested at 112 PSI. Flanged heads may be used. The filter underdrain shall have an effective distribution of at least twenty-five percent (25%) of the cross-sectional area of the tank. Tanks placed underground shall be steel plate at least 3/16 inches in thickness, with an approved non-corrosive exterior coating.

I. Filter tanks shall be supported in a manner to prevent tipping or settling, preferably by jack leg supports.

J. The following filter media specifications for sand filters shall be met:

1. Filter sand shall be a hard, uniformly graded, silica material with effective particle sizes, between 0.45 and 0.55 millimeters in diameter, with uniformity co-efficient of 1.45 to 1.69. There shall be no limestone, clay or deleterious matter present.

2. Filter sand shall be no less than 19 inches in depth with a freeboard of no less than 9 inches or more than 12 inches.

3. There shall be no less than four (4) grades of rock, which shall be clean, non-crushed, rounded, non-porous, non-calcareous material.

4. The total depth of the rock supporting bed shall be no less than 15 inches and each grade shall be 2 inches or greater in depth. Each layer of rock shall be leveled to prevent intermixing of adjacent grades.

5. The top layer of rock shall vary in size between 1/8 inch and 1/4 inch. The next layer shall vary in size between 1/4 inch and 1/2 inch. The next layer shall vary in size between 1/2 inch and 3/4 inch. The bottom layer shall vary in size between 1 inch and 1 1/2 inches.

Diatomite-type Filters where used shall be designed for operation under either pressure or vacuum. The design capacity shall not exceed 2.5 gpm per square foot of effective filter area for pressure filters and not exceed 2.5 gpm per square foot of effective filter area for vacuum filters, preferably 2 gpm.

A. The determination of the filter area shall be made on a basis of a true and effective supported septum surface. In the case of fabric septums, the area computation shall be made on the basis of measurements of the septum support in a reasonable constant plane. Area allowance shall not be granted for folds in the septum fabric or deviations in the septum surface which would easily bridge.

B. The tank containing the filter elements shall be constructed of steel, plastic or other suitable material, which satisfactorily provide resistance to corrosion, with or without coating. Pressure filters shall be designed for a working pressure equal to the shut-off head of the pump, with a factor safety of 4. Vacuum filters shall be designed to withstanding the pressure developed by the weight of the

water contained therein and closed vacuum filters shall, in addition, be designed to withstand the crushing pressure developed under a vacuum of 25 inches of mercury, both with a factor safety of 3.5. In either type filter where the tank is fabricated from material which is corroded by water, a suitable corrosion resistant coating shall be applied to retard such attack.

C. The filter elements shall be fabricated of corrosion resistant materials throughout. They shall be designed to be adequately resistant to a differential pressure between influent and effluent of not less than the maximum pressure, which can be developed by the circulating pump and shall be of adequate strength to resist any additional stresses developed during the cleaning operation. The filter septum, on which the filter-aid cake is deposited, shall be provided with openings, the minimum dimensions of which shall be no greater than 0.005 inches.

D. Provisions shall be made to introduce filter aid into the filter in such a way as to evenly precoat the filter septum before the filter is placed in operation. The amount of filter aid shall be selected to provide at least the same protection to the filter septum as would be provided by the use of 0.1 pounds of diatomite filter aid per square foot in filter area. Use of additional equipment to provide body feed to the filter influent is optional. Where provided, such equipment shall have the capacity to continuously and uniformly feed at a rate of not less than 0.1 pounds of filter aid per square foot of filter area per twenty-four (24) hours.

E. The filter piping shall be so designed that during the precoating operation the effluent from the filter shall be recirculated or run to waste and shall not be fed into the pool until free of filter aid. An exception to this requirement may be made if the filter septum is of such construction that no perceptible quantity of filter aid is introduced into the pool when the effluent discharges therein.

F. Filters should be so designed and installed that they can be readily disassembled and the filter elements removed.

Cartridge Filters where used, shall be either pressure or vacuum type and shall be subject to the same general piping and tank specifications as diatomite-type filters. Cartridge filters shall not require the addition of any flocculating agents such as ammonium alum, aluminum sulfate or potassium alum. They shall be subject to the same requirements as set forth herein for all types of filters. All types of cartridges shall have sufficient structural strength to resist rupturing, channeling, collapsing, or bursting at a maximum pressure differential of 50 psi. Cartridge seals shall be so designed as to prevent any by-passing of unfiltered water where provision is made for back-washing, any backwash water shall not be permitted to enter the recirculating system. No residue shall be permitted to remain in the filter housing that could be picked up in the following filtering cycle.

G. Depth type cartridges where used, shall have sufficient depth to provide adequate dirt-holding capacity and be designed for a flow of no more than 1 gallon per minute per 5 cubic inches of volume with a pressure drop not to exceed 2 psi across clean cartridges and not to pass any particulate matter larger than 25 microns.

H. Area or surface type cartridges, where used, shall follow the same flow per square foot of area as diatomite filters, namely; 2.5 gallons per minute per square foot of area for pressure filters and 2.5 gallons per minute per square foot of filter area for vacuum filters.

I. All filters shall be designed so as to permit easy removal of the cartridges.

Section 24.040. Pumps.

Recirculating pumps shall have sufficient capacity to provide the rated flows of the filter system, without exceeding the head loss at which the pump will deliver such flows. The pump motor shall not be operated at an overload which exceeds the service factor.

A. Pool pump shall be equipped on the inlet side with an approved type hair and lint strainer. The basket of the strainer shall be non-corrosive and have an open screen surface of at least four (4) times the cross-sectional area of the inlet pipe.

Section 24.045. Pool Piping.

Pool piping shall be sized to permit the rated flows for filtering and cleaning without exceeding the maximum head, at which the pump will provide such flows. The water velocity in the pool piping may range between 5 and 7 feet per second and, in any case, shall not exceed 10 feet per second. The recirculating piping and fittings shall meet the following requirements:

A. The vacuum fitting(s) shall be located in an accessible position(s) below the water line, preferably 12 inches to 18 inches so as to be readily accessible.

B. The main outlet shall be placed at the deepest point in every pool for recirculating and emptying the pool.

C. Pool recirculation piping, passing through the pool structure, shall be copper tubing (with a minimum wall thickness of type "**L**"), brass, galvanized steel pipe or an approved equal.

D. Filtered water inlet(s) shall be provided in sufficient quantity and shall be properly spaced to provide a maximum circulation of the main body and surface of the pool water.

E. A recirculating skimming device shall be provided to skim the surface of the pool.

F. Neither the pool recirculating system nor the main pool reservoir shall be directly connected to the fresh water supply or sanitary sewer.

G. The entire pool piping system shall be proved watertight by contractor before covering or concealing.

Section 24.050. Valves.

Fullway valves shall be installed throughout, to insure proper functioning of the filtration and piping system.

A. A valve shall be installed on the main suction line located in an accessible place outside the walls of the pool when pump is below overflow rim of the pool.

B. Valves up to, and including 2 inches in size, shall be brass. Sizes over 2 inches may have cast-iron or brass bodies. All working parts of valves shall be non-corrosive material.

C. Combination valves may be installed if the materials and design comply with the intent of these standards.

Section 24.055. Pool Accessories.

A. Swimming pool heaters and swimming pool boilers shall comply with all applicable codes of the City of Webster Groves, and all electric devices and their installation must comply with all applicable codes. Overhead and under-water lights must be designed and installed in such a way that no danger or hazard exists. Lights shall be placed so as to not be offensive to neighbors and neighborhood.

B. Ladders and/or steps shall be constructed so as to be safe and sanitary.

Section 24.060. Water Source.

No source of water other than that secured from the City of Webster Groves shall be used in private residential swimming pools and such water supply shall be installed in such manner as to comply with American Water Works Association standards.

Section 24.065. Drainage.

Waste water from private residential swimming pools must be disposed of in such a manner that nuisances and/or damage to other property is avoided. The requirements of the Metropolitan St. Louis Sewer District for the use of storm water and sanitary sewers shall be met.

Section 24.070. Disinfection and pH.

The pool owner shall be instructed in the proper care and maintenance of the pool, including the use of high test calcium hypochlorite (dry chlorine) or sodium hypochlorite (liquid chlorine) (or an equally effective germicide and algaecide) and the importance of proper pH (alkalinity and acidity) control. A test kit for disinfection residue and a test kit for pH shall be available. Representatives of the City of Webster Groves Health Department shall be authorized to take water samples at all reasonable times for the purpose of determining if acceptable bacteriological standards are being subscribed to and/or met by the owner of the pool. For reasons of comfort as well as proper water control, the pH shall be maintained preferably within the range of 7.0 to 7.6.

Section 24.075. Fencing.

Every person owning land on which there is situated a private residential swimming pool, which contains 18 inches or more in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make

such a body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than 4 feet above the underlying ground; all gates must be self-latching with latches placed 4 feet above the underlying ground or otherwise made inaccessible from the outside to small children. A natural barrier, hedge, pool cover approved by the Director of Public Works or his duly designated representative or other protective device approved by the Director of Public Works or his duly designated representative may be used so long as the degree of protection afforded by the substitute devices of structures is not less than the protection afforded by the enclosure, gate and latch described herein.

Section 24.080. Compliance; Existing Pools.

Every private residential swimming pool as defined herein, constructed after May 1, 1962, shall comply with each and every section of this article and of all other ordinances of the City of Webster Groves. Every private residential swimming pool constructed, or in process of construction, prior to May 1, 1962 shall, within one (1) year thereafter, comply in all respects with this article and all other ordinances of the City of Webster Groves. However, every swimming pool constructed, or in process of construction, prior to May 1, 1962 shall immediately comply with the following sections of this article:

A. 24.055—Pool Accessories

B. 24.060—Source

C. 24.065—Drainage

D. 24.070—Disinfection and pH

E. 24.075—Fencing

F. 24.080—Compliance

No pools, from and after May 1, 1962, shall be permitted to become a nuisance, within the meaning of the general nuisance regulations of the City of Webster Groves, nor violate any of the health and sanitation ordinances of the City, St. Louis County or State of Missouri. Upon notification of any such violation, the owner, lessee or occupant of the premises upon which any such pool is located shall immediately abate and/or remove such violation. Failing to do so within a reasonable time shall subject such owner, lessee or occupant to the penalties of this ordinance.

Section 24.085. Penalties for Violation.

Any person who violates this article, or any part thereof, shall, upon conviction, forfeit and pay a fine not exceeding One Hundred Dollars ($100.00) or be imprisoned for a term not exceeding ninety (90) days, or both, for each and every offense.

CHAPTER 27.THE PLUMBING CODE

ARTICLE I. THE PLUMBING CODE

27.0010 Short Title.
This Chapter shall be known as and may be cited as "The Plumbing Code".

27.0020 Plumbing Code Adopted.
Certain documents, one copy of which is filed in the office of the Building Commissioner, said copy being marked and designated as the International Plumbing Code/2009, as published by the International Code Council, Inc. are hereby adopted along with its appendices, as the Plumbing Code of the City of Webster Groves, Missouri, for the control of buildings and structures as herein provided; and each and all terms of the International Plumbing Code /2009, are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance with the additions, insertions, deletions, and changes prescribed in this ordinance.

27.0030 Jurisdictional Title.
Throughout the International Plumbing Code/2009, whenever the terms "Name of Jurisdiction" or "Local Jurisdiction" appear, it shall be deemed to mean Webster Groves, Missouri. Likewise, whenever the term "Department of Plumbing Inspection" appears it shall be deemed to mean The Department of Planning and Development. Whenever the term "Code" appears it shall mean the International Plumbing Code/2009, as adopted herein.

27.0100 Amendments to Chapter 1 – 2009 International Plumbing Code – Chapter 1 Scope and Administration.

101.1 Title. These regulations shall be known as the *International Plumbing Code* of the City of Webster Groves, Missouri, hereinafter referred to as "this code."

103.1.1 Building Official. Whenever the term "Code Official" appears it shall be deemed to mean the Building Commissioner of the City of Webster Groves, Missouri.

106.3 Application for permit. Each application for permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or authorized agent. Where a registered contractor is required, the application shall be signed by the registered contractor or an individual on record as being authorized by the registered contractor. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

> **106.6.2 Fee Schedule.** The fees for all plumbing work shall be as indicated in Appendix A.
>
> **106.6.3 Fee Refunds.** Unless provided for in other provisions of this code, written requests for refunds shall be reviewed for merit and issued when deemed appropriate.

108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a code violation, punishable by a fine of not more than $1,000.00 or by imprisonment of not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 Stop work order. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such noticed shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than one thousand dollars ($1,000.00).

27.0300 Amendments to Chapter 3 – 2009 International Plumbing Code – Chapter 3 General Regulations.

305.6.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 30 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 30 inches below grade.

27.0400 Amendments to Chapter 4 – 2009 International Plumbing Code – Chapter 4 Fixtures, Faucets and Fixture Fittings.

411.2 Floor drains Required. A floor drain shall be located within ten (10) feet of an emergency shower. The drain shall be located in such a manner that the emergency shower will effectively flow to the floor drain.

27.0600 Amendments to Chapter 6 – 2009 International Plumbing Code – Chapter 6 Water Supply and Distribution.

603.1 Size of water service pipe. The water service pipe shall be sized to supply water to the structure in the quantities and at the pressures required in this code. The minimum diameter of water service pipe shall be 1 inch. The water service shall extend, without reduction, from the main to the shut off valve inside the residence.

603.3 Minimum Size of Water Service. Where three (3) or more bathroom groups are located in a single family residence, the minimum size of the water service shall be one (1) inch. The water service shall extend, without reduction, from the main to the shut off valve inside the residence.

> **Exception:** When it can be demonstrated by calculation that the requirements of Section 604.3 will be met.

605.4 Water distribution pipe. Water distribution pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.4. All hot water distribution pipe and tubing shall have a minimum pressure rating of 100 psi at 180^0. When non-metallic water distribution pipe is used to replace metallic water distribution pipe, electrical continuity shall be maintained.

608.1.1 Testing of backflow prevention devices. Backflow prevention devices installed in accordance with this code shall be tested and certified as to proper operation at the time of installation and each year thereafter by persons who are properly licensed or certified and registered.

608.1.2 Water customer to maintain backflow prevention devices. The water customer shall maintain all backflow prevention devices in proper working condition.

608.1.3 Method of testing and maintenance of backflow prevention devices. The installation testing and maintenance of backflow prevention devices shall be performed in accordance with this Code. In addition regulations, requirements, standards and procedures established by the Missouri Department of Natural Resources, Public Drinking Water Program becomes a requirement of this Code.

608.1.4 Testing of backflow prevention devices. The installation, initial test, and annual test of backflow prevention devices shall be performed in accordance with this code and the standards and procedures established by the Missouri Department of Natural Resources, Public Drinking Water Program by persons who are properly licensed by St Louis County to perform such work and persons properly registered with the City of Webster Groves.

608.1.5 Record keeping. The results of such tests may be required to be submitted to the Building Commissioner, within thirty (30) days after making such test, on a form which is acceptable to the Building Commissioner, and shall be completed and signed by the tester. A copy may also be required to be provided, within thirty (30) days, to the owner, and water customer if different than the owner and the water supplier and St. Louis County.

27.0700 Amendments to Chapter 7 – 2009 International Plumbing Code – Chapter 7 Sanitary Drainage.

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with the *International Private Sewage Disposal Code*. A sewer shall be considered available if it is within one hundred fifty feet (150') of any part of the property to be connected to the sewer.

703.4.1 Newly Constructed Residences. On newly constructed residences the existing sanitary sewer lateral shall not be reused but shall be replaced with a minimum of a six (6) inch lateral. The sanitary sewer lateral shall be attached to the main by means of a wye or other MSD approved connection. The existing wye or other approved MSD connection shall not be required to be replaced if it can be demonstrated that it is not defective, not undersized, not code compliant, or otherwise inadequate.

Exception:

1. The sewer lateral may be reduced but not less than the diameter of the sanitary sewer main.
2. Sewer laterals that are not held together with mechanical joints may be reused provided they are liquid tight and in good repair.

SECTION 716
BUILDING SANITARY SEWERS

716.1 Building Sanitary Sewers. When Building sewers (Sanitary) and Building sewers (Storm) are installed on public or private property and are not under the jurisdiction of the Metropolitan St. Louis Sewer District (MSD), those building sewers shall be installed according to The Metropolitan St. Louis Sewer District Rules and Regulations and Engineering.

27.0900 Amendments to Chapter 9 – 2009 International Plumbing Code – Chapter 9 Vents.

904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.

916.1 Size of stack vents and vent stacks. The minimum required diameter of stack vents and vent stacks shall be determined from the developed length and the total of drainage fixture units connected thereto in accordance with Table 916.1, but I no case shall the diameter be less than one-half the diameter of the drain served or less than 1 ¼ inches.
Exception. Vent pipes shall be not less than 2 inches in diameter for a bathroom group.

Section 917 Air Admittance valves is deleted is in its entirety and amended to read as follows:

Section 917 Air admittance valves. Air admittance valves are not permitted.

27.1100 Amendments to Chapter 11 – 2009 International Plumbing Code – Chapter 11 Storm Drainage.

1101.2 Where required. All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal. For one- and two-family dwellings, and where approved, storm water is permitted to discharge onto flat areas, such as streets or lawns, provided that the storm water flows away from the building and away from adjoining public and private properties.

Exception. Natural channels provided the storm water flows away from buildings on adjoining properties..

Storm water collection points including but not limited to window wells and areaways shall have a drain, a cover or similar installation that diverts storm water from the collection area. The drain shall discharge to daylight or to an approved storm water disposal system.

SECTION 1114
STORM WATER CONTROL

1114.3 Point of Discharge. Downspouts, subsoil drains, and similar methods of storm water control shall have a point of discharge at least ten (10) feet from any front, side or rear property line. A natural outlet or drainage system shall be considered.

> **Exception:** When it is impractical to locate the discharge point at least ten (10) feet from the property line, the code official shall be permitted to waive the requirement provided that the storm water shall flow away from the building and away from adjoining property and does not create a nuisance.

Section 1114.5 Gutters and downspouts: Gutters and downspouts shall be used to convey storm water from roofs and similar areas. The code official may approve alternate installations that comply with the intent of this provision.

> **Exception:** buildings or structures less than 200 square feet when it can be demonstrated that the storm water will flow away from the building and away from adjoining properties and will not create a nuisance.

27.1400 Amendments to Appendix A – 2009 International Plumbing Code – Appendix A Fee Schedule.

1400.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid. All fees shall be paid in accordance with the code enforcement fee schedule.

(Ord. No. 8767 § 2 7-17-12)

PART IV. PUBLIC HEALTH

CHAPTER 30. HOUSING

Article I. Existing Structures Code

Sec. 30.010. Existing Structures Code.
Sec. 30.015. Amendments and Revisions.

Article II. The Comprehensive Condominium Ordinance

Sec. 30.400. General Provisions And Definitions
Sec. 30.405. Applicability To Condominium Property Of Various Provisions Of The Code Of The City of Webster Groves
Sec. 30.410. Requirements For New Construction Condominiums
Sec. 30.415. Requirements for Conversion Condominiums
Sec. 30.420. Protection of Tenants
Sec. 30.430. Penalties For Violation

Article III. The Fair Housing Code

Sec. 30.510. Definitions.
Sec. 30.520. Discrimination in the Sale or Rental of Housing.
Sec. 30.530. Discrimination of the Financing of Housing.
Sec. 30.535. Discrimination in Public Accommodations Prohibited.
Sec. 30.536. Discriminatory Practices in Public Accommodations Prohibited.
Sec. 30.540. Discrimination In The Provision of Brokerage Services.
Sec. 30.550. Administration. Repealed (Ord. No. 8785 §7, 2-5-13)
Sec. 30.560. Enforcement.
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CHAPTER 31. NUISANCES

Article I. Nuisances

Sec. 31.010. Definition and Enumeration of Nuisances.
Sec. 31.020. Duty of Owner and Occupant to Maintain Premises in Safe and Sanitary Condition.
Sec. 31.030. Inspection of Premises; Access.
Sec. 31.040. Emergency Abatement.
Sec. 31.050. Notice and Hearing; Abatement.
Sec. 31.060. Apportionment of Costs of Abatement; Special Tax Bills.
Sec. 31.070. Access for Abatement.
Sec. 31.080. Responsibility for Observance.
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Article II. Weeds

Sec. 31.110. Definitions.
Sec. 31.120. Weeds; Cutting and Removal; Height.
Sec. 31.130. Notice of Violation.

Sec. 31.140. Violation Not Corrected; Removal by City; Special Tax Bill.
Sec. 31.150. Penalty for Violation.

Article III. Location of Earthwork, Walls, Fences, Etc.

Sec. 31.210. Unlawful to Erect or Maintain Earthwork, Walls, Fences Etc. Which Obscure Vision.
Sec. 31.220 Removal of Obstructions.
Sec. 31.230. Penalty for Violation.

Article IV. Certain Restrictions on Road-Building and Other Types of Heavy Construction

Sec. 31.310. Highway Construction - Permission Required.
Sec. 31.320. Application of Nuisance Ordinance.

Article V. Razing or Removal of Buildings

Sec. 31.410. Permit Required.
Sec. 31.420. Penalty.

CHAPTER 32. CONTAGIOUS DISEASES

Article I. Contagious Diseases

Sec. 32.010. Quarantine District.
Sec. 32.020. Reports to Director of Public Health.
Sec. 32.030. Condemnation of Affected Property.
Sec. 32.040. Fumigation.
Sec. 32.050. Exposure of Other Persons.
Sec. 32.060. Rules and Regulations.
Sec. 32.070. Enforcement.
Sec. 32.080. Penalty for Violation.

CHAPTER 33. ANIMALS

Article I. Animals

Sec. 33.010. Definitions.
Sec. 33.020. Licensing requirements. - Repealed (Ord. No. 8040 §1, 8-4-98)
Sec. 33.025. City Veterinarian; Duties; Appointment.- Repealed (Ord. No. 8040 §1, 8-4-98)
Sec. 33.030. Running at Large.
Sec. 33.040. Enforcement Officials.
Sec. 33.045. Impounding of Dogs and Cats, Redemption.
Sec. 33.050. Right of Entry.
Sec. 33.055. Interference with Enforcement Officials.
Sec. 33.060. Rabid Animals to be Confined.
Sec. 33.065. Quarantine.
Sec. 33.070. Notification of Destruction of Rabid Animal.
Sec. 33.075. Reporting Animal Bites.
Sec. 33.080. Barking and Menacing Dogs.
Sec. 33.083. Animal Fecal Matter

Sec. 33.085. Penalties for Violation.
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CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the International Property Maintenance Code of The City of Webster Groves, Missouri; hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102
APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Code of Webster Groves.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Building Commissioner to be safe and in the public interest of health, safety and welfare. The existing structures provisions (Chapter 34) of the International Building Code shall be the basis used to determine the public interest of health, safety and welfare regarding a distinct life safety hazard.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Building Commissioner.

102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the Building Commissioner.

103.2 Appointment. The Building Commissioner shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Commissioner shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the Building Commissioner.

103.4 Liability. The Building Commissioner, member of the board of adjustment when acting as the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Building Commissioner or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

INSPECTION	FEE	NOTE
Appeal (City Manager)	$50.00	
Appeal (Board of Appeals)	$100.00	
Occupancy permit	$25.00	Each dwelling
Initial inspection	$70.00	Each dwelling
Reinspection	$25.00	Each inspection
Operating license	$25.00	Per unit inspected
Demolish building	$100.00	Inspection included in fee
Vacant building registration		
Special tax bill	$40.00	Administrative fee

SECTION 104
DUTIES AND POWERS OF THE BUILDING COMMISSIONER

104.1 General. The Building Commissioner is hereby authorized and directed to enforce the provisions of this code. The Building Commissioner shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections. The Building Commissioner shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Commissioner is authorized to engage such

expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the Building Commissioner has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the Building Commissioner is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the Building Commissioner shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Building Commissioner shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Commissioner shall have recourse to the remedies provided by law to secure entry.

104.4 Identification. The Building Commissioner shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.5 Notices and orders. The Building Commissioner shall issue all necessary notices or orders to ensure compliance with this code.

104.6 Department records. The Building Commissioner shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105
APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Commissioner shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the Building Commissioner shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Building Commissioner finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Commissioner shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Commissioner shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the Building Commissioner for the period required for retention of public records.

105.4 Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the Building Commissioner.

105.5 Approved materials and equipment. Materials, equipment and devices approved by the Building Commissioner shall be constructed and installed in accordance with such approval.

105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 106
VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The Building Commissioner shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Building Commissioner shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person, firm or corporation, who shall violate any provision of this code, shall upon conviction thereof, be subject to a fine or not less than Ten Dollars ($10.00) nor more than One Thousand Dollars ($1,000.00) or imprisonment for a term not to exceed ten (10) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct

or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

106.6 Violation not corrected; removal by city; special tax bill. After the expiration date of the notice of violation, if the violation is not corrected, the Building Commissioner shall have violation corrected as necessary to ensure public health, safety and welfare, keeping an accurate record of the expense of all labor and material used in such violation correction as to each lot, building or structure, and shall issue a bill to the property owner(s) for the expense plus an administrative fee of forty dollars ($40.00). If such bill remains unpaid for 30 days, the Building Commissioner shall report such expense to the City Council, certifying to the correctness thereof, showing the lot by lot and block numbers or other legal description, and the date or dates on which the violation was corrected, and the name and address of the owner, lessee, occupant or other person exercising control of the lot, building or structure. Upon receipt by the City Council of that report, the City Council shall assess against each lot, building or structure concerned a special assessment or tax equivalent to the expense incurred in the correction the violation thereon, including administrative costs in the amount of forty dollars ($40.00) per lot, building, or structure, and shall direct the City Clerk to issue a special tax bill therefore, against each such lot, building or structure. Such special tax bill shall be due and payable thirty (30) days after its date, shall bear interest at the rate of eight percent (8%) per annum from and after thirty (30) days after its date, and shall be a lien against the lot, building or structure, against which it is issued until paid.

SECTION 107
NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the Building Commissioner determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

> **Exception:** Notification requirements for repeat violations of Section 302.0 Exterior Property Areas shall be deemed satisfied if notification within twelve months of the initial violation of the same Code Subsection has been given to the owner or person(s) responsible for the same property where the subsequent violation(s) is believed to have occurred.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.

3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

5. Inform the property owner of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;

2. Sent by certified or first-class mail addressed to the last known address; or

3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the Building Commissioner shall not be mutilated, destroyed or tampered with, or removed without authorization from the Building Commissioner.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Building Commissioner and shall furnish to the Building Commissioner a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the Building Commissioner to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the Building Commissioner finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or a premise that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or

structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Building Commissioner to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Building Commissioner to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Building Commissioner is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Building Commissioner shall cause the premises to be closed and secured 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 structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.2.1 Authority to disconnect service utilities. The Building Commissioner shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Building Commissioner shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

108.2.2 Boarding standard. Temporary boarding of structures shall be permitted provided the boarding is in accordance with the boarding standard as outlined in Appendix A.

108.2.3 Boarded-Up Structures.

1. For purposes of this Section, a “boarded-up building or structure” shall mean any existing building or structure which is altered by the placement of boards over or upon more than half of one or more of its external windows or doors.

2. The term “board” shall mean all coverings wood, vinyl, masonite or any other solid, flat, opaque, including but not limited to sheet like material, but excluding shutters or other materials, the use of which complies with the building code listed in Chapter 20 of the Code of Webster Groves and the use of which has been approved by the City’s Architectural Review Board.

3. Boarded-up buildings or structures are declared a public nuisance for the reason that they reduce property values and property tax revenues, create blight, decrease neighborhood safety, promote vandalism, and detract from the aesthetics of a neighborhood, all to the detriment of the City.

4. No existing building or structure shall be altered by placing boards made of any material over or upon a portion of any window or door, except as required as a result of vandalism, fire, tornado, storm or other casualty.

5. The owner(s) of any boarded-up building or structure must submit in writing to the Building Commissioner their intentions to either repair or demolish any building or structure that is boarded-up. This must be done within the ten (10) working days after such boarded-up condition occurs or within five (5) working days of notice from the city of such condition.

6. The owner of any boarded-up building or structure that indicates intentions to repair or demolish shall secure the necessary building or demolition permit within thirty (30) days after submittal of their intentions. Those indicating an intent to repair shall comply with the provisions of the Building Code listed in Chapter 20 of the Code of Webster Groves. Those indicating an intent to demolish shall comply with all applicable code sections, including section 110 of this code, the building code listed in Chapter 20 of the Code of Webster Groves, the fire prevention code listed in Chapter 22 of the Code of Webster Groves and section 31.410 of the Code of Webster Groves.

7. If the provisions of the building permit process or the demolition permit process have not been followed and the deadlines have not been met, then the provisions of section 110 et. seq. of this code governing dangerous buildings may be invoked by the Building Commissioner.

8. It shall be unlawful for any owner or other person in control of any boarded-up building to fail to abate a boarded-up condition within the time deadlines set forth in subsection (5) and (6) above and in the Building Code listed in Chapter 20 of the Code of Webster Groves and sections 110 et. seq. of this code.

9. Any person convicted of violating section 108.2 et. seq. of this code shall be subject to the penalties as provided for in this code. Each day the violation continues shall be a separate offense.

10. The terms and provisions of this Section shall be deemed to be severable and, if any provision should be declared to be invalid, the same shall not affect the validity of any other provision of this Section.

11. The terms and provisions of this Section shall apply to all buildings that are boarded-up or remain boarded-up on or after January 21, 1997.

12. Unless otherwise approved, all board up installations shall be as provided for in the board up standards listed in Appendix A of this code.

108.3 Notice. Whenever the Building Commissioner has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Building Commissioner shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The Building Commissioner shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Building Commissioner shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the Building Commissioner shall be vacated as ordered by the Building Commissioner. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Building Commissioner shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

108.7 Record. The Building Commissioner shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 109
EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the Building Commissioner, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Commissioner is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Building Commissioner shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its

Occupancy Has Been Prohibited by the Building Commissioner." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Building Commissioner, there is imminent danger due to an unsafe condition, the Building Commissioner shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Building Commissioner deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the Building Commissioner shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the Building Commissioner shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110
DEMOLITION

ES-110.1. Purpose and Scope. It is the purpose of this ordinance to provide a just, equitable, and practicable method for the repairing, vacation, or demolition of buildings or structures that may endanger the life, limb, health, property, safety, or welfare of the occupants of such building or the general public, and this ordinance shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Webster Groves, Missouri.

ES-110.2. Dangerous Buildings Defined. All buildings 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 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 a non-supporting enclosure or outside walls or coverings.

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 buildings.
6. Those having light, air, and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who 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.

10. Those which have been found to be dilapidated, unsafe or uninhabitable, or from which any person has been ordered to vacate the premises by reason of their dilapidated, unsafe or uninhabitable condition, by any court of competent jurisdiction.

11. Those which have been boarded up in violation of Section ES-119.0.

12. Those that are deemed to be abandoned property.

ES-110.3. Dangerous Buildings Declared Nuisance. All dangerous buildings, as defined by ES-111.2, are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as provided herein.

ES-110.4. Standards for Repair, Vacation, or Demolition. The following standards shall be followed in substance by the City Manager, or such other administrative officer as the City Manager shall designate, in ordering repair, vacation, or demolition of any dangerous building:

1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be ordered repaired.

2. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated and repaired.

3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be demolished.

4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this City, or statute of the State of Missouri, it shall be repaired or demolished.

ES-110.5. Building Inspector. The Building Commissioner and all city police officers and all other city employees so designated by the City Manager shall be Building Inspectors within the meaning of this ordinance.

ES-110.6. Duties of Building Inspector; Procedure and Notice. Building Inspectors shall have the duty under this ordinance to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special, or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render any such place a dangerous building when the Building Inspector has reasonable grounds to believe that any such building is dangerous.

2. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this ordinance, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.

3. Inspect any building, wall, or structure recorded by the fire or police department of this City as probably existing in violation of this ordinance.

4. Notify in writing - either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks -- the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County, of any building found by him or her to be a dangerous building within the standards set forth in ES-110.2.

The notice required shall state that:

(i) The owner must vacate, vacate and repair, or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this ordinance;
(ii) The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;
(iii) The mortgagee, agent, or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis may, at his or 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 to exceed thirty (30) days, to commence the required work.

5. The notice provided for in this section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, and an order requiring the designated work shall 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 the dangerous buildings.

8. Immediately report to the Building Commissioner concerning any building found by him or her to be inherently dangerous and that he or she determined it 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 to 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 St. Louis 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 the notice, shall not be construed to deprive all persons entitled thereto by this ordinance to the notice and hearing prescribed herein.

ES-110.7. Building Commissioner. The Building Commissioner or other city officer or officers so designated by the City Manager shall act as Building Commissioner under this ordinance.

ES-110.8. Duties of the Building Commissioner. The Building Commissioner shall have the power pursuant to this ordinance to:

1. Supervise all inspections required by this ordinance, and cause the Building Inspector to make inspections and perform all the duties required of him or her by this ordinance. Upon receiving a complaint or report from any source, that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance or his or her duties and responsibilities imposed herein, the Building Commissioner may request that an inspection and report be made by any other City department or may retain the services of an expert whenever the Building Commissioner deems expert assistance to be necessary.

2. Call a hearing, upon receipt of a report from the Building Inspector indicating a failure by the owner, lessee, occupant, mortgagee, agent, or other persons having an interest in a dangerous building to commence work of reconditioning or demolition within the time specified by this ordinance or upon failure to proceed continuously with work without unnecessary delay, before the City Manager or Planning and Development Director (the "Hearing Officer"), giving the affected parties full and adequate hearing on the matter.

   Issue written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks, in a newspaper qualified to publish legal notices, at least ten (10) days in advance of 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 St. Louis County, to appear before the City Manager or Planning and Development Director 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 the building in question is a dangerous building within the terms of ES-111.2.

4. If the owner, occupant, mortgagee, or lessee fails to comply with an 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 bill such costs and a two-hundred dollar ($200.00) administrative fee to the property owner(s), and if such a bill remains unpaid for 30 days, shall then certify the actual cost of the work borne by the City for such repair, vacation, demolition or clean up, together with an administrative fee of two-hundred dollar ($200.00) per lot, to the City Clerk for approval by the City Council as a special assessment represented by a special tax bill against the real property affected; such a tax bill shall be a lien upon the property and shall be deemed a personal debt against the property owner(s). A tax bill or assessment under this subsection shall bear interest at the rate of eight percent (8%) per annum until paid in full. (Ord. No. 8713 §5, 3-15-11)

5. 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 as provided in ES-111.85, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner(s). If there are proceeds of any insurance policy based upon a covered claim being 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 (i) and (ii) 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 a policy covering the building or other structure:

(i) The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment, and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the ordinance.

(ii) The City shall release the proceeds and any interest that has accrued on such proceeds received under subdivision (i) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of subsection 5 of this section. If the City has proceeded under the provisions of subsection 5 of this section, all monies in excess of that necessary to comply with the provisions of subsection 5 of this section for the removal, securing, repair, and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

6. If there are no proceeds of any insurance policy as set forth in subsection 5 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 issue shall be a lien on the property and a personal debt against the property owner(s) until paid in full.

7. Subsection 5 shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures.

8. Subsection (e) of this section does not make this 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.

9. The Building Commissioner may issue a certificate in lieu of payment of all or part of the covered claim under subsection (e) if he or she 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. Upon receipt of such satisfactory proof, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit a covered claim payment to the insured without the deduction pursuant to subsection (e) 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.

ES-110.85. Findings of Fact. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Hearing Officer shall issue an order based upon his or her findings of fact commanding the owner (or occupant, mortgagee, lessee, agent, or other person having an interest shown by the land records of St. Louis County in such a building) 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 such building, if such repair will comply with the ordinances of this City, or the owner or any person having an interest in such a building as shown by the land records of St. Louis County may vacate and demolish such a dangerous building at his or her own risk to prevent the City from acquiring a lien against the

land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

ES-110.9. Appeal. Any owner, occupant, lessee, mortgagee, agent, or any other person having an interest, as shown by the land records of the Recorder of Deeds of St. Louis County, in a dangerous building, may, within thirty (30) days from the receipt of the order of the Hearing Officer, appeal such decision to the Circuit Court of St. Louis County pursuant to the procedure established in Chapter 536 of the Revised Statutes of Missouri.

ES-110.10. Emergencies. In cases where it reasonably appears that there is immediate danger to the health, life, or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated, or demolished and the property cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation, or demolition of such dangerous building and clean up of the property. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the same manner provided in ES-111.8(5).

ES-110.11. Violations; Disregarding Notices or Orders.

1. The owner, occupant, or lessee in possession of any dangerous building who shall fail to comply with an order, issued by the Building Commissioner, to repair, vacate, or demolish a building, shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in ES-110.12.

2. Any person removing any notice provided for in this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with ES-110.12.

ES-110.12. Penalties. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than Five Hundred Dollars ($500.00). Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.

ES-110.13. Liability of City Officers, Employees, Etc. No officer, agent or employee of the city shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this article. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his or her duties under this article shall be defended by the City Attorney or special counsel retained by the city at city until the final determination of the proceedings therein. The city may seek to recover all costs, fees and expenses associated with such a suit only if the officer, agent or employee is finally determined to have acted outside the scope of his or her duties in a willful, reckless or grossly negligent manner.

110.14 Restoration of property after demolition. All property shall be restored to a condition acceptable to the Building Commissioner. Restoration of the property is to be such that all above ground and underground structures and services should be removed and not abandoned in place.

All excavations shall be backfilled with materials that are free from debris, trash, red bricks, asphalt or other solid materials, frozen materials, and roots or other organic matter. Concrete

masonry block, stones and similar materials may be used provided they do not exceed six (6) inches in any dimension and are not placed in the top twenty-four (24) inches of the excavation.

The upper twenty-four (24) inches shall be clean soil capable of supporting vegetation.

The finished grade shall be such that it is properly vegetated to a mowable (not brush hog) condition. The finished grade shall be such that no storm water flows onto adjoining properties (public or private). Finished grade shall be such that ponding does not occur.

Exception: approved retention ponds.

Until vegetation is established, all lots shall be provided with adequate land disturbance devices to prevent erosion. Land disturbance controls shall be in accordance with the Land Disturbance Code.

ES-110.15. Abandoned utilities. Unless otherwise approved, all utilities shall be capped at the main.

SECTION 111
MEANS OF APPEAL

111.1 Application for appeal. Any person shall have the right to appeal a decision of the Building Commissioner to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

111.2 Membership of the Board. The board of appeals shall consist of five members appointed by the City Council as follows: one for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed. If no Board of Appeals has been appointed, the Board of Appeals shall be the duly appointed members of the Board of Adjustment as referenced in the Code of Webster Groves.

111.2.1 Qualifications. The Board of Appeals shall consist of five (5) individuals who shall be residents of the City of Webster Groves and appointed by the City Council. When possible, the Council shall seek to appoint one individual from each of the following professions:

1. Registered design professional that is a registered architect; or a builder or superintendent of building construction with at least ten years of experience, five of which shall have been in responsible charge of work.

2. Registered design professional with structural engineering or architectural experience.

3. Registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten years of experience, five of which shall have been in responsible charge of work.

4. Registered design professional with electrical engineering experience; or an electrical contractor with at least ten years of experience, five of which shall have been in responsible charge of work.

5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years of experience, five of which shall have been in responsible charge of work.

111.2.2 Alternate Members. The City Council shall appoint three (3) alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for five (5) years or until a successor has been appointed.

111.2.3 Chairman. The Board shall annually select one of its members to serve as chairman.

111.2.4 Disqualification of Member. A member shall not hear an appeal in which that member has any personal, professional or financial interest.

111.2.5 Secretary. A qualified clerk shall be designated to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Building Commissioner.

111.3 Notice of Meeting. The board shall meet upon notice from the chairman, within sixty days of the filing of an appeal, or at stated periodic meetings.

111.4 Open Hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Commissioner and any person whose interest are affected shall be given an opportunity to be heard.

111.4.1 Procedure. The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information is received.

111.4.2 Expert Testimony. The board may solicit expert testimony from qualified witnesses as it deems necessary to render a decision.

111.5 Postponed Hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board Decision. The board may modify or reverse the decision of the Building Commissioner by a concurring vote of four (4) members.

111.6.1 Resolution. The decision of the board shall be in writing. Copies signed by the chairman and secretary shall be furnished to the appellant and to the Building Commissioner.

111.6.2 Administration. The Building Commissioner shall take immediate action in accordance with the decision of the board.

111.7 Appeals of Board Decisions. Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals, or any officer, department, board or bureau of the City, may present to the Circuit Court of St. Louis County, Missouri, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of 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.

SECTION 112
STOP WORK ORDER

112.1 Authority. Whenever the Building Commissioner finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Building Commissioner is authorized to issue a stop work order.

112.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

112.3 Emergencies. Where an emergency exists, the Building Commissioner shall not be required to give a written notice prior to stopping the work.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than one thousand dollars ($1,000.00).

SECTION 113
INSPECTIONS AND OCCUPANCIES

113.1. Transfer of Ownership.

1. It shall be unlawful for the owner of any building or structure or his agent to sell, transfer, lease or otherwise dispose thereof to another until he shall have caused an inspection by the City of Webster Groves, secured a Certificate of Compliance and advised the grantee or lessee that said grantee or lessee must secure an Certificate of Occupancy if he is to occupy the premises.

2. If the Certificate of Compliance and the Certificate of Occupancy is not issued within 6 months of the date of the initial inspection, the inspection shall be void and a new inspection shall be required.

   FPN: POLICY When reinspections are conducted, no additional violations are to be cited except for those of an emergency nature constituting a health or safety hazard and external conditions contributing to substantial blight or the appearance of blight.

3. If there are violations of this Code, which must be corrected before a Certificate of Compliance is issued, it shall be the responsibility of the seller or lessor to correct

these violations except that he may provide the grantee, lessee or mortgagee with a true copy of the Notice of Violation or Compliance Order and secure a receipt from said grantee, lessee or mortgagee acknowledging the Notice of Violation or Compliance Order.

4. A transferee or lessee 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 of notice upon him.

5. This section shall not apply to transfers of real property wherein the transferee acknowledges, in writing, to the Director, that the buildings on the land so transferred will be demolished within ninety (90) days after the transfer. The Director may, upon good cause shown, grant an extension for a period of time not to exceed ninety (90) days. If at the expiration of said ninety (90) day period of time and any extension thereof, the buildings shall not have been demolished, then the provisions of this section shall apply.

6. Owners of property in the City of Webster Groves, who are not residents of the City of St. Louis or St. Louis County or whose main office is not located in the City of St. Louis or St. Louis County, shall designate an agent who shall either reside or have a place of business in the City of St. Louis or St. Louis County, as authorized to accept service of notice under the provisions of this Code. It shall be the owner's responsibility to register said agent in writing with the Director.

7. It shall be unlawful for a knowing purchaser to purchase any building or structure without having first secured a Certificate of Compliance. For purposes of this Section only, a knowing purchaser shall be defined as any person, partnership, agent or corporation which has been advised in writing by first class mail of the requirements of this Code. (Ord. 8280 6-18-02)

113.2. Certificate of Occupancy Required.

1. It shall be unlawful for any person, firm, or corporation to hereinafter occupy, or for any owner or agent thereof to allow the occupancy of any building or structure, or addition thereto, or part thereof, for any purpose until a Certificate of Occupancy has been issued by the Director. The Certificate of Occupancy shall be issued when the occupancy complies with all the provisions of this Code.

   For the purposes of changes in occupancy, the issuance of a business license may serve as the Certificate of Occupancy when a Certificate of Occupancy is required by the Property Maintenance Code as amended and not required by the Building Code as listed in Chapter 20 of the Code of Webster Groves.

   Exception: A home occupation that require a business license

   FPN: The Building Code requires a Certificate of Occupancy only when there is a change in classification not necessarily a change in occupant. Example: The Building Code and the Property Maintenance Code would both require a Certificate of Occupancy when a new residence is built. The Property Maintenance Code (as amended) would require a Certificate of Occupancy when the owner or tenant changes. The Building Code would not require a new Certificate of Occupancy until a modification occurs that would change the use of the building or the change in the permitted number of occupants.

2. The Director may, at his discretion, issue a conditional Certificate of Occupancy under circumstances where a responsible person has made an affidavit stating that he will correct deficiencies within a specified time, not to exceed thirty (30) days. Such person may then occupy the building or structure while repairs are being made. At such time as the building or structure complies with all the provisions of this Code, a Certificate of Occupancy will be issued as provided in paragraph (1) above. If the responsible person fails to correct the deficiencies within a specified time, not to exceed thirty (30) days, the building or structure shall be vacated until such time that the deficiencies are corrected. The time specified may exceed 30 days by the Director for cause.

3. The fee for said Certificate of Occupancy shall be twenty-five dollars ($25.00) for each occupied dwelling unit or non-residential space.

4. It shall be unlawful for any person to knowingly make any false statement in his application for a Certificate of Occupancy as to the names, ages, relationship, or number of occupants who will occupy the premises.

5. No owner, operator, or occupancy shall cause any service, facility, equipment, or utility which is required under this Code to be removed from or shut off or discontinued for any occupied building or structure let or occupied by him; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

113.3. Single Family Dwelling Inspection Program.

1. Whenever there is a change of owner or tenant of a dwelling or dwelling unit, other than a multiple dwelling, the Director shall cause an inspection to be made of said premises to determine that the provisions of this Code are complied with. If no violations are noted, the Director shall issue a Certificate of Compliance which shall be valid for six (6) months from date of issue unless a Certificate of Occupancy is issued. The Certificate of Compliance may be revoked by the Director for good cause.

   Exception. The Director shall not issue a Certificate of Compliance to any applicant, who owes any tax, fee, bill, debt, fine, monetary obligation or lien to the City of Webster Groves until such outstanding tax, fee, bill, debt, fine, monetary obligation or lien is paid to the satisfaction of the City Manager or the City Manager's designee.

2. These inspections will be made upon receipt of an application for Certificate of Occupancy. Owners contemplating a change of ownership or occupancy may request the Director to make the inspection at a mutually agreed time. An owner or an occupant may request an inspection at any time to determine if there are any violations of this Code.

3. The owner or occupant will be notified of violations with the understanding that abatement of internal violations will not be enforced, except those of an emergency nature constituting a health or safety hazard, until such time as there is a change of head of household, but that external conditions contributing to substantial blight or

the appearance of blight must be corrected within a reasonable time.

For the purposes of this section, the person listed as head of household shall be the primary occupant and will be the person considered when a change of owner or occupant is in question.

4. The fee for each initial inspection shall be seventy dollars ($70.00), which shall include one reinspection. The fee for a reinspection shall be twenty-five dollars ($25.00).

5. The Director may make external inspections at any time when he has reason to believe that conditions exist which contribute to substantial blight or the appearance of substantial blight. The owner or occupant will be given a reasonable time to correct any violations. No inspection fee will be charged.

6. This section shall not apply to any occupancy in existence prior to November 8, 1972, nor shall a head of household be considered in violation of this section by reason of births or deaths within the head of household's family, nor by reason of the return of a family member.

   Exception. Return of a family member who becomes the head of household.

113.4. Multiple Dwelling and Rooming House Inspection Program.

1. No person shall operate a multiple dwelling or rooming house unless he holds a current, unrevoked operating license issued by the Director in the operator's name for the specific named multiple dwelling or rooming house.

2. Not more than one (1) family shall occupy a dwelling unit unless a permit for a rooming house has been granted by the Director.

3. Every operating license shall be issued for a period of one (1) year beginning on July 1 unless revoked for cause, and may be renewed for successive periods of not to exceed one (1) year.

4. The Director is hereby authorized upon application therefore to issue new operating licenses, and renewals thereof, in the names of applicant owners or operators of multiple dwellings and rooming houses.

5. Before any operating license is issued, the exterior, all common areas in the interior of the building, and at least one-third of the dwelling units shall have been inspected. An inspection of each dwelling unit shall be made at least once every three years. All required inspections shall have been conducted and all violations shall have been corrected prior to July 1 of each calendar year. Any person whose operator's license has not been renewed by July 1 of any calendar year shall be in violation of this Code. The letter informing the operator of their license renewal shall serve as evidence of notification.

6. When ownership of a multiple dwelling or rooming house is transferred, the exterior, common areas in the interior, and **all** dwelling units must be inspected.

7. When inspections that are conducted as outlined in the above paragraph are conducted within 1 year of the required annual inspection date, no inspection will be conducted but the Operator's License fee shall be assessed based on twenty-five dollars ($25.00) for 1/3 of the units. Inspections will begin being conducted on the following cycle.

   FPN: Year 1 – all units, exterior and common areas inspected – Operator's License fee paid based on inspection of **all** units. Year 2 – no inspections will be conducted but the Operator's License will be based on ($25.00) for 1/3 of the units. Year 3 – Inspections will be conducted on 1/3 of the units and the Operator's License will be based on ($25.00) for 1/3 of the units.

8. No operating license shall be issued or renewed unless the applicant owner or operator has first made application therefore on an application form provided by the Director.

9. No operating license shall be issued or renewed unless the applicant owner or operator agrees in his application to such inspections pursuant to the provisions of this Code as the Director may require to determine whether the multiple dwelling or rooming house in connection with which license is sought is in compliance with the provisions of this Code.

10. No operating license shall be issued or renewed unless the completed application form is accompanied by payment of a license fee of twenty-five dollars ($25.00) per unit inspected.

11. No operator license shall be issued or renewed for an applicant, unless such applicant designates in writing to the Director the name of his agent for the receipt of service of notice of violation of the provisions of this Code and for service of process pursuant to this Code. The applicant may designate any resident of the City of St. Louis or St. Louis County or any person whose main office is located in the City of St. Louis or St. Louis County.

12. No operator license shall be issued or renewed for an applicant who owes any tax, fee, bill, debt, fine, monetary obligation or lien to the City of Webster Groves until such outstanding tax, fee, bill, debt, fine, monetary obligation or lien is paid to the satisfaction of the City Manager or the City Manager's designee.

13. Application for renewal of the operating license shall be made between January 1 and February 14 of each calendar year.

14. Every person holding an operating license shall give notice in writing to the Director within ten (10) days after having transferred or otherwise disposed of the legal control of any licensed multiple dwelling or rooming house, and shall have advised the new owner or operator of the requirement of this Code, and that an Certificate of Occupancy is required for each new tenant. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such multiple dwelling or rooming house. The Certificate of Occupancy shall be valid until a change in head of household (tenant) occurs.

15. Whenever, upon inspection of the licensed multiple dwelling or rooming house, the Director finds that conditions or practices exist which are in violation of the provisions

of this Code or of any applicable rules and regulations pursuant thereto, he shall serve the owner or operator with notice of such violation in the manner provided for in this Code. Such notice shall state that unless the violations cited are corrected within reasonable time, the operating license may be suspended.

16. On or before June 30 of any calendar year, the Director shall reinspect the multiple dwelling or rooming house and if it is determined that such violations have not been corrected, the Director may issue an order suspending the operating license.

17. Any person whose license to operate a multiple dwelling or rooming house has been suspended shall be entitled to a reconsideration of the order or a formal hearing, in the manner provided for in this Code. If no request for consideration or petition for hearing is filed with the Director within twenty (20) days following the issuance of the order of suspension, the license shall be revoked, except that prior to revocation any person whose license has been suspended may request reinspection to determine that the violation or violations cited in the notice have been corrected.

18. During suspension, or after the operating license has been revoked if, upon reinspection, the Director finds that the multiple dwelling or rooming house in connection with which the notice was issued is now in compliance with this Code, the suspension shall be lifted and the license reinstated. A request for reinspection shall not extend the suspension period, unless the Director grants such request.

19. The Fire Chief shall report violations of the Fire Code listed in Chapter 22 to the Director.

113.5. Non-Residential Inspection Program.

1. Prior to a change of owner or occupancy of all or part of a non-residential structure or premises, the Director shall cause an inspection to be made of all of the exterior, interior, and commonly shared areas of a building, except for any interior space not having a new owner or occupant. The inspection will determine whether these premises comply with the provisions of this Code. If no violations are noted, the Director shall issue a Certificate of Compliance which shall be valid for six (6) months from date of issue unless a Certificate of Occupancy is issued. The Certificate of Compliance may be revoked by the Director for good cause.

   Exception. The Director shall not issue a Certificate of Compliance to any applicant, who owes any tax, fee, bill, debt, fine, monetary obligation or lien to the City of Webster Groves until such outstanding tax, fee, bill, debt, fine, monetary obligation or lien is paid to the satisfaction of the City Manager or the City Manager's designee.

2. An owner or an occupant may request an advisory inspection at any time to determine if there are any violations of this Code. The owner will be notified of violations which are his responsibility to correct with the understanding that the correction of internal violations will not be required except those of an emergency nature constituting a health or safety hazard, until such time as there is a change of owner or occupant, but that external conditions contributing to blight or the appearance of blight shall be corrected within a reasonable time. An occupant will be given a reasonable period of time in which to correct violations which are his responsibility under this Code.

3. The fee for each initial inspection (which includes one reinspection) shall be seventy dollars ($70.00). The fee for each additional reinspection shall be twenty-five dollars ($25.00).

4. A Merchant's License shall not be issued or renewed if the premises of the business location are in violation of any provision of this Code, provided, however, that a Temporary Merchant's License may be approved for a period not to exceed ninety (90) days under circumstances where a building owner has made an affidavit stating that he will correct any deficiencies within a specified time, and provided that the tenant space to be occupied within the building is free of any health or safety violations as determined by the Director. At such time as the premise complies with all the provisions of this Code, a Merchant's License may be issued. (Ord. #8385)

5. The Director may make inspections of the exterior and of the public areas at any time when he has reason to believe that conditions exist which constitute a violation of this Code. The owner or occupant will be given a reasonable time to correct any violations.

6. The Fire Chief shall report violations of the Fire Code listed in Chapter 22 to the Director.

113.6 Vacant Non-Residential Inspection Program.

1. Following the determination of a vacant non-residential structure, the Director of Planning and Development shall cause an inspection to be made of the exterior and interior. The inspection will determine whether these premises comply with the provisions of this Code. The owner or agent will be notified of violations with the understanding that abatement of internal violations will not be enforced, except those constituting a health or safety hazard, until such time as the building is to be occupied, but that external conditions contributing to substantial blight or the appearance of blight must be corrected. If no violations are noted, the Director of Planning and Development shall issue a Certificate of Life-Safety which shall be valid for two (2) years from date of issue unless a Certificate of Compliance and/or Certificate of Occupancy is issued. The Certificate of Life-Safety may be revoked by the Director of Planning and Development for good cause.

   Exception. The Director of Planning and Development shall not issue a Certificate of Life-Safety to any applicant, who owes any tax, fee, bill, debt, fine, monetary obligation or lien to the City of Webster Groves until such outstanding tax, fee, bill, debt, fine, monetary obligation or lien is paid to the satisfaction of the City Manager or the City Manager's designee.

2. The fee for each initial inspection (which includes one reinspection) shall be seventy dollars ($70.00). The fee for each additional reinspection shall be twenty-five dollars ($25.00).

3. The owner of any property who has been given notice of a Vacant Non-Residential determination may seek a waiver from inspection by applying for any of the following exemptions, provided that the application for waiver is filed with the Code Official's office in writing within 30 days of notification for the need for inspection pursuant to

this Section. The request shall be accompanied by reasonable documentation as may be required by the Code Official in order that one of the following exemptions can be justified:

i. The building is actively being marketed for sale or lease (6 months max.); Up to two (2) extensions may be granted by the Code Official for cause. Said extensions shall not exceed three (3) months each.
ii. The building is under new ownership as a result of an arms length transaction. (6 months max.); Up to two (2) extensions may be granted by the Code Official for cause. Said extensions shall not exceed three (3) months each.
iii. City approval (rezoning, variance, ARB, HPC) is actively being sought to allow use and occupancy (for as long as the action is pending and within the timelines allowed by City Codes for obtaining such approvals);
iv. Building has suffered damage from fire or extreme weather (within 90 days prior to the request for a waiver); or
v. The structure is being legally used as a principal use of the Zoning District where the structure is located for storage/warehousing of inventory associated with a business currently licensed in the City of Webster Groves, and the City has been permitted to inspect the premises for compliance with health and safety codes within one year prior to the request for a waiver.

4. The Director of Planning and Development may make inspections of the exterior and of the public areas at any time when he has reason to believe that conditions exist which constitute a violation of this Code. The owner or occupant will be given a reasonable time to correct any violations.

5. The Fire Chief shall report violations of the Fire Code listed in Chapter 22 to the Director of Planning and Development.

(Ord. No. 8774 § 1, 9-4-12)

113.7 Enforcement: Service of Notices and Orders; Hearings.

1. Any person advised of violation which must be corrected or affected by any other notice which has been issued in connection with the enforcement of any provision of this Section, or of any rule or regulation adopted pursuant thereto, may demand and shall upon such demand be granted a hearing on the matter before the City Manager; provided, however, that such person shall file in the office of the City Manager a written request seeking such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the date the notice was served. Such request shall be accompanied by a fifty dollar ($50.00) hearing fee. Upon receipt of such request, the City Manager shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; provided further that upon application of the petitioner the City Manager may continue the date of the hearing for a reasonable

time beyond such ten (10) day period, if in his judgment the petitioner has submitted a good and sufficient reason for postponement.

2. Upon such hearing, the City Manager shall sustain, modify, or withdraw the notice, depending upon his finding as to whether the provisions of this Chapter have been complied with. If the City Manager sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Sub-section (1) hereof shall become an order if a written petition for a hearing is not filed in the office of the City Manager within ten (10) days after such notice is served. After a hearing in the case of any notice suspending any permit or license required by this Section when such notice has been sustained by the City Manager the permit or license shall be deemed to have been revoked. Any such permit or license which has been suspended by a notice shall be deemed to be revoked if a request for hearing is not filed in the office of the City Manager within ten (10) days after such notice is served.

3. Whenever the City Manager finds that an emergency exists which requires immediate action to protect the public health without notice of hearing, he may issue an order reciting the existence of such emergency and requiring that such action to be taken as he deems necessary to meet the emergency, and, notwithstanding any other provision of this Section, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon request of the City Manager shall be afforded hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this Section and of the rules and regulations adopted pursuant thereto have been complied with, the City Manager shall continue such order in effect, or modify, or revoke it.

4. The proceedings at any hearing held pursuant to the provisions of this Section, including the findings and decisions of the City Manager, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Director. Such records shall include a copy of every notice or order issued in connection with the matter.

5. Any person aggrieved by the decision of the City Manager may appeal from that decision to the Board of Adjustment of the City of Webster Groves by filing a written appeal with the City Manager, accompanied by a one hundred dollar ($100.00) filing fee, within ten (10) days of the date of notice of the City Manager's decision. Should the Board of Adjustment find the order, requirement, decision or determination of the City Manager to be the result of an error by him, the filing fee shall be promptly refunded. The concurring vote of four (4) members of the Board shall be necessary to reverse or amend any order, requirement, decision or determination of the City Manager, or to permit any variation of this Section. The Board of Adjustment shall have the power to:

   a. Permit variations, where the strict application of this Section would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner, occupant, prospective owner or prospective occupant.

   b. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the City Manager or other proper person in the enforcement of this Section.

c. The Board of Adjustment, in exercising the powers herein granted, shall be guided by the intent and purpose of this Code.

6. Any person aggrieved by the decision of the Board of Adjustment shall have the right to appeal there from to a court of competent jurisdiction as may be provided by law, providing that such appeal is filed within thirty (30) days of said decision.

7. During such time as any person aggrieved by any decision of the City Manager or the Board of Adjustment is diligently prosecuting an appeal there from, the order or notice appealed from shall be stayed. Upon conclusion of the appellate procedure, if the decision is adverse to the party so aggrieved, said party shall have a reasonable period of time thereafter in which to comply with said order or notice.

(Ord. No. 8768 § 2, 7-17-12)

CHAPTER 2
DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202
GENERAL DEFINITIONS

ABANDONED PROPERTY. Any residential or nonresidential property in which (1) the City has caused maintenance or other action and liened the property where the total liens against the property exceed $7,500.00, (2) no interested party as identified by a title search has made claim to the property in writing, or (3) no interested party who claims ownership can provide legal evidence of ownership.

ACCESSORY STRUCTURE. A subordinate structure which is not used for living by human occupants.

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the Building Commissioner.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

BUILDING CODE. The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, additional, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

BUILDING COMMISSIONER. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CERTIFICATE OF COMPLIANCE. Certificate identifying that the inspected property is in compliance with the Property Maintenance Code.

CERTIFICATE OF LIFE SAFETY. Certificate identifying that the inspected property is in compliance with the life safety provisions of the Property Maintenance Code.

CERTIFICATE OF OCCUPANCY. Certificate identifying the named person or persons that may occupy a particular property.

CITY CODE. See Code of Webster Groves.

CITY COUNCIL. The City Council of the City of Webster Groves.

CITY MANAGER. The City Manager of the City of Webster Groves or any duly authorized representative.

CODE OF WEBSTER GROVES. The Revised Code of Ordinances of the City of Webster Groves, Missouri, as amended.

CODE OFFICIAL. The Building Commissioner of the City of Webster Groves or any duly authorized representative.
CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DIRECTOR. The Director of the Department of Planning and Development of the City of Webster Groves or any duly authorized representative.

DORMITORY. A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room, or in a series of closely associated rooms.

DWELLING, MULTIPLE. Any dwelling containing more than two (2) dwelling units.

DWELLING, ONE-FAMILY. A detached building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY. A detached or semi-detached building designed for or occupied exclusively by two families living independently of each other.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

ELECTRIC. The construction, installation, quality of materials, location, operation, and maintenance or use in the installation, alteration, repairs, relocation, replacement, addition to, use or maintenance, of all systems and equipment within the scope of the electrical code listed in Chapter 21 of the Code of Webster Groves.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

ESSENTIAL FUNCTION. Minimum requirements as required by this code including but not limited to toilet, bathtub/shower, lavatory, kitchen sink, refrigerator, and means of egress.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, and trapping or by any other approved pest elimination methods.

FAMILY. One or more persons related by blood, marriage or adoption, occupying a dwelling unit as an individual housekeeping organization. A family may include two (2) additional persons not related by blood, marriage, or adoption. Foster children, who are legal wards of the court, are construed as adopted children for purposes of enumeration.

FPN: RSMo 89.020. 2. For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood.

FIRE CHIEF. The Fire Chief of the City of Webster Groves or his authorized agent.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HEAD OF HOUSEHOLD. 1. The applicant as listed on the Occupancy Permit. 2. The primary responsible person for activities related to use and occupancy of a building or structure including but not limited to electric service, water service, sewer service, gas service, cable service, telephone service, and trash service. 3. For the purposes of this definition, head of household can be joint as long as adequate proof can be provided. Proof may include but not be limited to marriage license, divorce decree, joint ownership of property or any other document that demonstrates joint head of household.

HISTORIC BUILDING. Any building recognized as historic by being placed on the National Register of Historic Places or designated as a city-designated landmark or by recognition as a contributing or non-contributing building in a city-designated Historic District or a Historic District on the National Register of Historic Places.

HOTEL. Any building containing six or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

KITCHEN. Any room containing any or all of the following equipment, or any area of a room within three (3) feet of such equipment: sink or other device for cooking; refrigerator or other device for cool storage of food; cabinets or shelves for storage of equipment and utensils; and counter or table for food preparation.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MAINTENANCE. Acts of repair and other acts to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by this code and other applicable statutes, codes and ordinances.

MOTEL. A hotel as defined in this code.

NEGLECT. The lack of proper maintenance for a building or structure.

NON-RESIDENTIAL STRUCTURE. A building housing or constructed to house business activities with or without a totally separated dwelling unit or units.

OCCUPIED SPACE. The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by this code.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OPERATOR LICENSE. License granted to operate a multi dwelling or rooming house.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PLUMBING. The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code listed in Chapter 27 of the Code of Webster Groves.

PLUMBING FIXTURE. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water there from; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PRIVACY. The existence of conditions which permit a Person or persons to carry out an activity without interruption or interference, either by sight or sound, by unwanted persons.

PUBLIC NUISANCE. Includes the following:

1. The physical condition, or use of any premises regarded as a public nuisance at common law; or

2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or

3. Any premises which has unsanitary sewerage or plumbing facilities; or

4. Any premises designated as unsafe for human habitation or use; or

5. Any premises which is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb or property; or

6. Any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or

7. Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds, or;

8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

9. Any premises for which a building permit becomes invalid as provided for in section 108.2 et. seq. the building code listed in Chapter 20 of the Code of Webster Groves.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REINSPECTION. A subsequent inspection to determine the correction of previously cited violations.

REPAIR. To restore to a state of operation, serviceability or appearance free from defect or decay.

REPLACE. To remove an existing item or portion of a system and to construct or install a new or used item of similar or improved quality as the existing item when new. Replacement will ordinarily take place when the item is irreparable.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SAFETY. The condition of being free from danger and hazards which may cause accidents or disease.

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STORAGE. The keeping, whether temporary or permanent, of items, whether having value or not on a premises.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VACANT NON-RESIDENTIAL STRUCTURE. A building or structure or part thereof under common ownership shall be deemed to be vacant if 50% or more of the first floor area of that building or structure does not have one or more lawfully licensed businesses, or if tenant finish construction has not commenced for such a tenant who will occupy at least 50% of the first floor area; and no person or persons has or have actually and continuously occupied and used the premises for the conduct of a business lawfully licensed by the City of Webster Groves, or by the State of Missouri for 365 days immediately preceding any enforcement action thereon.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WEEDS. All grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Owners and occupants shall be responsible for the repair and maintenance of certain facilities within the public right-of-way adjacent to their property. Those facilities include but are not limited to the sidewalk, tree lawn, and driveway approach and obstructions related thereto.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in accordance with the following:

FPN: Notice and compliance for weed violations is different than other violations of the Property Maintenance Code – 10 days vs 30 days.

FPN: See 107.1 for chronic violators.

302.4.1 Weeds; Cutting and Removal; Height.

Any person who owns, leases, occupies, or exercises authority or control over any lot shall cut to the side and rear lot lines and to the curb or pavement line of the immediate adjacent road(s) and remove from such lot all weeds or other rank growths, with such frequency as will insure that the growth will not at any time attain a height in excess of ten (10) inches. All noxious weeds shall be removed.

302.4.2 Notice of Violation.
The Building Commissioner or his duly authorized representative shall inspect all lots as often as necessary to insure proper observance of this section. Upon finding that any lot has upon it any weeds in excess of ten (10) inches in height, he shall give the owner, lessee, occupant or other person having control or exercising authority over the lot a notice in writing to remove the weeds within ten (10) days from the date of notice. The notice shall be deposited in the United States Mail directed to the last known address of the addressee, by first class mail. In addition he shall post a placard upon the lot containing, in appropriate language, a notice to cut and remove the weeds. In the event of non-delivery of mailed notice, the posted placard shall serve as notice.

302.4.3 Violation Not Corrected; Removal by City; Special Tax Bill.
After the expiration of ten (10) days after date of the notice of violation, if the weeds are not removed from the lot, the Building Commissioner shall have the weeds removed therefrom, keeping an accurate record of the expense of all labor and material used in such removal as to each lot. He shall report such expense to the City Council, certifying to the correctness thereof, showing the lot by lot and block numbers or other legal description, and the date or dates on which the cutting and removal occurred, and the name and address of the owner, lessee, occupant or other person exercising control of the lot. Upon receipt by the City Council of that report, the City Council shall assess against each lot concerned a special assessment or tax equivalent to the expense incurred in removing the weeds therefrom, including administrative costs in the amount of forty Dollars ($40.00), and shall direct the City Clerk to issue a special tax bill therefor, against each such lot. Such special tax bill shall be due and payable thirty (30) days after its date, shall bear interest at the rate of eight percent (8%) per annum from and after thirty (30) days after its date, and shall be a lien against the lot against which it is issued until paid.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10 Tree removal. The stumps of all trees removed from private property or the public ROW shall be ground out to at least three (3) inches below the ground level, the chips removed, the soil cavity filled with soil, and the area leveled. If the area where the tree is removed is to be paved, the top of the stump shall be ground out to at least six (6) inches below the ground level.

302.11 Storage. No storage of any type shall be kept on a premises that is so excessive as judged by the Building Commissioner that it causes a fire, health and/or safety hazard.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304
EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with

connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the Building Commissioner.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). No premises identification shall be installed where it is subject to being covered by any method including but not limited to snow or leaves.

304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

> **304.13.1 Glazing.** All glazing materials shall be maintained free from cracks and holes.
>
> **304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from April 1 to December 1 every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

> **Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305
INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Structural members are incapable of supporting nominal loads and load effects;

5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the Building Commissioner.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

305.7 Storage. No storage of any type shall be kept in building or structure that excessive as judged by the Building Commissioner that it causes a fire, health and/or safety hazard to the occupants of the building. Excessive storage may be evidenced by including but not limited to the following:

1. Storage of materials in a bathroom to the extent that the occupant doesn't have access to at least one (1) bathroom for the purposes of personal hygiene and/or sanitation,

2. Storage blocking doors, windows or similar means of egress to the point where the level of protection falls below the minimum required by this code.

3. Storage of materials that block access to essential functions as required by code.

4. Storage that does not provide a clear path of thirty-six (36) inches wide and eighty inches (80) high to a means of egress.

5. Storage that does not provide a clear path of thirty-six (36) inches wide and eighty inches (80) high in front of essential functions.

   Exception:
   a. When the code permits less than thirty-six (36) inches in front of essential functions, the lesser is permitted.

   b. When the code requires more than thirty-six (36) inches in front of essential functions, the greater shall be provided.

305.8 Vacant Storefront Windows. Within all special business districts, vacant storefront windows that allow viewing of the interior of said store from the public streets and sidewalks shall be screened with curtains, blinds, traditional window coverings, or window displays. All window coverings must be kept in good repair and shall not be defective, torn, badly faded, broken, damaged or otherwise left in a state of disrepair. News print, butcher paper, sheet plywood, and similar window coverings are specifically prohibited. Vacant storefront windows may not be shuttered or boarded, except in the event the window glass is broken and in the process of being repaired, in which case the boarding shall adhere to the requirements of the Boarding Standard of this Code.

SECTION 306
COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:

   1.1 Collapse of footing or foundation system;

   1.2 Damage to footing, foundation, concrete or other structural element due to soil expansion;

   1.3 Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

   1.4 Inadequate soil as determined by a geotechnical investigation;

   1.5 Where the allowable bearing capacity of the soil is in doubt; or

   1.6 Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

   2.1 Deterioration;

   2.2 Ultimate deformation;

   2.3 Fractures;

   2.4 Fissures;

   2.5 Spalling;

2.6 Exposed reinforcement; or

2.7 Detached, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

3.1 Deterioration;

3.2 Corrosion;

3.3 Elastic deformation;

3.4 Ultimate deformation;

3.5 Stress or strain cracks;

3.6 Joint fatigue; or

3.7 Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

4.1. Deterioration;

4.2. Ultimate deformation;

4.3. Fractures in masonry or mortar joints;

4.4. Fissures in masonry or mortar joints;

4.5. Spalling;

4.6. Exposed reinforcement; or

4.7. Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

5.1. Deterioration;

5.2. Elastic deformation;

5.3. Ultimate deformation;

5.4. Metal fatigue; or

5.5. Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

6.1. Ultimate deformation;

6.2. Deterioration;

6.3. Damage from insects, rodents and other vermin;

6.4. Fire damage beyond charring;

6.5. Significant splits and checks;

6.6, Horizontal shear cracks;

6.7. Vertical shear cracks;

6.8. Inadequate support;

6.9. Detached, dislodged or failing connections; or

6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the Building Commissioner.

SECTION 307
HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

307.2 Replacement Handrails and Guardrails. Handrails and guardrails that are newly installed, replaced because of deterioration, or replaced voluntarily shall be installed in compliance with the applicable provisions of the International Residential Code for residential installations and the International Building Code for non-residential installations. Those provisions include but are not limited to height, graspability, and structural integrity.

SECTION 308
RUBBISH, GARBAGE, AND STORAGE

308.1 Accumulation of rubbish, garbage and/or storage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, garbage and/or storage.

308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

> **308.2.1 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
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> **308.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

> **308.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, covered, outside garbage container.
>
> **308.3.2 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

308.4 Excessive storage. No storage of any type shall be kept on a property that is (1) excessive, (2) not related to the primary use of the property, (3) not in a location in which the equipment, products or materials is customarily kept or (4) exists in such quantity or condition that it causes a blighting of the property or neighborhood.

SECTION 309
PEST ELIMINATION

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

309.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.

309.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

> **Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4
LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401
GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.1.1 Fundamentals. When applying this chapter to light, ventilation and occupancy, the following fundamentals should be used as a guideline to determine basic health, safety and welfare requirements:

Fundamental physiological needs:

- Provision of an atmosphere of reasonable chemical purity (proper ventilation removes chemicals from the home and work environment;
- Provision of adequate daylight illumination and avoidance of undue daylight glare;
- Provision for admission of direct sunlight (the sun's rays assist in killing germs);
- Provision of adequate artificial illumination and avoidance of glare; and
- Provision of adequate space for exercise and for the play of children.

Fundamental psychological needs:

- Provision of adequate privacy for the individual; and
- Provision of facilities that make possible the performance of household tasks without undue physical and mental fatigue (adequate space and sufficient ceiling heights reduce physical and mental fatigue).

Protection against contagion:

- Provision of sufficient space in sleeping rooms to minimize the danger of contact infection.

Protection against accidents:

- Provision of adequate facilities for escape in case of fire.

Protection against overcrowding:

- Provision for population controls can maintain neighborhood density, which can avoid overtaxing public facilities such as parks and schools and avoiding accelerated wear of dwellings.

Habitable rooms require adequate light to assist occupants in providing for proper cleanliness and sanitation, and to reduce trip hazards. Well-lighted rooms have a positive impact on mental health, while dark, dingy rooms can have the opposite effect,

Ventilation is defined as the "natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space." Ventilating air into a space serves three functions:

- Combustion and makeup air for fuel-burning appliances is provided;
- Air being exhausted from the building through mechanical or natural means is replaced; and
- Air movement within the structure is enhanced.

Ventilation air exhausting from a structure also serves three functions:

- Excess moisture is eliminated;
- Unpleasant odors, toxic fumes, dirt, dust and other particulate matter are removed; and
- Air movement within the structure is enhanced.

Oversized or improperly installed mechanical ventilation can cause fuel-burning appliances to back draft into the structure and may cause toxic materials to be exhausted into inappropriate locations.

Adequate space provides for the physical and mental health of occupants. Crowded conditions have a negative impact on occupants by preventing easy movement throughout the dwelling. Crowded conditions nay also lead to accidents and injuries. Additionally, occupants are subjected to an increase in the spread of disease germs through sneezing coughing.

Overcrowding may also have a negative effect on mental health.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m2). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60- watt standard incandescent light bulb for each 200 square feet (19 m2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403
VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m2). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

FPN: Mechanical ventilation in dwelling unit bathrooms and toilet rooms must exhaust all of the moisture-laden air to the exterior. The vent must not terminate in any attic or other closed space which would allow moisture to condense on the building structure and lead to the deterioration of the structure.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the Building Commissioner.

2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2m2) and every bedroom shall contain at least 70 square feet (6.5 m2).

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and uninhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Building Commissioner, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m2). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m2). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.1.1 Plumbing Principals. When applying this chapter to plumbing installations, the following principals should be used as a guideline to determine basic health, safety and welfare requirements:

1. **All occupied premises shall have potable water.** All premises intended for human habitation, occupancy, or use shall be provided with a supply of potable water. Such a water supply shall not be connected with unsafe water sources, nor shall it be subject to the hazards of backflow.

2. **Adequate water required.** Plumbing fixtures, devices, and appurtenances shall be supplied with water in sufficient volume and at pressures adequate to enable them to function properly and without undue noise under normal conditions of use.

3. **Hot water required.** Hot water shall be supplied to all plumbing fixtures which normally need or require hot water for their proper use and function.

4. **Water conservation.** Plumbing shall be designed and adjusted to use the minimum quantity of water consistent with proper performance and cleaning.

5. **Safety Devices.** Devices for heating and storing water shall be so designed and installed as to guard against dangers from explosion or overheating.

6. **Use of public sewer where available.** Every building with installed plumbing fixtures and intended for human habitation, occupancy, or use, and located on premises where a public sewer is on or passes said premises within a reasonable distance, shall be connected to the sewer.

7. **Required plumbing fixtures.** Each family dwelling unit shall have at least one water closet, one lavatory, one kitchen-type sink, and one bathtub or shower to meet the basic requirements of sanitation and personal hygiene.

   All other structures for human habitation shall be equipped with sufficient sanitary facilities. Plumbing fixtures shall be made of durable, smooth, non-absorbent and corrosion resistant material and shall be free from concealed fouling surfaces.

8. **Drainage system.** The drainage system shall be designed, constructed, and maintained to guard against fouling, deposit of solids and clogging, and with adequate cleanouts so arranged that the pipes may be readily cleaned.

9. **Durable materials and good workmanship.** The piping of the plumbing system shall be of durable material, free from defective workmanship and so designed and constructed as to give satisfactory service for its reasonable expected life.

10. **Fixture traps.** Each fixture directly connected to the drainage system shall be equipped with a liquid seal trap.

11. **Trap seals shall be protected.** The drainage system shall be designed to provide an adequate circulation of air in all pipes with no danger of siphonage, aspiration, or forcing of trap seals under conditions of ordinary use.

12. **Exhaust foul air to outside.** Each vent terminal shall extend to the outer air and be so installed as to minimize the possibilities of clogging and the return of foul air to the building.

13. **Test the plumbing system.** The plumbing system shall be subjected to such tests as will effectively disclose all leaks and defects in the work or the material.

14. **Exclude certain substances from the plumbing system.** No substance which will clog or accentuate clogging of pipes, produce explosive mixtures, destroy the pipes or their joints, or interfere unduly with the sewage-disposal process shall be allowed to enter the building drainage system.

15. **Prevent contamination.** Proper protection shall be provided to prevent contamination of food, water, sterile goods, and similar materials by backflow or sewage. When necessary, the fixture, device, or appliance shall be connected indirectly with the building drainage system.

16. **Light and ventilation.** No water closet or similar fixture shall be located in a room or compartment which is not properly lighted and ventilated.

17. **Individual sewage disposal systems.** If water closets or other plumbing fixtures are installed in buildings where there is no sewer within a reasonable distance, suitable provision shall be made for disposing of the sewage by some accepted method of sewage treatment and disposal.

18. **Prevent sewer flooding.** Where a plumbing drainage system is subject to backflow of sewage from the public sewer of private disposal system, suitable provision shall be made to prevent its overflow in the building.

19. **Proper maintenance.** Plumbing fixtures shall be maintained in a safe and serviceable condition from the standpoint of both mechanics and health.

20. **Fixtures shall be accessible.** All plumbing fixtures shall be so installed with regard to spacing as to be accessible for their intended use and for cleansing.

21. **Structural safety.** Plumbing shall be installed with due regard to preservation of the strength of structural members and prevention of damage to walls and other surfaces through fixture usage.

22. **Protect ground and surface water.** Sewage or other waste shall not be discharged into surface or sub-surface water unless it has been first been subjected to some acceptable form of treatment.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

501.3 Applicability of the Webster Groves Plumbing Code. Plumbing system defects that constitute a hazard shall be replaced. These hazards include, but are not necessarily limited to, the following:

1. Deteriorated or leaking pipes, fittings or fixtures;

2. Inoperative or faulty valves or taps;

3. Inadequately supported piping or fixtures;

4. Untrapped fixtures;

5. Unvented fixtures;

6. Improperly installed water heaters;

7. Unapproved seal material.

All replacements are subject to the standards set forth in the plumbing code listed in Chapter 27 of the Code of Webster Groves with certain additions, deletions, insertions and changes, with such changes as may hereafter be adopted.

501.3.1: Plumbing system elements that are maintained in a safe and useable manner will not be required to be replaced.

501.3.2: The City of Webster Groves requires that a Webster Groves plumbing permit be obtained for all installations of new vents. In such cases the City standards regarding the venting shall be the final authority.

[P] SECTION 502
REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

> **502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

[P] SECTION 503
TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

[P] SECTION 504
PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the Building Commissioner shall require the defects to be corrected to eliminate the hazard.

> **504.3.1 Non-rigid sanitary traps, trap extensions and connectors.** Rigid sanitary traps, trap extensions, connectors shall not be replaced with non-rigid materials.

SECTION 505
WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C).A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 506
SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the Building Commissioner.

[P] SECTION 507
STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

507.2 Point of Discharge. Downspouts, subsoil drains, and similar methods of storm water control shall have a point of discharge at least ten (10) feet from any front, side or rear property line. A natural outlet or drainage system shall be considered.

> **EXCEPTION:** WHEN IT IS IMPRACTICAL TO LOCATE THE DISCHARGE POINT AT LEAST TEN (10) FEET FROM THE PROPERTY LINE, THE BUILDING COMMISSIONER SHALL BE PERMITTED TO APPROVE AN EQUIVALENT INSTALLATION THAT SERVES THE INTENT OF THIS PROVISION.

507.3 Best Management Practices (BMP's). All structural and non-structural Best Management Practices (BMP's) shall be maintained so as to perform their intended function. BMP's that do not adequately perform their intended function shall be repaired or replaced.

For the purposes of BMP's "intended function" is the safeguarding of persons, protection of property and the prevention of damage to the environment by controlling erosion, pollution or other activities that reduce water quality

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601
GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602
HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of 6°F. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

> **Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 31 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be 6°F.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 31 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

602.6 Permanent source of heat. All bathrooms shall contain a permanent heat source within the bathroom.

Exceptions: Half bath containing only a lavatory and water closet.

SECTION 603
MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604
ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the electrical code listed in Chapter 21 of the Code of Webster Groves. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Building Commissioner shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaries, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panel boards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;

15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;

16. Luminaries that are listed as submersible;

17. Motors;

18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.1.1 Applicability of Electrical Codes. Electrical system defects that constitute a hazard shall be replaced. These hazards include, but are not necessarily limited to, the following:

1. extension cords for other than short term, temporary use;

2. loose or hanging wires;

3. frayed or bare wires;

4. outlets or switches which are defective or without cover plates;

5. fuse or circuit breaker capacity greater than the rating of the circuit it protects;

6. ungrounded or inadequately grounded cable television system;

7. open grounded outlets;

The City of Webster Groves requires that a Webster Groves electrical permit be obtained for service panel replacement or relocation, or replacement of a service drop. In such cases, Webster Groves standards shall be the final authority. All replacements are subject

to the standards set forth in the electrical code listed in Chapter 21 of the Code of Webster Groves.

605.1.2. Electrical system elements that are maintained in a safe and useable manner will not be required to be replaced, except that the following standards shall be considered absolute minimum requirements that must be met prior to the issuance of an Occupancy Permit:

605.1.2.1 Every laundry, furnace room, and all similar non-habitable work spaces located in a dwelling or multi-family dwelling shall contain not less than one (1) operable electric light fixture.

605.1.2.2 Every electrical service panel must be provided with an approved ground.

605.1.2.3 Every bathroom and public hall shall contain not less than one (1) operable ceiling or wall lighting fixture;

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

Exception. Rooms having permanently installed ceiling or wall light fixtures are only required to have one (1) operable convenience outlet.

605.2.1 Receptacle within 6 feet of a water source. Every receptacle within six (6) feet of a water source shall be a grounded type receptacle or a receptacle with a ground fault circuit interrupter. Water sources shall include but not be limited to laundries, kitchen sinks, bathrooms, hot tubs, whirlpools, and swimming pools.

Exception. Dedicated circuits including but not limited to sump pumps, refrigerators, freezers, washers and dryers.

605.2.2 Outdoor receptacles. Every outdoor receptacle shall be grounded or replaced with a ground fault circuit interrupter.

605.3 Luminaries. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

605.4 New receptacles and fixtures. Every new receptacle shall be installed per the electrical code listed in Chapter 21 of the Code of Webster Groves.

SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the Building Commissioner. The inspection and tests shall be performed at not less than the

periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

> **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7
FIRE SAFETY REQUIREMENTS

SECTION 701
GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

[F] SECTION 702
MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Fire Code listed in Chapter 22 of the Code of Webster Groves..

702.2 Aisles. The required width of aisles in accordance with the Fire Code listed in Chapter 22 of the Code of Webster Groves shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Building Code listed in Chapter 20 of the Code of Webster Groves.

702.4 Emergency escape openings. Required emergency escape openings shall be provided and maintained in accordance with the following.

702.4.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m2).

Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m2).

702.4.2 Minimum opening height. The minimum net clear opening height shall be 24 inches (610 mm).

702.4.3 Minimum opening width. The minimum net clear opening width shall be 20 inches (508 mm).

702.4.4 Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with this code and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

702.4.5 Bedroom windows that were installed legally at the time are not required to be replaced unless they are defective. If they are defective or are not present, they shall be replaced with an approved egress window that is adequately sized.

[F] SECTION 703
FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fireresistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke-stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

703.3 Attached Garages. Private garages located beneath a one-and two-family dwelling shall have walls, partitions, floors and ceilings separating the garage space from the dwelling constructed of not less than one (1) hour fire resistance rating. Private garages attached to a one and two-family dwelling shall be completely separated from the dwelling and its attic area by means of one-half (1/2) inch gypsum board or equivalent applied to the garage side and taped at the joints. The door opening protectives shall be one and three-quarter (1 3/4) inch solid core wood doors or approved equivalent.

[F] SECTION 704
FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Fire Code listed in Chapter 22 of the Code of Webster Groves.

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the Fire Code listed in Chapter 22 of the Code of Webster Groves.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

> **Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

> **Exceptions:**
>
> 1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
>
> 2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

APPENDIX A
BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101
GENERAL

A101.1 General. All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102
MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum 1/2-inch (12.7 mm) thick wood structural panels complying with the International Building Code.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51mmby 102 mm) solid sawn lumber complying with the International Building Code.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum 3/8-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

A103
INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at not more than 24 inches (610 mm) on center. Blocking shall also be secured at not more than 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

Article II. The Comprehensive Condominium Ordinance

Section 30.400. General Provisions and Definitions

a. **Short Title.**

This Ordinance shall be known and may be cited as the "**Webster Groves Comprehensive Condominium Ordinance**."

b. **Purpose and Declaration of Policy.**

The general purpose of this Article is to protect the public health, safety, comfort, and the general welfare of the people of the City. These general objectives include, among others, the following specific purposes:

1. To ensure that all multiple-family condominium dwellings within the City meet the existing codes of the City;

2. To provide prospective owners of condominium units access to information regarding condominium ownership and the unit owners' responsibilities for the continuing maintenance of the condominium property;

3. To provide to the residents of rental units designated for conversion to condominium property a reasonable time period during which to make their future housing decisions;

4. To minimize the stress upon the rental housing market within the City occasioned by the need of residents of rental units designated for conversion to condominium property to find alternative rental housing;

5. To encourage generally the maintenance and improvement of the quality of housing within the City of Webster Groves.

c. **Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision or application.

d. **Applicability.**

This Ordinance applies to all multiple-family dwellings located within the City of Webster Groves which are to be developed as new or conversion condominiums.

e. **Definitions.**

1. "**Association**" the association of all of the unit owners, acting pursuant to bylaws through its duly elected Board of Managers.

2. "**Common Areas**" all portions of the property except the units.

3. "**Condominium**" all the land, property and space comprising the parcel or parcels, all improvements and structures erected, constructed or contained therein or thereon, including the building and all easements, rights and appurtenances belonging thereto, and all fixtures and equipment intended for the mutual use, benefit, or enjoyment of the unit owners, subject to the provisions of Chapter 448 R.S.Mo. and to this Ordinance.

4. "**Condominium Instruments**" all documents and authorized amendments, including but not limited to the declaration, bylaws, plats, and condominium disclosure statement which are required to be filed pursuant to the provisions of this Ordinance.

5. "**Conversion Condominium**" condominium property containing units which were wholly or partially occupied before the recording of the declaration.

6. "**Declarant**" any person who plans to execute or has executed the declaration or on whose behalf the declaration is executed.

7. "**Declaration**" the instrument as defined in Chapter 448, R.S.Mo., (the Missouri Condominium Property Act) by which property is submitted to the provisions of that chapter.

8. "**Filing**" the complete submission of all documents required by Section 30.410.a and Section 30.415.a with a stamped date of filing contained thereon.

9. "**Multiple-Family Dwelling**" a building or portion thereof used or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartments and apartment hotels.

10. "**Offering**" any advertisement, publication, announcement, solicitation, or inducement, either written or verbal, by a declarant to promote the purchase of a condominium unit or prospective condominium unit.

11. "**Person**" a natural individual, corporation, partnership, trustee, or other legal entity capable of holding title to real property.

12. "**Unit**" a part of the condominium property including one or more rooms, occupying one or more floors or a part or parts thereof, designed and intended for any type of independent use, and having lawful access to a public way.

f. Where not otherwise defined, terms used in this Ordinance shall have the meaning of those terms as defined in the Missouri Condominium Property Act.

Section 30.405. Applicability to Condominium Property of Various Provisions of the Code of the City of Webster Groves.

a. All condominiums approved under this Ordinance must conform with the Code of Webster Groves including the Zoning Ordinance, and Chapter 50, Subdivision Regulations.

b. All condominiums approved under this Ordinance must meet the requirements of the City Building Code prior to being approved for occupancy.

c. All condominium units must meet the requirements of the Quality Housing Code of Webster Groves both at the time of initial occupancy and upon each subsequent occupancy whether by sale or lease.

Section 30.410. Requirements for New Construction Condominiums.

a. Procedures for Approval of Condominium Property.

1. **Filing and Receipt of the Condominium Instruments.** Any person seeking to submit property situated within the City of Webster Groves to the provisions of Chapter 448, R.S.Mo., must file the condominium instruments including the plat and condominium disclosure statement (as hereinafter described in Section 30.410(b)) with the City Manager or his designee who shall stamp the date of filing upon said documents and append the following signed statement to the first page of the condominium disclosure statement:

> "ON THIS DATE THE CITY OF WEBSTER GROVES RECEIVED ALL THE CONDOMINIUM INSTRUMENTS REQUIRED TO BE FILED UNDER THE PROVISIONS OF THE COMPREHENSIVE CONDOMINIUM ORDINANCE. THE CITY HAS UNDERTAKEN NO INVESTIGATION TO VERIFY THE INFORMATION CONTAINED IN THESE DOCUMENTS, DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED THEREIN, AND ASSUMES NO RESPONSIBILITY FOR THE DECLARANT'S ACTIONS OR FAILURE TO ACT."

2. **Review and Submission of the Condominium Instruments.** Upon verification by the City Manager that the condominium instruments are complete, the City shall review the condominium plat, in accordance with procedures of Chapter 50 of the Code of Webster Groves and approve, approve with conditions, or disapprove the condominium subdivision.

3. **Recordation.** With approval by ordinance of the condominium subdivision and signing of the plat by the City Clerk, the declarant may submit the plat to the St. Louis County Recorder of Deeds for recordation, and shall file with the City an exact copy of all condominium instruments

recorded with the St. Louis County Recorder of Deeds within ten (10) days after recording.

b. **Condominium Disclosure Statement.**

1. The condominium disclosure statement shall disclose fully and accurately the characteristics of the condominium and the units therein and all unusual and material circumstances and features affecting the condominium. The statement will be used by the City during its review procedures and will be available to the general public and potential purchases of the condominium units. It shall include the following:

A. The name and principal address of the declarant and the condominium.

B. A general description of the condominium, including the number and types of units, the anticipated asking price of each type of unit, any restrictions on use and occupancy of the units, floor plans, the arrangements for off-street parking, and the proportion of units that the declarant intends to rent or to market to investors.

C. Copies of the declaration, the bylaws, any rules and regulations, and any contracts and leases required to be signed by purchasers with a brief narrative description of each document.

D. A projected budget of the Association for one year after the date of the first conveyance to a purchaser and two additional one-year projected budgets, a statement of who prepared each of the budgets, and a statement of the budget's assumptions concerning occupancy and inflation factors. The budget must include:

(i) Operating Costs:

Utilities
Heating fuels
Janitorial services
Trash and garbage disposal
Ground and building maintenance
Security
Maintenance and operation of
recreational and other facilities
Building insurance
Elevator maintenance
Sidewalks and street maintenance
Other operating costs

(ii) Management Costs:

Accounting and bookkeeping services
Legal services
Management fees

(iii) Reserve Costs:

Reserve for improvements
Reserve for unexpected repair work
Reserve for replacement and upkeep of common area and facilities
Reserve for taxes and special assessments

E. Any current or expected fee to be paid by unit owners for the use of the common areas and other facilities related to the condominium.

2. The condominium disclosure statement shall not be distributed or used for any promotional purposes before filing of the condominium instruments with the City of Webster Groves and afterwards shall be used only in its entirety, including the signed statement of the City appended to its first page as required by Section 30.410(a)(1).

3. A copy of the condominium disclosure statement must be available for public inspection in the sales office of the declarant, and a copy shall be provided to all purchasers prior to their signing a binding sales agreement.

4. The City may require the declarant to amend the proposed condominium disclosure statement in order to assure full compliance with the provisions of this Ordinance. No material change in the development of the condominium instruments may be made after filing without notifying the City and making appropriate amendments to the condominium disclosure statement.

Section 30.415. Requirements for Conversion Condominiums.

a. **Procedures for Approval of a Conversion Condominium.**

1. **Filing and Receipt of the Condominium Instruments.** Any person seeking to submit existing residential multi-family property within the City of Webster Groves to the provisions of Chapter 448, R.S.Mo., must file the following:

A. The condominium instruments, including the plat and condominium disclosure statement, as hereinafter described in Section 30.415(b).

B. A report prepared by an independent, licensed architect or engineer describing the items specified in Section 30.415(b)(1)(E).

C. An affidavit that the notice to tenants requirements of 30.420(a) have been complied with.

D. A filing fee of Two Hundred Fifty Dollars ($250.00) with the City Manager or his designee who shall stamp the date of filing upon such documents and append the following signed statement to the first page of the condominium disclosure statement:

> "ON THIS DATE THE CITY OF WEBSTER GROVES RECEIVED ALL THE CONDOMINIUM INSTRUMENTS REQUIRED TO BE FILED UNDER THE PROVISIONS OF THE COMPREHENSIVE CONDOMINIUM ORDINANCE. THE CITY HAS UNDERTAKEN NO INVESTIGATION TO VERIFY THE INFORMATION CONTAINED IN THESE DOCUMENTS, DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED THEREIN, AND ASSUMES NO RESPONSIBILITY FOR THE DECLARANT'S ACTIONS OR FAILURE TO ACT."

2. **Condominium Code Assessment Report.** Within sixty (60) days after receipt by the City of the affidavit of compliance with the notice to tenants' requirements of Section 30.420(a) and upon payment of the application fee set forth in subsection (a)(1) above a Condominium Code Assessment Report shall be prepared by the City listing violations of all applicable codes existing as of that date.

3. **Filing of Statement of Needed Corrections.** Where the City determines in its Condominium Code Assessment Report that the subject property is not in compliance with all applicable building, zoning and housing codes, the declarant shall also file:

   A. A verified statement showing the estimated cost and time of completion of the work necessary to correct each code violation on said report and source of said estimate.

   B. Satisfactory evidence of sufficient funds to cover all of the costs in Subsection a. above without the use of any purchaser's funds.

4. **Review and Submission of the Condominium Instruments.** Upon verification by the City Manager that the condominium instruments are complete, the City shall review the condominium plat, in accordance with procedures of Chapter 50 of the Code of Webster Groves and approve, approve with conditions or disapprove the condominium subdivision.

5. **Recordation.** With approval by ordinance of the condominium subdivision and signing of the plat by the City Clerk, the declarant may submit the plat to the St. Louis County Recorder of Deeds for recordation, and shall file with the City an exact copy of all condominium instruments recorded with the St. Louis County Recorder of deeds within ten (10) days after recording.

b. **Condominium Disclosure Statement.**

1. The condominium disclosure statement shall disclose fully and accurately the characteristics of the condominium and the units therein and all unusual and material circumstances and features affecting the condominium. The statement will be used by the City during its review procedures and will be available to the general public and potential purchasers of the condominium units. It shall include the following:

   A. The name and principal address of the declarant and the condominium.

   B. A general description of the condominium, including the number and types of units, the asking price of each type of unit, any restrictions on use and occupancy of the units, floor plans, the arrangements for off-street parking, and the proportion of units that the declarant intends to rent or to market to investors.

   C. Copies of the declaration, the bylaws, the rules and regulations, and any contracts and leases to be signed by purchasers at closing, with a brief narrative description of each document.

   D. A projected budget of the Association for one year after the date of the first conveyance to a purchaser and two additional one-year projected budgets, a statement of who prepared each of the budgets, and a statement of the budget's assumptions concerning occupancy and inflation factors. The budget must include:

      (i) Operating Costs:

      Utilities
      Heating fuels
      Janitorial services
      Trash and garbage disposal
      Ground and building maintenance
      Security
      Maintenance and operation of recreational and other facilities
      Building insurance
      Elevator maintenance
      Sidewalks and street maintenance
      Other operating costs

      (ii) Management Costs:

      Accounting and bookkeeping services
      Legal services
      Management fees

      (iii) Reserve Costs:

      Reserve for improvements
      Reserve for unexpected repair work

Reserve for replacement and upkeep of common area and facilities
Reserve for taxes and special assessments

E. A statement of the declarant providing notification that a report prepared by an independent, licensed, architect or engineer, is on file with the City which describes the present condition of all structural components and major mechanical systems, and the expected useful life of each such item and system.

F. A copy of the Condominium Code Assessment Report prepared by the City.

G. Any current or expected fee to be paid by unit owners for the use of the common areas and other facilities related to the condominium.

2. The condominium disclosure statement shall not be distributed or used for any promotional purposes before filing of the condominium instruments with the City of Webster Groves and afterwards shall be used only in its entirety, including the signed statement of the City appended to its first page as required by Section 30.415(a)(1).

3. A copy of the condominium disclosure statement must be available for public inspection in the sales office of the declarant and a copy shall be provided to all purchasers prior to their signing a binding sales agreement.

4. The City may require the declarant to amend the proposed condominium disclosure statement in order to assure full compliance with the provisions of this Ordinance. No material change in the development of the condominium instruments may be made after filing without notifying the City and making appropriate amendments to the condominium disclosure statement.

Section 30.420. Protection of Tenants.

a. **Notice Requirements.**

1. A declarant of a conversion condominium shall give each of the tenants in possession of units subject to this Ordinance notice of intent to convert no less than one hundred eighty (180) days prior to requiring the tenants to vacate. The notice shall be filed with the City as provided in Section 30.415(a)(1).

2. The notice of intent must set forth the rights of tenants under this Ordinance and must include this section of this ordinance as an attachment. Such notice shall be hand delivered or sent by certified mail.

3. No tenant may be required by the declarant to vacate upon less than one hundred eighty (180) days notice, except by reason of nonpayment of rent, conduct that disturbs other tenants' peaceful enjoyment of the premises, or other substantial violations of the terms of the rental agreement.

4. Nothing in this section permits termination of a lease by a declarant in violation of its terms.

5. Any tenant under a lease entered into subsequent to the effective date of this Ordinance who receives a notice of intent to convert shall at any time after receipt of the notice have the right to terminate the lease with sixty (60) days written notice to the landlord. Such termination shall be without penalty or other termination charge to the tenant. By delivering the notice of termination to the landlord, the tenant waives the right to purchase the unit under Section 30.420(b).

6. Those tenants under a lease entered into subsequent to the effective date of this Ordinance who within thirty (30) days of signing of a lease, whether or not they have moved into the unit, receive notice of intent to convert shall have fifteen (15) days from receipt of that notice to serve an immediate fifteen (15) days notice of their intent to vacate, or not to honor said lease. There shall be no penalties assessed against tenants who void their lease pursuant to this section. Failure of said tenant to utilize this fifteen (15) days notice right is not a waiver of his rights to give sixty (60) days notice as set forth in subsection (5) above.

7. Failure of a declarant to give notice as required by the above Section is a defense to an action for possession, unless the tenant knowingly avoids receiving or delivery of said notice of intent.

b. **Tenant's Right to Purchase.**

1. Following delivery to the tenant of the notice of intent to convert, the declarant shall offer the tenant the right to purchase his unit. This offer shall be held open until tenant acceptance or refusal, but in no event longer than sixty (60) days. Refusal of declarant's offer or inaction by the tenant during the sixty (60) days period shall constitute a waiver of the tenant's right of first purchase. The offer to sell to the tenant shall be at no higher than the then published offering price and shall be accompanied by the condominium instruments required to be filed with the City.

2. Subsection (1) above does not apply to any unit in a conversion condominium if the boundaries of the converted unit do not substantially conform to the dimensions of the unit before conversion; however, where it is available, another unit similar to the preconversion dwelling must be offered to the affected tenant.

Section 30.430. Penalties for Violation.

Any person who shall violate any provision of 30.410(a)(3); 30.410(b)(2) or (3); 30.415(a)(5); 30.415(b)(2) or (3); or 30.420 shall, upon conviction, be punished by a fine of not less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00), but if the offense be willful, the punishment shall be a fine of not less than Ten Dollars ($10.00) and not more than Five Hundred Dollars ($500.00) for each and every day that such violation shall continue, or by imprisonment of ten (10) days for each and every day that violation shall continue or by both such fine and imprisonment in the discretion of the court.

Article III. The Fair Housing Code

Section 30.510. Definitions.

a. "**Discriminatory Housing Practice**" means an act that is unlawful under Sections 30.520, 30.530, 30.535, 30.536 and 30.540.

b. "**Dwelling**" shall mean any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

c. "**Family**" includes a single individual.

d. **"Gender Identity"** shall mean the gender- related identity, appearance, mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

e. "**Person**" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

f. "**To Rent**" includes to lease, to sub-lease, to let and otherwise grant for a consideration the right to occupy premises not owned by the occupant.

g. **"Sexual Orientation"** shall mean an individual's real or perceived heterosexuality, homosexuality or bisexuality.

(Ord. No. 8785, §1, 2-5-13)

Section 30.520. Discrimination in the Sale or Rental of Housing.

It shall be unlawful for any person:

(a) To refuse to sell or rent after the making of 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, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity.

(b) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provisions of service or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity or an intention to make any such preference, limitation or discrimination.

(c) To 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, color, religion, national origin, ancestry, sex, disability, sexual orientation or gender identity.

(d) To represent to any person, because of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(e) 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, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity. (Ord. No. 8785, §2, 2-5-13)

Section 30.530. Discrimination of the Financing of Housing.

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 or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him/her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity of such person of any person associated with him/her in connection with the loan or other financial assistance, or of the prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which the loan or other financial assistance is to be made or given. (Ord. No. 8785, §3, 2-5-13)

Sec. 30.535. Discrimination in Public Accommodations Prohibited.

(a) All persons within the City of Webster Groves are free and equal and shall be entitled to the following equal use and enjoyment within the City at any place of public accommodation without discrimination or segregation on account of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity.

(b) It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation as defined in §

213.010, R.S.Mo., or segregate or discriminate against any such person and the use thereof on the grounds of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity.

(c) The provisions of this Section shall not apply to a private club, place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in § 213.010, R.S.Mo. (Ord. No. 8785, §5, 2-5-13)

Sec. 30.536 Discriminatory practices in public accommodations prohibited.

No person, group, organization, association, corporation or other entity who has obtained a permit from the City of Webster Groves, pursuant to this Article, shall discriminate against any qualified participants in any activities to be undertaken pursuant to such permit on the basis of race, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity. (Ord. No. 8785, §6, 2-5-13)

Section 30.540. Discrimination in the Provision of Brokerage Services.

It shall be unlawful for any person to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other services, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership or participation, on account of face, color, religion, national origin, ancestry, sex, disability, familial status, sexual orientation or gender identity. (Ord. No. 8785, §4, 2-5-13)

Section 30.550. Administration.

Repealed. (Ord. No. 8785, §7, 2-5-13)

Section 30.560. Enforcement.

Any person who claims to have been injured by a discriminatory practice prohibited in this Article III “Fair Housing Code” may file a complaint with the Police Department, which will forward the complaint for review by the City’s Prosecuting Attorney in the same manner and method that any other complaint allowed by the Code of Webster Groves or the Missouri Rules of Civil Procedure is reviewed, and if found to contain sufficient facts to support the issuance of a citation, then shall be prosecuted in the same manner as other citations are prosecuted through the Municipal Court system as provided by law. (Ord. No. 8785, §8, 2-5-13)

Section 30.570. Establishment of Fines for Violation.

Any person who shall commit a discriminatory housing practice in violation of this Ordinance shall, upon conviction thereof, be punished for each violation by a fine of not

less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00).

CHAPTER 31. NUISANCES

Article I. Nuisances

Section 31.010. Definition and Enumeration of Nuisances.

Every act or thing done or made, permitted or allowed or continued on any property, public or private, by any person or corporation, its agents or servants, to the annoyance, detriment, damage or injury of the public, or which is injurious to the public health, safety or welfare is hereby declared to be a public nuisance and, as such, a misdemeanor punishable under Section 31.090.

The definition of "**public nuisance**," as set forth above, shall include, but not by way of limitation, the following:

a. The accumulation upon any premises, lot or parcel of ground, or the discharge thereof upon any public street or private property, of stagnant or foul waste, water or liquids of any kind whatsoever.

b. The maintenance of any outside toilet, privy water closet or private vault which is kept in such condition as to emit any offensive, noxious or disagreeable odor.

c. All carcasses of dead animals which the owner or keeper thereof shall permit to remain unburied for a period exceeding twelve (12) hours after death.

d. The keeping of animals of any kind, domestic or wild, upon any public or private place or premises in such a manner or condition that same constitutes a hurt, injury, annoyance, or danger to the public or the residents in the vicinity.

e. Placing, causing, keeping, maintaining or permitting trash, garbage, rubbish, junk, decaying vegetable or animal matter, ashes, debris, obnoxious or filthy substances, or any kind of waste materials upon any public or private property or premises in such a manner and extent as to render the same unsightly, unclean or unsafe.

f. The burning, ignition, setting afire or maintenance of the burning of garbage, refuse, waste, trash, straw, paper, wood, leaves, weeds, grass clippings or other combustible materials or other substances of any nature or description is prohibited, except in incinerators constructed in accordance with the St. Louis County air pollution control requirements and the building code of the City of Webster Groves.

g. Ashpits or rubbish containers which are not emptied and contents removed from the premises when level full.

h. Any unclean, stinking, foul, defective or filthy drain, ditch, tank or gutter or any leaking, broken slop, trash or garbage box or ashpit, or receptacle of like character.

i. The maintenance, upon public or private property, of dead or dying trees or tree limbs or branches, which by reason of their location, size, or state of deterioration, constitute a danger to the public health, safety or welfare, or the maintenance upon public or private property of trees which are infected with Dutch Elm or other contagious disease or blight, dangerous to persons, animals, or other trees or plant life.

j. The parking or stopping of a motor vehicle in a yard or lot, as defined in the zoning ordinance of the City of Webster Groves, in any place other than a parking space, as defined in the zoning ordinance, or a durable surface including firmly placed and well-maintained rock, gravel or chat driveway. (Ord. No. 7974, § 1, 5-6-97; Ord. No. 8193, § 1, 2-6-01)

k. Allowing trailers, junkers, wrecks, or dilapidated or abandoned automobiles, i.e., owner cannot be determined, whether the same are operable or not, to remain on any street, alley, roadway, public driveway or public parking lot for a period of time in excess of twenty-four (24) hours. (Ord. No. 7377, § 1, 4-1-86)

l. The presence graffiti on private property exposed to public view. As used in this section the word "**graffiti**" shall mean and refer to any unauthorized inscription, word, phrase, motto, name, figure, symbol, picture or design which is written, scribbled, marked, etched, scratched, drawn or painted on any exterior surface or structural component of any building, structure, or other facility regardless of the nature of the material of that structural component. (Ord. No. 7945, § 1, 12-21-97)

m. No unregistered or unlicensed motor vehicle or trailer shall be permitted on any premises. All motor vehicles and trailers shall display their current state licenses. Exception (1) motor vehicles or trailers within a fully enclosed structure, closed to public view and view of adjacent properties; or (2) motor vehicles or trailers stored or displayed as part of a licensed vehicle dealership business which is in compliance with the Webster Groves Zoning Code; or (3) motor vehicles or trailers on the premises of a state licensed vehicle inspection station or motor vehicle service station licensed in the City of Webster Groves, waiting for services or repairs; provided that such motor vehicle(s) or trailer(s) are not on the premises for more than five (5) consecutive days. (Ord. No. 8194, § 1, 2-20-01)

n. No motor vehicle or trailer shall at any time be in a state of disassembly, disrepair or shall be in the process of being stripped or dismantled. A motor vehicle or trailer shall be defined as being in a state of disassembly or disrepair; or being stripped or dismantled if any one or more of the following conditions exist: (1) a motor vehicle containing no engine, or (2) a motor vehicle or trailer missing one or more wheels or tires, or (3) a motor vehicle or trailer missing a body part such as a hood, fender, door or trunk lid, or (4) a motor vehicle or trailer partly or entirely supported by a method other than its tires, such as ramps, jacks or blocks, or (5) a motor vehicle or trailer which exhibits a defective component or defective condition such as a missing windshield wiper, missing window glass; a convertible without top in adverse weather; missing bumper; a missing door handle; broken headlamp, tail light, or warning lights; and similar items. A current license and/or inspection certificate shall not be considered as exempting

motor vehicles or trailers from this provision. Exemptions (1) one motor vehicle or trailer within a fully enclosed structure, closed to public view and view from adjacent properties; or (2) motor vehicles undergoing repairs on the premises of a service station licensed in the City of Webster Groves; provided that such motor vehicle(s) or trailer(s) are within a fully enclosed structure or fenced area, closed to public view and view from adjacent properties, unless the premises has been issued a special use permit which specifically provides otherwise. Structure and fenced area egress points shall be closed during non business hours. (Ord. No. 8194, § 2, 2-20-01)

Cross reference - Animals constituting a public nuisance, 33.010 (definitions of "**nuisance**," "**public nuisance**").

Section 31.020. Duty of Owner and Occupant to Maintain Premises in Safe and Sanitary Condition.

Every person who owns, occupies, or controls any building, residence, vacant lot, or other premises must maintain the same in such a manner that it will be safe and sanitary. The neglect, disregard, abandonment, or other act, or failure to act, so as to permit any building, residence, premises or lot to become unsafe, unsanitary or injurious to the public health, safety and welfare is a public nuisance and is prohibited.

Section 31.030. Inspection of Premises; Access.

The Chief of Police or Fire Chief, the Sanitarian or Health & Housing Inspector and the City Manager or any officer, agent or employee duly appointed by any of them are hereby authorized to enter and inspect all buildings and parts of buildings and other premises for the purpose of examining the sanitary conditions thereof and for the discovery and abatement of nuisances therein.

Section 31.040. Emergency Abatement.

Whenever it becomes necessary to abate a nuisance immediately, in order to protect the public health, safety or welfare, the City Manager may abate such nuisance without notice, and he may use any suitable means or assistance for such purpose. The City Manager shall certify the cost of abating such nuisance to the Council and the Council may be ordinance levy the cost thereof as a special tax against the property on which said nuisance is located, which said tax shall be collected as are other City taxes and shall constitute a first lien on the property until paid.

Section 31.050. Notice and Hearing; Abatement.

In the case of a nuisance the abatement of which is not immediately necessary for the protection of the public health, safety or welfare, the City Manager may, at his discretion, hold a hearing prior to declaring such condition to be a nuisance and ordering the abatement of same. Five (5) days notice of the time and place of such hearing shall be given to the owner or occupant of the premises upon which said alleged nuisance exists, or to his agent, or to the person causing or maintaining same. Such notice may be served personally or by first class mail. In the event that the whereabouts of the owner or occupant of the premises upon which said alleged nuisance exists, or his agent, or

the person causing or maintaining same, is unknown, such notice shall be posted on the premises where such alleged nuisance exists, for at least five (5) days before said hearing. All interested parties may appear at such hearing either in person or by attorney and present evidence concerning the alleged nuisance. If, upon such hearing, the City Manager finds that a nuisance exists, he shall order the owner, occupant or agent of the premises, or the person causing or maintaining same, to abate the nuisance, and if it be not abated within the time prescribed by the City Manager in his order, the City Manager shall abate same, and the cost thereof shall be levied as a special tax in the manner designated in the foregoing section. The owner or occupant of the premises, or his agent, or the person causing or maintaining such nuisance, shall abate the same upon receipt of an order of the City Manager in accordance with the terms prescribed in such order. (Ord. No. 7449, § 1, 6-8-87)

Section 31.060. Apportionment of Costs of Abatement; Special Tax Bills

If any nuisance abated by the City Manager, as hereinabove provided, extends over the property of more than one owner, the costs of abating same shall be assessed in proportion to the amount of work and expense for each proportionate part of the entire work and area, including an administrative fee of $35 per lot, and, if not paid by the property owner(s) within 30 days, special assessment taxes shall be levied and collected accordingly. The City Manager or his/her designee shall report expenses that remain unpaid for more than 30 days to the City Council, certifying to the correctness thereof, showing the lot by lot and block numbers or other legal descriptions of each property involved, and the date or dates on which the repairs or replacements occurred, and the name and address of each owner, lessee, occupant or other person exercising control of each lot subject to apportionment. Upon receipt by the City Council of that report, the City Council shall assess against each lot concerned a special assessment for the exact apportioned cost thereof, plus administrative costs in the amount of Thirty-five Dollars ($35.00) per lot, and shall direct the City Clerk to issue a special tax bill therefor, against each such lot. Such special tax bill shall be due and payable thirty (30) days after its date, shall bear interest at the rate of eight percent (8%) per annum from and after thirty (30) days after its date, and shall be a lien against the lot against which it is issued until paid. (Ord. No. 8713 §3, 3-15-11)

Section 31.070. Access for Abatement.

Any person employed or contracted with the City for the abatement of a nuisance and any agent or employee of such person shall have the right of entry for that purpose into and upon any premises.

Section 31.080. Responsibility for Observance.

The owner of any premises, or his agent in control thereof, as well as the tenant or occupant of such premises, is charged with the duty of observing all of the provisions of this Chapter. Any or all of such persons, together with any person causing or contributing to cause any nuisance, may be charged with violation thereof, and shall be equally liable.

Section 31.090. Penalty for Violation.

Any person who maintains a nuisance, or fails to comply with a lawful order of abatement, or who interferes with any person duly engaged in inspection of premises or abatement of a nuisance, or posting of notice, or who in any other way violates any of the provisions of this Chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of One Thousand Dollars ($1000.00), or to imprisonment in the City Jail for a term not exceeding thirty (30) days, or to both such fine and imprisonment. Each twenty-four (24) hour of violation shall constitute a separate offense hereunder and may be punishable as such. (Ord. No. 8257, § 1, 2-5-02)

Article II. Weeds

Section 31.110. Definitions.

For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. Where terms are not defined by this section, such terms shall have ordinarily accepted meanings such as the context implies. The definitions follow in alphabetical order:

Invasive plant: shall mean a vegetation species that grows aggressively in the State of Missouri, as listed by the Missouri Department of Conservation.

Lot: as used in this Chapter shall include any lot or parcel of land within the city limits of Webster Groves.

Native plant: shall mean a vegetation species that existed prior to the arrival of settlers within the State of Missouri, as listed by the Missouri Department of Conservation.

Noxious weed: shall mean a vegetation species that is listed as a Missouri State Noxious Weed by the United States Department of Agriculture.

Nuisance plant: shall mean a toxic species known to cause death or severe allergic reactions among a segment of the human population such as Poison Hemlock, Poison Ivy, and Ragweed.

Stormwater: shall mean rainfall runoff, snow melt runoff and surface runoff and drainage.

Stormwater Management Facility: shall mean a structure and constructed feature designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the stormwater system. Stormwater management facilities included vegetative or structural measures, or both, to control the increased volume, rate, and quality of stormwater runoff caused by manmade changes to land.

Turf grass: shall mean a type of vegetation ground cover, managed by weed removal and mowing to maintain a uniform height.

Turf weed: shall mean broadleaf, weeds, annual and perennial grasses that invade or disrupt the uniformity of turf grass lawns.

Weeds: shall mean all grasses, annual plants and vegetation other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.

(Ord. No. 8812, § 1, 10-15-13)

Section 31.120. Weeds; Cutting and Removal; Height.

Any person who owns, leases, occupies, or exercises authority or control over any lot shall cut to the side and rear lot lines and to the curb or pavement line of the immediate adjacent road(s) and remove from such lot all weeds or other rank growths.

Failure to mow or cut turf grass or turf weeds, to maintain a maximum height of not more than ten (10) inches, or failure to control or remove listed [Exhibit A] nuisance plants, invasive plants and noxious weeds in such a manner that constitutes a hurt, injury, inconvenience or danger to the health safety of welfare of the public or residents and occupants of the immediate vicinity. Managed stands of native plants, ornamental grasses, or shrubs, and cultivated agricultural crops, vegetable gardens or flower gardens exceeding ten (10) inches in height are permitted provided they are maintained free of turf weeds and grasses, nuisance plants, invasive plants and noxious weeds, are kept at least four (4) feet from a property line, and do not impair sight distance, or constitute a hurt, injury, inconvenience or danger to the health safety or welfare of the public or residents and occupants of the immediate vicinity."

Any stormwater management facility located on any lot or land shall be declared a public nuisance for failure to maintain the private stormwater management facility if it has conditions impairing its proper operation, including, but not limited to, excessive sediment, extensive ponding of water, rubbish and trash, noxious weeds or invasive plants or nuisance plants exceeding ten (10) inches in height, or any material which is unhealthy or impacts the proper operation of the private stormwater management facility.

Native plants, turf grass, ornamental grasses, or shrubs, including plants that are part of an approved, designed private stormwater facility of MSD approved guidance document do not constitute a public nuisance.

(Ord. No. 8812, § 1, 10-15-13)

Section 31.130. Notice of Violation.

The City Manager or his duly authorized representative shall inspect all lots as often as necessary to insure proper observance of this Ordinance. Upon finding that any lot has upon it any weeds in excess of ten (10) inches in height, he shall give the owner, lessee, occupant or other person having control or exercising authority over the lot a notice in writing to remove the weeds within ten (10) days from the date of notice. The notice shall be deposited in the United States Mail directed to the last known address of the addressee, by first class mail. In addition he shall post a placard upon the lot containing, in appropriate language, a notice to cut and remove the weeds. In the event of non-delivery of mailed notice, the posted placard shall serve as notice. (Ord. No. 7450, § 1, 6-16-87)

Section 31.140. Violation Not Corrected; Removal by City; Special Tax Bill.

After the expiration of ten (10) days after date of the notice of violation, if the weeds are not removed from the lot, a Code Enforcement Officer shall have the weeds removed therefrom, keeping an accurate record of the expense of all labor and material used in such removal as to each lot. The Code Enforcement Officer shall report such expense to the City Council, certifying to the correctness thereof, showing the lot by lot and block numbers or other legal description, and the date or dates on which the cutting and removal occurred, and the name and address of the owner, lessee, occupant or other person exercising control of the lot. Upon receipt by the City Council of that report, the City Council shall assess against each lot concerned a special assessment or tax equivalent to the expense incurred in removing the weeds therefrom, including administrative costs in the amount of Thirty-Five Dollars ($35.00), and shall direct the City Clerk to issue a special tax bill against the real property affected; such a tax bill shall be a lien upon the property and shall be deemed a personal debt against the property owner(s). A tax bill or assessment under this subsection shall bear interest at the rate of eight percent (8%) per annum until paid in full. (Ord. No. 8713 §4, 3-15-11)

Section 31.150. Penalty for Violation.

Revoked. (Ord. No. 8257, § 1, 2-5-02)

Article III. Location of Earthwork, Walls, Fences, Etc.

Section 31.210. Unlawful to Erect or Maintain Earthwork, Walls, Fences Etc. Which Obscure Vision.

It shall be unlawful for any owner, lessee, tenant, or agent, of any lot, to erect, place or maintain any earthwork, wall, fence, other structure or object, hedge, tree, shrub or other growth, upon any lot so as to obscure or interfere with the clear view of persons riding or walking upon the streets or other persons or vehicles riding or walking upon any street.

Section 31.220 Removal of Obstructions.

The Department of Public Works and the Department of Police are hereby charged with the duty of examining all intersections and all other places where it appears that clear view, as above provided, may be obscured in any degree sufficient to cause danger to any persons riding or walking upon the streets of this City and shall, by survey and plat, determine the distance that will permit such clear view. Any offending structure or growth as above provided, obscuring or intending to obscure such clear view, shall then and there be pointed out to the owner, lessee, tenant, or agent of any lot upon which such obstruction exists and if such obstruction is not voluntarily removed within a reasonable time, the City Manager and/or his authorized representative shall thereupon make formal demand in writing to such owner, lessee, tenant or agent which demand may be served personally or by registered mail. In the event the whereabouts of such owner, lessee, tenant or agent of any premises is unknown, the notice shall be posted on the premises for at least five (5) days. After delivery, deposit in the mail or posting of such notice, if such offending structure or growth shall not be removed within three (3) days, or such other reasonable time as the nature of the removal project would indicate to be the minimum time, with due diligence, then and thereafter the City Manager or his

authorized representative may cause the same to be removed and the cost thereof to be charged to the owner, lessee, tenant or agent and if such charges be not paid within thirty (30) days, such statement of account will be filed with the Recorder of Deeds of St. Louis County and shall constitute a lien upon the said property.

Section 31.230. Penalty for Violation.

Revoked. (Ord. No. 8257, § 1, 2-5-02)

Article IV. Certain Restrictions on Road-Building and Other Types of Heavy Construction

Section 31.310. Highway Construction - Permission Required.

No person, firm or corporation shall, without the permission of the City Manager or his duly authorized representative, engage in any highway or road construction, or any facet thereof, within the City of Webster Groves, except during the hours of 7:00 a.m. to 10:00 p.m., local time, Mondays through Saturdays, and no such work shall be permitted on Sundays or any legal holiday.

Section 31.320. Application of Nuisance Ordinance.

In connection with such highway or road-building, no person, firm, or corporation shall violate any of the provisions of the comprehensive nuisance ordinance of the City of Webster Groves, nor any other of the ordinances and laws of the City.

Article V. Razing or Removal of Buildings

Section 31.410. Permit Required.

Every application for the demolition, wrecking, razing or removal of any building or structure, made to the Department of Public Works, shall be forwarded to the Director of Public Health and Fire Chief or their duly authorized representatives, and before such application is granted and the permit issued, approval by said Director of Public Health and Fire Chief or their duly authorized representatives, that the applicant has made or will make satisfactory provision for the following, shall be required:

a. Where rodent or insect infestation appears, the Director of Public Health or his duly authorized representative shall require the applicant to exterminate all such animal and insect infestation prior to any such demolition, wrecking, razing or removal.

b. That all material, debris or parts of the wrecked structure be stored or removed in a manner satisfactory to the Fire Chief, or his duly authorized representative, so that fire hazards shall not be permitted to exist.

c. That after any such structure has been demolished, razed, wrecked or removed, all ground openings, excavations or extrusions shall be filled or graded in compliance with relevant provisions of the Building Officials Conference of

America ("**B.O.C.A.**") Code in order to eliminate or reduce, to the fullest extent practicable, the hazards of falling or tripping.

d. All accumulations of rubbish or debris, or other unsafe or hazardous conditions, including broken glass, timber products and nails shall be removed as expeditiously as practical.

e. Fresh water supplies and toilet facilities may be required for workmen engaged in such demolition, wrecking, razing or removal where, in the opinion of the Director of Public Health, or his duly authorized representative, the same are required by reason of the length or other circumstances of the demolition work.

Section 31.420. Penalty.

Revoked. (Ord. No. 8257, § 1, 2-5-02)

EXHIBIT A

NOXIOUS WEEDS: shall include but not be limited to the following as may be amended from time to time by the United States Department of Agriculture Missouri State Listed Noxious Weeds.

Canada thistle
Common teasel
Cut-leaved teasel
Field bindweed
Johnson grass
Kudzu
Marijuana
Multiflora rose
Musk thistle
Purple loosestrife
Scotch thistle

INVASIVE PLANTS: shall include but not be limited to the following as may be amended from time to time by the Missouri Department of Conservation Listed in the Missouri Vegetation Manual.

Autumn olive
Black Locust
Bush honeysuckles
Common buckthorn
Crown vetch
Garlic mustard
Gray dogwood
Honey locust (with seeds)
Japanese honeysuckle
Leafy spurge
Osage orange
Reed canary grass
Sericea lespedeza
Sesbania
Smooth sumac
Sweet clover (white and yellow)
Wintercreeper

NATIVE PLANTS: Shall include but not be limited to those listed, as may be amended from time to time, by the Missouri Department of Conservation on the Grow Native Website: www.grownative.org or subsequent such listings.

CHAPTER 32. CONTAGIOUS DISEASES

Article I. Contagious Diseases

Section 32.010. Quarantine District.

Whenever any contagious disease becomes prevalent, the City Manager, with the advice of the Advisory Board of Health Commissioners, may establish, and shall have control and jurisdiction over, a quarantine district, extending over and including any territory within the City Limits.

Section 32.020. Reports to Director of Public Health.

Every physician in the City shall report to the Department of Public Health every case of smallpox or other contagious disease which he may be called upon to attend inside the City limits, or within five (5) miles thereof, within six (6) hours after he has examined the patient. Every person in the City, or within the quarantine district, when established, shall, within six (6) hours after the appearance of smallpox or other contagious disease in his or her house or place of abode, notify the Department of Public Health.

Section 32.030. Condemnation of Affected Property.

The City Sanitarian or Health and Housing Inspector may condemn and destroy goods, merchandise, clothing, furniture or other personal property containing the germs of contagious dangerous disease, whenever such action is necessary for the health of the City. Such action may be taken only after appraisal and compensation has been made in accordance with the requirements of the law.

Section 32.040. Fumigation.

The Department of Public Health may establish and promulgate all necessary rules and regulations for the proper fumigation of premises which have been exposed to contagious disease within the City or any quarantine district. The fumigation shall be done under its supervision and direction. Every occupant of every house or abode within the district shall notify it when the house or abode is ready for fumigation.

Section 32.050. Exposure of Other Persons.

No person having, or attending upon a person having smallpox or other contagious disease in the City of Webster Groves may be going about the City, or by walking in, or traveling on, the streets or highways, or in any other willful, negligent or careless manner, knowingly expose others to the disease, or may lease his or her place of abode without permission of the attending physician or the Department of Public Health.

No person within the City, other than a physician, or an authorized representative of the Department of Public Health, may enter into or depart from any tenement or other place containing a case of smallpox or other contagious disease without the permission of the attending physician. No physician may give permission, within the City, to enter into or depart from any tenement or other place containing a case of smallpox, except to persons who have had the smallpox or varioloid, or are protected by an efficient vaccination. Such permission may not then be granted to any person to depart from any

such premises unless the physician has positive knowledge that the person before coming out from the premises has changed his clothing and disinfected himself in an apartment, separate from that occupied by the person affected with the smallpox, or that there is no longer danger of an infection being communicated by any person.

Section 32.060. Rules and Regulations.

Every person must obey the rules, orders, regulations and directions of the Department of Public Health.

Section 32.070. Enforcement.

The Marshal, every policeman, the City Clerk and every citizen of Webster Groves having such knowledge shall report to the Department of Public Health any violation of any provision of this Chapter and shall furnish the names of the witnesses by whom the alleged offense can be proved unless he, himself, is personally cognizant of the facts.

Upon receipt of such report or information, the Department of Public Health shall investigate the matter and, if it has reason to believe the charge can be substantiated, it shall cause the offender to be cited for trial before the Municipal Court.

Section 32.080. Penalty for Violation.

Any person who fails to comply with any requirement of this Chapter, or in any other way violates any provision of this Chapter, will be subject to a fine of not less than Ten Dollars ($10.00) or more than One Hundred Dollars ($100.00).

CHAPTER 33. ANIMALS

Article I. Animals

Section 33.010. Definitions.

For the purpose of this article, the word:

"**Rabies**" shall mean an acute viral disease of the central nervous system with the rabies virus also known as "hydrophobia".

"**Affected with rabies**" shall mean manifesting any of the characteristic symptoms of such disease.

"**Exposed to rabies**" shall mean being in contact with, or bitten by, or having fought with, a mammal showing symptoms of rabies.

"**Dog**" shall mean all domesticated members of the canis familaris, male or female.

"**Cat**" shall mean all domestic species or varieties of the genus felis, male or female.

"**At large**" shall mean (a) any dog when off the premises of its owner and (1) not restrained by a competent person, or (2) creating a public nuisance, or (3) not wearing a collar with appropriate tags attached; and (b) any cat when off the premises of its owner and creating a public nuisance.

"**Restraint**" shall mean any dog controlled by a line or leash not more than six (6) feet in length, when said line or leash is held by a competent person, that is, a person capable of controlling or governing the dog and to whose commands the dog is obedient.

"**Public nuisance**" for purposes under Section 33.030, which provides a penalty for owners of animals which are permitted to run "at large" (the definition of which includes animals which create a public nuisance), shall mean any dog or cat if it (a) molests passersby or passing vehicles; (b) attacks other animals; (c) is repeatedly at large; (d) damages public or private property; (e) barks, whines, howls or meows excessively or continuously; or (f) defecates upon any private property not owned by its owners, upon condominium common elements, or upon public property, unless its owner shall remove all feces so deposited by such animal.

"**Household**" shall mean those members of a family living in the same dwelling unit.

"**Owner**" shall mean any person, firm, corporation or association, which owns, harbors, shelters, keeps, controls, manages, possesses, or has part interest in any dog or cat. The occupant of any premises on which a dog or cat remains for a period of seven (7) days or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring, sheltering, or keeping the aforementioned dog or cat, within this definition. Under no circumstances are the normal and ordinarily accepted definitions of the terms harboring, sheltering, or keeping, to be limited to the words of the aforementioned presumption. If a minor owns a dog, cat or other animal subject to the provisions of this chapter, the head of the household of which such minor owner is a member shall be deemed to be the owner of such dog, cat or animal for the purpose of this chapter and

under this chapter shall be responsible as the owner, whether or not such household head is himself a minor. If not a member of a household, such minor owner shall himself be directly subject to the provisions of this chapter.

"**Certificate**" shall mean a certificate issued at the time of the vaccination of the dog or cat, and bearing the signature of the vaccinator, the registration number, the name and address of the owner, the date of the vaccination, and type of vaccine administered.

"**Vaccination, Registration**" shall mean the procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate. The above words shall be interchangeable.

"**Nuisance**" for purposes under Section 31.090, shall mean any animal if (1) it shall appear from the records of the municipal court that the owner of the animal has been convicted in municipal court for allowing the animal to run at large in excess of three (3) times during any eighteen (18) month period; or (2) an animal not being at large, but on the premises of the owner, whether or not licensed, and not being confined on a leash and which animal shall have put any person of reasonable sensibilities in reasonable fear of being bitten while such person or persons were traveling on the public thoroughfares, public sidewalks, other public easements of the City, or such person has regular business on the premises of the owner including but not limited to a United States postal employee, a public utility employee, a City employee, and it shall appear to the court that the activity of the animal is continuous and has not been restrained by the owner of the animal.

"**Vicious animal**" shall mean any animal if it has (1) within the City bitten a person when not on the premises of the owner of the animal and thereafter without provocation the animal has bitten a person or put a person of reasonable sensibilities in fear of being bitten while such animal is running at large in the City; or (2) such animal has bitten a person within the City and such animal is required to be confined by Section 33.060 and, thereafter, shall be found to be running at large within the City during the time that such animal is required to be confined. (Ord. No. 7276, § 1(b), 11-1-83; Ord. No. 7300, § 1, 3-20-84)

Section 33.020. Licensing Requirements. - Repealed (Ord. No. 8040, § 1, 8-4-98)

Section 33.025. City Veterinarian; Duties; Appointment. - Repealed (Ord. No. 8040, § 1, 8-4-98)

Section 33.030. Running at Large.

It shall be unlawful for the owner of any dog or cat whether properly licensed and certified by vaccination-registration or not, to permit or allow such dog or cat to run at large as defined in Section 33.010. (Ord. No. 7276, § 1(d), 11-1-83)

Cross reference - Restraint of domestic animals and fowl, Section 33.220.

Section 33.040. Enforcement Officials.

Upon recommendation of the City Manager, the City Council may create the office of Animal Control Officer, to which said position the City Manager may appoint a suitable

person; provided, however, that the City Council may, in its discretion and in lieu of the creation of the office of City Animal Control Officer, enter into a contract with any person, firm, corporation, organization or agency for the control, pick-up and disposition of any dogs or cats which are found in violation of this article within the City of Webster Groves. Such contract shall be in writing and shall fix the compensation to be paid and shall be for such period and upon such terms and conditions as the Council may impose. The person, firm, corporation, organization, or agency so selected shall perform all the duties and be subject to all of the requirements of this article applicable to the city animal control officer, in addition to the duties imposed by such contract. The City Manager may, in addition, authorize the police department to pick up and restrain dogs or cats found within the City in violation of this article. (Ord. No. 7210, § 3, 1-5-82; Ord. No. 7276, § 1(e), 11-1-83)

Section 33.045. Impounding of Dogs and Cats, Redemption.

It shall be the duty of the animal control officer, or any other person, firm, corporation, organization or agency with which the City has contracted according to the provisions of this article, and the members of the Police Department, to pick up and impound, at the St. Louis County Rabies Control Shelter, all dogs or cats found within the City in violation of this article. All dogs or cats picked up and impounded under the provisions of this article may be deemed within five (5) days of capture by the owner or keeper, who is a legally responsible individual of eighteen (18) years of age or older. After five (5) days, any impounded dog or cat not redeemed may be destroyed. In order to redeem an impounded dog or cat, the owner or keeper must contact the City of Webster Groves Public Works Department to:

a. Establish his right or title to the dog or cat;

b. Either obtain or show proof of a current St. Louis County rabies vaccination registration tag;

c. Either obtain or show proof of a current license as provided hereinabove, and

d. Pay a redemption fee of Fifteen Dollars ($15.00) for the first redemption within a Twelve (12) month period; a redemption fee of Twenty-Five Dollars ($25.00) for the second redemption within such period and a redemption fee of Fifty Dollars ($50.00) for the third redemption within such period.

An additional impoundment fee may be collected directly by the St. Louis County Rabies Control Shelter, at the time the dog or cat is redeemed. (Ord. No. 7210, § 1, 1-5-82; Ord. No. 7276, § 1(f), 11-1-83)

Section 33.050. Right of Entry.

The animal control officer, or any other person, firm, corporation, organization or agency with which the city has contracted according to the provisions of this article, and the members of the Police Department, while in pursuit of a dog or cat running at large, shall have the right of entry to any lots or lands, including those of the owner of such dog or cat, for the purpose of collecting any dog or cat found in violation of this article. Such official or officials shall have the right of entry to any building or premises within any quarantined area as provided in Section 33.065 hereof, during the period of such

quarantine, for the purpose of examining or collecting any dog or cat suspected of having rabies or having been exposed to rabies. (Ord. No. 7210, § 3, 1-5-82; Ord. No. 7276, § 1(g), 11-1-83)

Section 33.055. Interference with Enforcement Officials.

Any person who shall interfere with or obstruct a City Official in the reasonable performance of his duty in apprehending any dog or cat for impounding or investigation under this article, or any person who shall refuse to deliver up his dog or cat, or dogs or cats, upon request by a proper City Official, whenever such official has reasonable cause to believe that such dog or cat is unlicensed or has not been inoculated against rabies within a period of one year, or such dog or cat is running at large in violation of this article, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided. (Ord. No. 7276, § 1(h), 11-1-83)

Section 33.060. Rabid Animals to be Confined.

a. No person, firm, corporation or association owning or having custody or control of any animal affected with rabies or any animal which has been exposed to rabies or which shows symptoms or indication of having rabies, shall permit such animal to be upon any street, alley, public place or private property within the City, other than the property of the owner or custodian of such animal, and then only if such animal is so confined as to prevent its straying from the premises.

b. Every person, firm, association, or corporation owning or having custody or control of any animal which has bitten a person or which acts in a manner suggesting that it is or may be affected with rabies, shall impound such animal in the Animal Protective Association shelter, with a licensed veterinarian or other place approved by the health department for a period of ten (10) days for observation. If such person, firm, association, or corporation shall fail to have such animal impounded as herein required, the official or officials charged with the enforcement of this article shall impound such animal as herein provided. For the purpose of enforcing this provision, such official shall have the right of entry to any premises.

Section 33.065. Quarantine.

The City Manager shall have the power and authority, at any time he shall deem it necessary for the protection of the public health and safety against rabies, to issue an order of quarantine, requiring any or all animals within the city to be restrained and kept under observation, and prescribing such other regulations concerning the same as he shall deem necessary. Immediately upon the issuance of such quarantine order, the City Manager shall take steps to properly inform the residents of the City of Webster Groves of the existence of such order and of the penalties attached to the violation of such order; and it shall be the duty of every person who owns, controls, possesses or has in custody any animal, to comply strictly with such order.

Section 33.070. Notification of Destruction of Rabid Animal.

Any person destroying an animal affected with rabies or suspected of being affected with rabies shall immediately notify the city manager and shall provide the City Manager with

all pertinent information respecting persons bitten or suspected of being bitten by said animal and also with all pertinent information respecting any other animal exposed to the animal destroyed.

Section 33.075. Reporting Animal Bites.

Every physician shall report to the City Manager all pertinent information concerning any resident of the City of Webster Groves who has been bitten by an animal suspected of being rabid and every veterinarian shall report all pertinent information concerning rabid animals under his care.

Section 33.080. Barking and Menacing Dogs.

It shall be unlawful for any person or persons to keep or harbor upon his premises any dog or dogs that shall be loud or frequent or habitual barking, yelping or howling, cause annoyance to the neighborhood. Summons for violation of this ordinance may be issued and conviction for violation of this ordinance may be obtained by the complaint and testimony of (1) two separate unrelated property owners or occupants or (2) one property owner or occupant and one animal control officer or City Police Officer who shall have had ample opportunity to observe and hear the conduct of the dog or dogs. (Ord. No. 7467, § 1, 11-3-87)

Section 33.083. Animal Fecal Matter.

a. It shall be unlawful for the owner or handler of any animal to fail to remove fecal matter deposited by their animal on public property or public easement, or private property of another, before the owner or handler leaves the immediate area where the fecal matter was deposited.

b. It shall be unlawful for the owner or handler of any animal to fail to have in their possession the equipment necessary to remove their animal's fecal matter when accompanied by said animal on public property or public easement, or private property of another.

c. The above prohibitions shall not extend to areas set aside and designated by the City as areas where animals can be off-leash for exercise or training.

Section 33.085. Penalties for Violation.

Any owner violating any of the provisions of this article shall be guilty of a misdemeanor and be subject to a fine not less than Ten Dollars ($10.00), or more than One Hundred Fifty Dollars ($150.00) for each and every conviction. In determining the fine the court shall not take into account any redemption fee or impoundment fee already paid by the defendant or for which the defendant may be liable. (Ord. No. 7210, § 2, 1-5-82; Ord. No. 7276, § 1(i), 11-1-83)

Section 33.090. Vicious Animals.

a. If the City Manager or other officer, to whom such duties have been delegated, shall, on his own information, or the information of any person, believe that reasonable cause exists to believe that an animal is vicious or is a nuisance, as

defined in this article, then the City Manager or his delegate may cause a complaint to be filed with the Municipal Court of the City alleging the name of the owner, if known, of such animal. Such complaint shall identify the animal in a reasonable manner and shall set forth that the animal is vicious or is a nuisance, as defined in this article. Thereupon, the Court Clerk shall cause a summons to be issued to such owner, if known; attaching thereto a copy of the complaint, and said summons shall set a date for hearing before the Municipal Judge of the City, not less than ten (10) days after the date of service of the summons. If the owner is not known, the summons directed to the unknown owner shall be posted in a conspicuous place in the Webster Groves City Hall not less than ten (10) days prior to the date for hearing. On the date specified by the Court Clerk, the Judge of the Municipal Court shall conduct a hearing at which time the City shall proceed and present evidence as to whether the animal is vicious or a nuisance. If the Court shall find that the animal is vicious or a nuisance, then the Court shall enter its order directing any officer to take the animal into custody (if not then in custody), or directing the owner to deliver the animal to any officer. Five (5) days after such animal shall be taken into custody or delivered to any officer, the animal shall be destroyed.

b. If the owner of the animal shall appear at the hearing, then the Court may, in lieu of ordering the animal to be destroyed, upon agreement by the owner, order an officer to hold the animal in custody until a suitable pen or other enclosure shall be constructed by the owner, which pen or other enclosure shall be built in such manner as to prevent such animal from escaping or endangering any person within the City, and, upon completion of such pen or enclosure, to the reasonable satisfaction of the Department of Public Works within the City, then the Court shall release the animal to the owner to be placed in the pen or other enclosure. During the time that said animal shall be in the custody of the City, the owner of the animal shall pay all reasonable costs of keeping the animal. If such pen or enclosure is not built within thirty (30) days after the Court shall enter its order, then the Court Clerk shall reset the matter upon the docket for the next setting, notifying the owner of the animal and, at such time, the owner of the animal may present to the Court evidence as to why the pen or enclosure has not been completed and, if the Court is not satisfied that the owner of the animal has proceeded in a due and diligent manner with the completion of the pen or enclosure, then the Court may rescind its previous stay order and cause the animal to be destroyed.

c. Appeal: If, at the hearing, the Court shall enter an order of destruction and the owner shall indicate to the court that the owner wishes to appeal the decision of the Court, then the order of destruction shall not be effective until eleven (11) days after the date of entry of judgment, granting unto the owner of the animal the right to appeal such decision in the same manner as provided for other appeals for violation of municipal ordinances. The bond required for appeal shall be equal to the costs of an appeal charged by the Circuit Court of St. Louis County and the reasonable costs of maintenance of the animal for a sixty (60) day period. Bond shall be posted in cash, unless satisfactory evidence is submitted by the owner of the animal that the owner is indigent and without funds to file the necessary bond, in which case, the court shall enter its order dispensing with the necessity of bond in such appeal. The order of the Court for destruction of the animal shall be stayed pending the decision on appeal, but any

such order to take the animal into custody shall not be stayed or, if the animal shall then be in custody, the animal shall remain in custody pending the decision on appeal. (Ord. No. 7276, § 1(j), 11-1-83)

Article II. Regulation of Kennels

Section 33.110. Dog Kennel Business Defined.

Every person, family, firm, corporation, or association which possesses, controls, boards or manages more than two (2) dogs over the age of six (6) months, shall for the purpose of this article be deemed to be the operator of a dog kennel business; provided however, that the terms of this definition shall not apply to the ownership of more than two (2) dogs as personal pets by said person, family, firm, corporation or association.

Section 33.120. Licensing Requirements.

a. It shall be unlawful for any person, family, firm, corporation or association to operate a dog kennel business within the City of Webster Groves without procuring a license therefor and paying a license fee as hereinafter prescribed.

b. Upon application in writing by the person, family, firm, corporation or association seeking the same, a license to conduct a dog kennel as herein provided may be issued by the City Council. Such application shall set forth specifically the location of the proposed kennel and a full description of the buildings or other facilities to be provided for taking care of the dogs therein and such other pertinent information concerning the proposed facilities and operation as will enable the council properly to ascertain whether the conduct of such business will constitute a hazard to the health and welfare of the community, and whether the proposed operation will substantially comply with the minimum standards established by the animal protective association for the keeping and care of dogs. No such license shall be issued for the conduct of a dog kennel in a location where forbidden by other ordinances of the City. Upon compliance with said requirements and upon a payment of a fee of Seventy-Five Dollars ($75.00) a license to conduct a dog kennel may be issued. Thereafter such license may be renewed upon the payment of an annual license fee of Seventy-Five Dollars ($75.00) on the first day of January of each year. The application and license fee herein provided shall be in addition to the license and fee requirements of Article I, regulating and controlling dogs.

c. All licenses so granted for the conduct of a dog kennel shall not be transferable and may be revoked by the City Council at any time if it shall appear to the City Council that said kennel is so conducted as to constitute a menace to the health of the community or the peace and quiet of the neighborhood. No license shall be revoked except after notice to the owner and a hearing thereon. (Ord. No. 7276, § 1(k), 11-1-83)

Section 33.130. Maximum Number of Dogs Allowable.

The maximum number of dogs, which may be kept in any such kennel, shall not at any time exceed fifteen (15) over the age of six (6) months. (Ord. No. 7276, § 1(l), 11-1-83)

Section 33.140. Records; Inspections.

Every owner or operator of a dog kennel shall at all times keep an accurate record of the number, age, breed, color and general description of all dogs kept therein, which records shall be subject to the inspection by Police and Health Officials of the City; and by acceptance of a license to conduct such dog kennel, the owner agrees to permit periodic inspection at reasonable times of the premises upon which such kennel is conducted by Police or Health Officials of the City.

Section 33.150. Penalties for Violation.

Every person violating the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00).

Article III. Domestic Animals and Fowl

Section 33.205. Definitions.

For the purposes of this article, the word:

"**Domestic Animal**" or "**Fowl**" shall mean any animal or fowl trained or adapted to live in a human environment and be of use to humans, but shall not include common household pets typically and legally sold in pet stores and kept by members of the public at large such as dogs and cats which are regulated in Article I of this Chapter, caged birds (parrots and parakeets, etc.), small caged animals (hamsters, rabbits, gerbils, etc.), and aquarium animals (fish, non-poisonous small reptiles) or service animals specially trained to do work or perform tasks which benefit a particular person with a disability and excluding all animals defined in Article IV below.

"**Apiary**" shall mean a place where bee colonies are kept.

"**Bee**" shall mean any stage of the common domestic honey bee, Apis Melifera Species.

"**Best Management Practices of Beekeeping**" shall be the guideline known as Mid-Atlantic Apicultural Research and Consortium (MAAREC) Publication 2.7 dated February 2000; *Keeping Bees in Populated Areas – Tips for Suburban Beekeepers*.

"**Building Commissioner**" shall mean the Building Commissioner of the City of Webster Groves or his/her designee.

"**Building for Human Habitation**" shall mean the primary structure on a lot used for dwelling purposes.

"**Chicken**" shall mean female domestic members of the genus Gallus gallus.

"**Colony**" shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

"**Duck**" shall mean a common water bird with webbed feet, short legs, and a broad flat beak, but shall include only males and females of domestic breeds known to be not noisy.

"**Enclosure**" shall mean any area approved by a valid City permit that restrains any domestic animals and fowl other than a shelter.

"**Fowl**" for purposes of this Chapter shall mean a bird of any kind.

"**Health and Environmental Services Advisory Board**" shall mean the Health and Environmental Services Advisory Board as established by Chapter 3, Article X of the Code of Webster Groves

"**Hive**" shall mean a structure intended for the housing of a bee colony.

"**Potbelly or Potbellied pig**" shall mean any of a breed of small pigs originating in southeastern Asia and having a straight tail, potbelly, swayback, and black, white, or black and white coat. This definition shall also include the breed of pig commonly referred to as miniature pig, tea cup pig and/or micro pig.

"**Public nuisance**" shall mean any act defined as a public nuisance in Section 31.010 of the Code of Webster Groves.

"**Shelter**" shall mean any structure, including but not limited to a building, shed or coop used for the containment or protection of domestic animals and fowl from weather and predators, but does not include an "enclosure" as defined herein and is more substantial than an "enclosure."

"**Split**" shall mean the dividing of hives to requeen, modify production or to prevent swarms.

"**Unimproved Land Area**" shall mean any portion of a lot that is free of any building, structure, or similar improvement.

Section 33.210. General Regulations.

a. No person may keep upon his premises any domestic animal or fowl except as provided in this article.

b. No permitted domestic animal or fowl shall be used or maintained for commercial purposes including but not limited to breeding, slaughter and product sale.

c. In addition to complying with the terms of this Article, the location, size, number and construction of enclosures and shelters shall comply with Chapter 20 and the accessory structures provisions of Chapter 53 of the City.

d. When a conflict occurs between this Article and Chapter 20 or Chapter 53, the most stringent regulation shall apply.

e. Adequate shelters and enclosures shall be provided for all permitted domestic animals and fowl. Shelters and enclosures shall be constructed to prohibit each domestic animal

and fowl from running at large or taking flight and to protect each domestic animal and fowl from predators and natural elements.

f. All shelters and enclosures shall be located in a “rear yard” as that term is defined in Chapter 53.

g. Notwithstanding any provision to the contrary herein, no shelter shall be located within fifty (50) feet from any portion of any building intended for human habitation on a lot other than the one upon which the shelter is located.

h. No shelter shall exceed one hundred (100) square feet, or be located nearer than five (5) feet from any “lot line” as that term is defined in Chapter 53.

i. No enclosure shall be located within five (5) feet of a lot line.

j. Unless specifically allowed in other regulations herein, no domestic animal or fowl may be kept in any building or structure used or intended to be used for human habitation.

k. Every premises and every shelter, on or in which any domestic animal or fowl is kept shall be maintained in a clean and sanitary condition and free from all obnoxious smells or substances; otherwise they shall be deemed to be a public nuisance.

The owner and the tenant or custodian of the premises on or in which any domestic animal or fowl is kept must promptly comply with orders of the City and/or the St. Louis County Department of Health in respect to any unsanitary condition found to exist.

l. The presence of numerous flies or the presence of fly larvae in the vicinity of any such premises, enclosures or shelters shall be evidence of a lack of sanitary maintenance of the premises, and shall constitute a public nuisance.

m. Where manure will remain on the premises in excess of twenty-four (24) hours, a fly-proof receptacle shall be provided for containing such manure. Any unnecessary accumulation of debris, refuse, manure or other removable material upon any surface within or on any such enclosure or shelter, or within the area around the enclosure or shelter shall be evidence of a lack of sanitary maintenance of the premises, and shall constitute a public nuisance.

n. Any obnoxious odor discernible at the lot line or allergen arising from any condition existing within the enclosure or within the shelter used or intended to be used for the keeping or housing of permitted domestic animals or fowl shall be evidence of a lack of sanitary maintenance of the premises, and shall constitute a public nuisance.

o. All premises, enclosures or shelters used or intended to be used for the keeping or housing of any such domestic animals or fowl permitted by the City shall be thoroughly cleaned and all debris, refuse, manure or other removable material shall be removed therefrom as often as may be necessary to effect satisfactory compliance with the provisions of this Article.

All debris, refuse, manure or other removable materials shall be controlled such that debris, refuse, manure or other removable materials do not enter the stormwater system or any abutting property.

p. Enclosures shall be properly vegetated and/or maintained to prevent erosion.

q. Areas containing any enclosure, shelter and any appurtenances thereto must either be of level grade or graded in a direction away from the lot line in order to prevent run off onto adjacent lots or public property.

r. Deceased domestic animals and fowl must be disposed of either through burial or incineration in accordance with federal, state, and county regulations.

s. Slaughter within the City is prohibited.

t. All enclosures and shelters, refuse containers, and all feed containers intended for the use of domestic animals and fowl permitted by the City shall be constructed, maintained and kept in such a manner as to be completely rodent proof. The floors of every such shelter shall be smooth and tight, and maintained so as to prevent accumulation of filth or water or harboring of vermin thereunder.

Section 33.220. Duties.

The Building Commissioner shall administer, enforce and carry out the provisions of this article regarding domestic animals and fowl.

Section 33.221. Permit Requirement and Revocation.

a. Any person desiring to keep any domestic animal, including bees, and/or fowl, that is herein regulated, shall file a permit application with the City. The permit application shall contain sufficient information for the Building Commissioner to determine compliance with this Article. The application shall include but not be limited to the following information:

    1. Name, address and phone number of the applicant.
    2. Location and the facilities to be provided.
    3. Size of the lot of the applicant.
    4. Number and type of each domestic animal or fowl or colonies to be kept.
    5. Purpose of the keeping.
    6. Names and telephone numbers of persons who can respond to any emergency involving the animals in the owner's absence.
    7. Length of time applicant has resided at current address. If less than twelve months, previous address.
    8. Site plan showing, to scale, the location of the hive, enclosure and shelter, not to exceed 100 square feet, excepting for bees and beekeepers, and the distances from each lot line and habitable building on adjacent lot.
    9. Details of the materials and dimensions of the hive, enclosure and shelter.

b. The Building Commissioner shall decide whether the application meets the terms and conditions of this article.

c. Each permit shall be for a term of three (3) years, except for bee colonies, which shall last in perpetuity with the owner, unless sooner revoked by the Building Commissioner or such person designated by the Building Commissioner. Each application and renewal

shall require an inspection of the premises by the Building Commissioner or his/her designee to confirm compliance with this Article, and a permit shall not be issued or renewed if a premise is found not to comply. Each inspection shall require a thirty dollar ($30) inspection fee.

d. No permit shall be issued to any owner-occupant or tenant on premises that have an existing or pending building or housing code violation within the 12 months immediately preceding the date of the application for such permit.

e. A permit for any domestic animal, including bees, fowl, or chicken may be revoked at any time, without a hearing, if it is determined that an infectious agent of potential significant co-pathogenicity, such as avian flu, is identified within the continental United States. At such time, the owner shall take such steps as health officials of the County, State or Federal government instruct with regard to the quarantine or destruction of any such domestic animal, including bees, fowl or chicken.

f. Except as provided above, if the holder of a permit allows an unsanitary condition, or any violation of this ordinance to exist for more than fourteen (14) calendar days after notice from the City, then such permit for any domestic animal, including bees, fowl or chicken shall be revoked subject to appeal as set forth herein.

g. If a permit is denied or revoked, no application for a new permit may be made for three (3) years from the date of denial/revocation.

h. Revocation Appeal hearing.

1. The City Manager of the City of Webster Groves or his/her designee shall be the hearing officer.

2. The holder of a permit may, within fourteen (14) days after the notice of revocation, make a written request for appeal. Requests for appeals of the revocation shall be directed through the Building Commissioner. The application for appeal shall include an application fee of fifty dollars ($50.00).

3. Applicant shall be given written notice of the date and time of the hearing at least seven (7) calendar days before the date of the hearing.

4. A public hearing notice stating the date, time and location of the hearing shall be posted on the lot at issue at least seven (7) calendar days before the date of the hearing.

5. After the hearing, upon a determination by the City Manager or his/her designee, that such domestic animal, including bees, fowl or chicken is being maintained in an unsanitary condition, or in violation of this article, or other laws applicable to such domestic animals, including bees, fowl or chicken a letter of determination shall be issued confirming revocation of the permit.

6. All domestic animals, including bees, fowl or chicken must be disposed of or removed from the City not more than fourteen (14) calendar days following receipt of the letter of determination after hearing, unless circumstances warrant earlier removal.

(FPN) Observe violation and send notice of violation. Reinspect 14 days send notice of revocation. Hearing before City Manager if requested in writing within 14 days. Schedule hearing. If revocation upheld, 14 days to dispose of or remove animals.

Section 33.231. Chickens and Ducks.

a. Chickens and ducks are limited to lots zoned single family residential and with valid occupancy permits and a minimum of 5,500 square feet of unimproved land area. Chickens and ducks on lots with less than five thousand five hundred (5,500) square feet of unimproved land area are prohibited.

b. No more than a combination of eight (8) female chickens (hens) or ducks of any gender are allowed. In the event that chickens are acquired at an age when gender cannot be determined, any male chickens (roosters) must be removed within ten days of the date that gender can be determined.

Section 33.232. Goats.

Goats are prohibited. All persons, firms, or corporations presently keeping or maintaining up to the maximum of three goats shall comply with this article through attrition (a reduction in numbers as a result of death).

Section 33.233. Potbellied Pigs.

a. Potbellied pigs and/or tea cup pigs are limited to lots zoned single family residential and with a valid occupancy permit and a minimum of 5,500 square feet of unimproved land area. Potbellied pigs and/or tea cup pigs on lots with less than 5,500 square feet of unimproved land area are prohibited.

b. It shall be unlawful to keep more than two (2) potbellied pigs on any lot within the city.

c. All potbellied pigs shall be neutered or spayed.

d. Each potbellied pig may be kept in a structure for human habitation.

e. When outdoors, each pig shall be confined to an approved enclosure or be kept on a suitable harness or leash not exceeding six (6) feet in length.

Section 33.234. Bees.

a. Beekeepers shall seek to comply with the Best Management Practices of Beekeeping.

b. All bee colonies shall be kept in inspectable type hives with removable combs, which shall be kept in sound and usable condition.

c. Hives are not permitted within five (5) feet of a lot line as measured from the closest point of the lot to the closest point of the hive.

d. Hives shall not be located in the front yard, as defined in Chapter 53 (Zoning Code), and hives in any other portion of a yard shall be subject to all other regulations in Chapter 33, Article III, "Domestic Animals and Fowl."

e. Any hive within 25 feet of a lot line shall not open towards that lot line unless that lot line shall have a flyway barrier of at least six (6) feet in height. The flyway barrier shall consist of one or a combination of the following: vegetative barrier, solid wall, fence, or other acceptable barrier.

f. No hive is permitted within ten (10) feet of a building used for human habitation on an adjoining lot as measured from the closest point of the building to the closest point of the hive.

g. Each beekeeper shall ensure that a convenient source of water is available at all times. The water source shall be located on the same property as the hive and within fifty (50) feet of the hive or less than one-half the distance to the nearest unnatural water source, whichever is closest. The water shall be maintained so as not to become stagnant.

h. Beekeepers shall practice good swarm prevention techniques.

i. It shall be unlawful to keep more than five (5) colonies on any lot within the city.

   Exception: Splits are permitted on a temporary basis.

j. Bees, hives and the area surrounding the hives shall be maintained so that they do not create a nuisance as defined in Chapter 31. For the purpose of this provision, bees are animals.

k. Existing beekeepers shall be granted an extension for compliance with the location of any hive up to and including January 1, 2015.

FPN: Section 31.010 **(**d) of the Municipal Code is as follows: *The keeping of animals of any kind, domestic or wild, upon any public or private place or premises in such a manner or condition that same constitutes a hurt, injury, annoyance, or danger to the public or the residents in the vicinity*."

Section 33.235. Non-conformity.

a. Keeping of Animals
   All persons, firms, corporations, or other entities currently keeping or maintaining any animal in a number in excess of that which is permitted as of <specify date> shall come into compliance with this Article through attrition (i.e., no animal in excess of the permitted number may be replaced when that animal dies) .

b. Shelters

   1. Discontinuance of Shelter Uses. The lawful use of a shelter existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use may continue.

2. Abandonment. In the event that a nonconforming use of a shelter is discontinued for a period of twelve (12) months, the location of the same enclosure or shelter shall thereafter conform to the use permitted.

3. Enlargement, Extension, Reconstruction, Alteration. No existing shelter shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in this Ordinance.

Section 33.236. Appeal.

Any applicant may appeal the decision of the Building Commissioner denying a permit to the Health and Environmental Services Advisory Board, if the applicant believes the calculation of the square footage, distance from neighboring dwellings or setbacks required were calculated in an error that resulted in the denial of their application. The Health and Environmental Services Advisory Board may affirm, reverse or modify the decision of the Building Commissioner based on their review.

Any applicant may appeal the decision of the Building Commissioner denying a permit for the design or construction of a shelter or enclosure to the Architectural Review Board (ARB). The basis for approval, disapproval or recommendation shall be provided for in Chapter 56

Sections 33.237-239 are intentionally left blank.

Section 33.240. Cruelty to Animals Prohibited.

No person may overdrive, overload, drive when overloaded, ill-treat, torment or unnecessarily or cruelly beat or needlessly mutilate or kill any animal, within the City, and no person may cause or procure any animal to be over driven, overloaded, driven when overloaded, ill-treated, tormented, or unnecessarily or cruelly beaten or needlessly mutilated or killed.

Section 33.245. Equines Prohibited.

No person, firm, or corporation shall keep or maintain any horse, pony, burro, mule or other equine within the City.

All persons, firms, or corporations, presently keeping or maintaining such animals shall comply with this Ordinance within one hundred eighty (180) days after its passage and approval, as provided by law.

Section 33.247. Right of Entry.

As a condition of each permit issued hereunder, the animal control officer, official of the City, official of the St. Louis County Department of Health, or any other person, firm, corporation, organization or agency with which the City has contracted according to the provisions of this article, and police officers, while in pursuit of a domestic animal or fowl running at large, shall have the right of entry to any lots or lands, including those of the owner of such domestic animal, for the purpose of collecting any domestic animal found in violation of this Article.

Section 33.248. Interference with Enforcement Officials.

Any person who shall interfere with or obstruct a City official in the reasonable performance of his or her duty in apprehending any domestic animal or fowl, or investigation under this Article, or any person who shall refuse to deliver up his or her domestic animal or fowl, upon request by a proper City official, whenever such official has reasonable cause to believe that such animal or fowl is unlicensed or such permit for keeping the animal or fowl has been revoked under the provisions of this Article, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided.

Section 33.250. Penalty for Violation.

Any person who violates any provision of this Article may be fined not more than One thousand Dollars ($1,000.00) for each violation and each day or part of a day shall be considered a separate violation.

Article IV. Wild Animals and Birds

Section 33.310. Keeping of Wild Animals Prohibited.

No person, except a duly constituted zoological garden, operated and conducted by and with the consent of the City, may keep or maintain any wild or undomesticated animal or reptile of any kind. The term wild or undomesticated animal or reptile includes animals or reptiles generally known as wild, such as lions, tigers, wolves, bears, jaguars, wildcats, poisonous snakes and others of this general class and description.

Section 33.320. Catching or Killing Birds Prohibited.

No person may catch, kill, or injure, or attempt to catch, kill, or injure, in or upon the streets, avenues, alleys, highways, or other public places, or in or upon the private premises of another, any wild or insectivorous bird nor keep any cat, or other fowl or animal, in such a manner as to permit it to kill such birds.

Section 33.330. Penalty for Violation.

Any person who violates any provision of this Article may be fined not more than One thousand Dollars ($1,000.00) for each violation and each day or part of a day shall be considered a separate violation.

(Ord. No. 8797, § 1, 5-21-13, Ord. No. 8833, § 1, 5-20-14)

CHAPTER 34. REGULATIONS OF SOLID WASTE STORAGE, COLLECTION, TRANSPORTATION, DISPOSAL AND LICENSING

Section 34.010. Definitions.

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

"**Bulky Waste**" all household appliances, excluding "white goods", household furnishings and yard equipment which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment used for route collection not exceeding three (3) cubic yards total volume per week per residence and excluding household Refuse, Yard Waste, Major Household Appliances, motor vehicle or trailer tires, batteries, construction materials and construction debris (except as included under "**Refuse**"), or automobile parts. (Ord. No. 8026, § 1, 4-21-98)

"**City**" the City of Webster Groves, Missouri.

"**City Manager**" City Manager of the City of Webster Groves or his authorized representative.

"**Collection**" removal of solid waste from its place of storage to the transportation vehicles.

"**Composting**" a controlled biological reduction of organic wastes to humus.

"**Contractor**" the individuals, companies, corporations with whom the City has contracted to provide refuse disposal.

"**Curbline Collection**" collection of "**refuse**" at one location at the curb fronting each residence stored in resident furnished plastic bags and/or plastic or metal solid waste storage containers of a nominal capacity no greater than forty-five (45) gallons, each weighing under sixty (60) pounds including contents. Solid waste containers in excess of forty-five (45) gallons may be used if provided by the City's solid waste contractor. (Ord. No. 8026, § 1, 4-21-98)

"**Demolition and Construction Waste**" waste materials from the construction or destruction of residential, industrial or commercial structure.

"**Director**" the Director of the Department of Public Works of the City, or his authorized representative. (Ord. No. 8026, § 1, 4-21-98)

"**Dwelling Unit**" any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

"**Hazardous Wastes**" including but not limited to: pathological wastes, pesticides, pesticide containers, toxic and radioactive materials, and paint and paint thinner.

"**Multiple Housing Facility**" a housing facility containing more than two (2) dwelling units under one roof.

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

"**Person**" any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision or organization of any kind, or their legal representative, agent or assigns.

"**Processing**" incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

"**Rear Yard Collection**" collection of "**refuse**" from resident furnished plastic or metal solid waste storage cans at one location at the front, rear or side (nearest driveway) yard or from the alley if located along the rear of the property, but "**yard waste**" and "**bulky trash**" are to be collected at the curb. (Ord. No. 8026, § 1, 421-98) "**Recyclables**" or "**Single Stream Recycling**" Materials from the solid waste stream that may be reprocessed and. reused as a manufacturing resource to include, as a minimum, newspapers including inserts; magazines; catalogs; telephone books; gift wrap paper; junk mail; cereal, cake, food, gift boxes, etc.; cardboard; beer and soda cases; glass bottles and jars; aluminum food cans, trays and foil; metal food cans; steel cans and lids; aseptic packaging and gable top containers; paperback books; and .Type #1 through #5 plastics and #7 plastics (narrow neck containers only).

"**Refuse**" such materials as all semi-solid and solid food wastes derived from and during the procurement, storage, processing, cooking, and consumption of food materials of animal, vegetable or synthetic origin which are intended for and are used by householders for the refreshment or sustenance of human beings or animals (excluding liquid wastes or materials from the processing of hides or other animal parts), cold ashes derived from fireplaces, paper of all kinds, cartons and containers, books, magazines, straw, excelsior, sawdust, shavings, pieces of wood, tin cans, tinware and other small metallic items and materials, bottles, glassware, crockery, dishes and parts of furniture, fixtures and other household equipment, and all other useless, rejected and cast off matter of such weight, dimension, size and shape that they can be stored in a standard container as defined herein excluding parts of trees, bushes, leaves and grass cuttings, street sweepings, catch basin contents, soil, mortar, plaster, concrete, bricks, stones, gravel sand and all wastes, or left-over materials resulting from grading, excavation, construction, alterations, repair or wrecking of buildings, structures, walls, roofs, roads, streets, walks or other facilities and such items of refuse whose weight, size, dimension and shape cannot be stored in a standard container as defined herein except that "refuse" shall include that debris resulting from minor home repair and remodeling of any building which can be properly placed in a standard container the weight of which does not exceed sixty (60) pounds and can be removed by not more than two men, with such debris limited to two (2) standard containers per week. (Ord. No. 8026, § 1, 4-21-98)

"**Solid Waste**" Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to refuse, street refuse, rubbish, recyclables, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes. (Ord. No. 8026, § 1, 4-21-98)

a. "**Commercial Solid Waste**" solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than two (2) dwelling units.

b. "**Residential Solid Waste**" solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than two (2) dwelling units.

"**Solid Waste Container**" receptacles used by any person to store solid waste during the interval between solid waste collections. (Ord. No. 8026, § 1, 4-21-98)

"**Solid Waste Disposal**" the final disposition of solid waste.

"**Solid Waste Management**" the entire solid waste system of storage, collection, transportation, processing, recycling, and disposal. (Ord. No. 8026, § 1, 4-21-98)

"**Storage**" keeping, maintaining, or storing solid waste from the time of its production until the time of its collection.

"**Transportation**" the transporting of solid waste from the place of collection to a solid waste processing facility or solid waste disposal area.

"**White Goods**" large household appliances consisting of refrigerators, freezers, clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, ranges, stoves, wood stoves, and air conditioners that can be easily and safely handled by two men and do not exceed three (3) cubic yards total volume; motor vehicle or trailer tires; and lead acid batteries with a nominal voltage of six (6) volts or greater. (Ord. No. 8026, § 1, 4-21-98)

"**Yard Waste**" grass clippings, leaves, and tree, shrub and plant prunings stored in either resident-furnished biodegradable kraft paper bags, plastic or metal solid waste storage containers of a nominal capacity no greater than forty-five (45) gallons, tied in bundles that do not exceed four (4) feet in length and eighteen (18) inches in diameter with no limb or branch exceeding four (4) inches in diameter. Solid waste containers in excess of forty-five (45) gallons may be used if provided by the City's solid waste contractor. No bag, can or bundle shall exceed sixty (60) pounds in weight.

Section 34.020. Solid Waste Storage.

a. The owner of every multiple dwelling and each occupant of every one- or two-family dwelling unit and every institutional, commercial or business, industrial or agricultural establishment producing solid waste shall provide approved containers to serve each such dwelling unit and/or establishment for the storage of all solid waste except bulky rubbish, demolition and construction waste, and

yard waste when the yard waste is composted in accordance with Section 34.035 of this Chapter.

b. The occupancy of every dwelling unit and every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in approved solid waste containers, as hereinafter set forth and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

c. Garbage and rubbish from one- and two-family dwellings shall be stored in containers of no more than thirty-five (35) gallons nominal capacity that shall have been manufactured for this outdoor storage function. Solid waste containers in excess of forty-five (45) gallons manufactured for this outdoor storage function may be used if provided by the City's solid waste contractor. They shall be fitted with a fly and water tight lid which shall be in place at all times except during a filling or emptying operation. Said container shall be leak proof and waterproof and shall be tapered with the opening having a greater diameter than the bottom. The weight of containers not exceeding a nominal capacity of forty-five (45) gallons shall not exceed sixty (60) pounds including contents. Plastic bags shall not be used for storage of garbage and rubbish in place of an approved container, except for that period of time when garbage and rubbish is permitted to be placed at the curb line in plastic bags for collection as provided in subsection 34.030 below.

d. Contents shall not be so tightly packed in the container as to require removal by hand.

e. Commercial and multiple family solid wastes shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof.

f. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter and no limb or branch shall exceed four (4) inches in diameter when not placed in kraft paper bags or in plastic or metal solid waste storage containers. The weight of any individual bundle shall not exceed sixty (60) pounds.

g. Yard waste not tied in bundles shall be stored in resident furnished biodegradable kraft paper bags, manufactured for this purpose, or in plastic or metal solid waste storage containers of a nominal capacity no greater than forty-five (45) gallons and a weight including contents not exceeding sixty (60) pounds. The capacity of any individual bag and contents shall not exceed thirty (30) gallons and the weight of any individual bag and contents shall not exceed fifty (50) pounds. Unless provided by the City's solid waste contractor, a plastic or metal solid waste container shall have affixed upon it a City-approved identifying yard waste decal. Solid waste containers in excess of forty-five (45) gallons may be used if provided by the City's solid waste contractor. (Ord. No. 8026, § 2, 4-21-98)

h. Yard waste in kraft paper bags, in bundles, in solid containers or loose yard waste intended for collection by private contractors shall be placed behind the curb for collection in such a manner as not to interfere with surface water drainage.

i. Residents will confine every animal which may injure or harass the collector. Containers will not be emptied which are immediately adjacent to the confined animal.

j. Improperly stored solid waste will not be collected. (Ord. No. 7287, § 1, 27-84; Ord. No. 7376, § 1, 4-1-86; Ord. No. 7427, § 1, 3-17-87)

Section 34.030. Collection of Solid Waste.

a. The City shall provide for the collection of all solid waste from one- and two-family dwellings in the City by contracting with a person or persons for the entire City or portions thereof, so deemed to be in the best interests of the City. Commercial and multiple-family waste shall be collected by a collector chosen by and paid by the owner or occupant of said premises. Said collector shall have a City permit.

b. All solid waste collected shall, upon being loaded into transportation equipment, become the property of the collection agency.

1. When the occupant has contracted individually with the solid waste contractor for the option of rear yard collection, at the time of collection, solid waste containers for the storage of residential refuse shall be placed in resident furnished plastic or metal trash cans at one location at the front, rear or side (nearest the driveway) yard or from the alley (if located along the rear of the property), readily visible and accessible to the collector. All containers to be emptied shall be in the same location. At other times, containers shall be at a point to the rear of the front line of said structure. Yard waste, recyclables, bulky trash and major appliances must be placed at the curb for collection.

2. When the City has contracted for City-wide curbline collection and the occupant has not contracted with the solid waste contractor for rear yard collection, refuse shall be placed at the curb line in (i) plastic bags manufactured for that purpose and securely tied to prevent the dispersal of the waste placed therein, (ii) in plastic or metal containers as described in Section 34.020(c) above, or (iii) in solid containers in excess of forty-five (45) gallons, when provided by the City's solid waste contractor. The bags and solid containers shall be placed at the curb for collection in such a manner as not to interfere with surface water drainage. It shall be the duty of the occupant receiving the curb line service to maintain the curb area in a clean, neat and sanitary condition at all times. Other than when placed at the curb line for collection, refuse must be placed in containers at a point to the rear of the front line of the residence.

3. For commercial and multi-family residential collection, if the premises do not abut an alley and the premises must be served from the street, the designated collection point shall be as close to the rear line of the building as possible and at a place which is easily accessible to the collector. If the premises are accessible from an alley, the designated collection point shall be at a point of the rear boundary of the premises which is easily accessible from the alley to the collector and which is agreeable to all concerned.

c. Tree limbs, yard wastes, or other solid waste permitted by this chapter to be placed at the curb for collection by the City's contractor shall not be so placed earlier than 4:00 p.m. or the day prior to the regularly scheduled collection day, except that yard waste in kraft paper bags only may be placed at the curb at any time from October 1 until January 1. Unless the occupant has contracted with the solid waste contractor for an optional yard waste subscription service, all unbundled yard waste to be collected by the City's contractor shall be stored in kraft paper, bags or approved plastic or metal containers affixed with a prepaid sticker. All bundled yard waste shall be affixed with a prepaid sticker.

d. Bulky waste shall be collected weekly by the contractor from the curb only. All household furnishings such as mattresses, sofas, chairs and other large items, other than those listed in paragraph (6) that can easily and safely be handled by two men, and do not exceed three (3) cubic yards total volume per week per residence, shall be removed at the curb without additional charge or prior scheduling along with the regular refuse collection. Construction debris from minor home repair and remodeling will be accepted; however, the quantity of such debris cannot exceed two (2) standard trash cans [each weighing under sixty (60) pounds] per week. Larger quantities of construction debris and auto parts require an additional fee and scheduling to be determined by the City's contractor.

e. White goods consisting of refrigerators, freezers, clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, ranges, stoves, wood stoves, and air conditioners that can be easily and safely handled by two men and do not exceed three (3) cubic yards total volume; motor vehicle or trailer tires; and lead-acid batteries with a nominal voltage of sixe (6) volts or greater shall be collected weekly by the contractor from the curb only. These wastes shall be collected by appointment made directly with the contractor.

f. Recyclables shall be collected weekly from the curbline of each residence. A City or contractor furnished container must be used and shall not be placed at the curb earlier than 4:00 p.m. on the day prior to the regularly scheduled collection day and be removed by 9:00 a.m. the day following the scheduled collection.

g. Solid waste collectors, licensed by St. Louis County, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. (Ord. No. 8039, § 1, 84-98)

h. The following collection frequencies shall apply to collections of solid waste within the City:

1. All solid waste from one- and two-family dwellings shall be collected at least once per week.

2. Solid waste from other sources shall be collected at least once per week and at a lesser interval when necessary for the preservation of health and/or safety of the public.

3. No collections from one and two family residential units shall occur on January 1, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day. Collections that are regularly scheduled to occur on the day of the above listed holiday or on any day after the day of the holiday during the same week shall instead occur one day after the regularly scheduled collection day including on Saturdays. All collections shall occur between the hours of 6:00 a.m. and 6:00 p.m. Variations from the published collection schedule shall receive prior approval of the Director.

i. Solid waste collectors shall be responsible for the collection of all solid waste from the point of collection to the transportation vehicle. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected immediately and placed in the transportation vehicle by the solid waste collector. Collectors shall replace lids of all storage containers after emptying, put the containers back in their original location, and shall not abuse said container and lid.

j. The collection supervisor shall contact the Department of Public Works at midmorning and before leaving the City for the day on each day to obtain reports received directly by the City of missed or improper collections and to report resident violations of the solid waste ordinance or collection regulations. The contractor shall submit accurate monthly records to the Director of the number of residences served, the total volume of refuse and yard waste collected and total net tons of mixed recyclables collected within the City, by the fifteenth (15th) working day of the month following. (Ord. No. 7287, § 1, 2-7-84; Ord. No. 7376, § 2, 4-1-86; Ord. No. 7427, § 1, 3-1787; Ord. No. 7476, § 1, 1-5-88 Ord. No. 8026, § 3, 4-21-98)

Section 34.035. Composting.

a. **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:

1. It is desirable to contain compost piles in a free-standing bin. Each compost bin shall be no larger in volume than five (5) feet wide, five (5) feet high and five (5) feet long or one hundred twenty-five (125) cubic feet. No more than three (3) compost bins shall be permitted on properties of five thousand (5,000) square feet or smaller. One (1) bin can

be added for every ten thousand (10,000) square feet of additional property.

Piles without structural containment will not be allowed to occupy more than a ten (10) square foot area for properties of five thousand (5,000) square feet or smaller. An additional ten (10) square foot area will be granted for every additional ten thousand (10,000) square feet of property. Piles shall be no higher than five (5) feet.

2. All compost piles shall be maintained so as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost pile shall be cause for the City to issue a notice of violation.

3. All compost piles shall be maintained so as' to prevent unpleasant odors. It is recognized that there will be some earthen odors associated with composting organic materials; however, these should never become distinctly repulsive and foul.

4. Unless written permission has been granted by the adjoining property owner, no compost pile shall be located less than three (3) feet from the rear or side property line, or within twenty (20) feet of any home, patio, pool, or similar structure on the adjacent property. No compost piles shall be located in the front or side yards.

5. No compost pile shall be located where it will impede the natural free flow of storm water drainage.

b. **Ingredients.**

1. No compost pile shall contain any of the following: fish or fish scraps, fowl or fowl scraps, meat or other animal products, cat manure, used litter box remains or dog manure, bones, cheese, lard, mayonnaise, milk, oils and oil-based foods, peanut butter, salad dressing, sour cream and other dairy products, whole grains (rice, wheat, barley, etc.) and items not biodegradable.

2. The following can be composted: leaves, paper, sawdust, straw, sod and grass clippings, vegetables, fruit peels and rinds, empty egg shells, aquatic weeds, coffee grounds, evergreen needles, fruit and their remains, organic garden waste, untreated wood and chips, hair, drier lint, vacuum cleaner dust, and commercial compost additives.

3. Vegetables, fruit and their remains, egg shells, fruit peels and rinds and hair must be composted in such a way that these materials are buried in the center of the pile so that none of these materials are exposed or visible.

c. **Private Use Only.** Compost piles established in accordance with this article are for private use only. There shall be no commercial provision of material to be composted or commercial use of the product of such composting.

d. **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this article.

Section 34.040. Transportation of Solid Waste.

a. All transportation vehicles shall be well maintained in a safe, clean, and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

b. No full or partially full refuse collection vehicle shall remain within the city limits overnight.

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

d. Transportation and disposal of demolition and construction wastes shall be in accordance with Section 34.050.

Section 34.050. Disposal of Solid Waste.

a. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Division of Health. Out of state processing or disposal facilities shall have the approval of the state wherein located.

b. The Director may classify wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Director and which will meet all local, state and federal regulations.

Section 34.060. Licensing and Inspection.

a. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without first obtaining, for each vehicle, a State of Missouri safety inspection and an annual waste transportation license from the St. Louis County Department of Health,

Division of Environmental Health, in accordance with Chapter 607, Subchapter C, of the Waste Management Code of St. Louis County for evidence of safety, proper maintenance for reasonable performance and appearance, and suitability for waste collection in a manner that prevents spillage. Such proof of license shall be ‘provided to the Director of Public Works upon request. (Ord. No. 8039, § 2, 8-4-98)

b. The Director is authorized to inspect all phases of solid waste management within the City of Webster Groves. No inspection shall be made within any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, the Director shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with’ the time in which such corrections shall be made.

c. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within ten (10) days of the act for which redress is sought, appeal directly to the City Manager in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

d. All collection vehicles operating under any permit required by this Chapter shall display the required license sticker on the windshield and be properly identified by clearly displaying on each vehicle the name, address, and telephone number of the collector and designation of the type of material being collected by each vehicle.

e. The gross axle weight of any vehicle used by the collector in the City shall not exceed fifteen (15) tons. The gross vehicle weight of any such vehicle shall not exceed thirty (30) tons for single axle trucks and forty-five (45) tons for tandem axle trucks.

f. Temporary use of vehicles lacking a license sticker shall have prior approval of the Director.

(Ord. No. 7287, § 1, 2-7-84; Ord. No. 8026, § 4, 4-21-98; Ord. No. 8039, § 3, 8-4-98)

Section 34.070. Prohibited Practices.

It shall be unlawful for any person to:

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

b. Commingling yard waste with any other type of solid waste in any containers to be collected by the City’s contractor:

c. Deposit lead-acid batteries with a nominal voltage of six (6) volts or greater, motor vehicle or trailer tires, waste motor oil or hazardous wastes in any containers to be collected by the City's contractor during the contractor's normal weekly refuse collection;

d. Deposit, rake or dispose of yard waste by placing it in City right-of-way, including the street, or City owned properties, creeks or creek beds, or private properties without the written consent of the owner(s);

e. Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties;

f. Take any materials, to include but not be limited to newspapers including inserts; magazines; catalogs; telephone books; gift wrap paper; junk mail; cereal, cake, food, gift boxes, etc.; cardboard; beer and soda cases; glass bottles and jars; aluminum food cans, trays and foil; metal food cans; steel cans and lids; aseptic packaging and gable top containers; paperback books; and Type #1 through #5 plastics and #7 plastics (narrow neck containers only) set out for curbside recycling collection other than the collector authorized by the City;

g. Contaminate any materials, to include but not be limited to newspapers including inserts; magazines; catalogs; telephone books; gift wrap paper; junk mail; cereal, cake, food, gift boxes, etc.; cardboard; beer and soda cases; glass bottles and jars; aluminum food cans, trays and foil; metal food cans; steel cans and lids; aseptic packaging and gable top containers; paperback books; and Type #1 through #5 plastics and #7 plastics (narrow neck containers only) set out for curbside recycling collection or to set out contaminated materials for curbside recycling collection;

h. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;

i. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health or the appropriate authority of the state in which the disposal facility is located;

j. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a waste transportation license issued by St. Louis County, or operate under an expired waste transportation license, or operate after a waste transportation license has been suspended or revoked; (Ord. No. 8039, § 4, 8-4-98)

k. Fail to remove from the curb any plastic or metal container and return them to a point to the rear at the front line of that person's residence, as required by subsections 34.030(d) and (g) above;

l. Tamper with, overturn, remove, destroy or damage any solid waste container, where such conduct is not duly authorized by the owner thereof or authorized by ordinance.

Section 34.074. Deposit on Refuse Bill. Repealed (Ord. No. 826, § 5, 4-21-98)

Section 34.075. Service Charges.

a. The City Council shall, by separate ordinance and from time to time, establish a service charge for each unit of a one- and two-family dwelling. A service charge is due within thirty (30) days after the beginning of the quarter in which the service is being provided or thirty (30) days from the date of billing, whichever is later. A late fee and/or reinstatement fee for delinquent refuse service charges as set by the City's contractor with City approval may be added to the balance due.

b. Said service charge is hereby imposed upon the occupant of each one and two-family unit and the billing shall be made quarterly to the owner or occupant. All service charges shall be payable to the City's contractor.

c. The City may enforce collection of such user charges by bringing legal action in any court of competent jurisdiction against the occupant or owner to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action. Owners have the ultimate responsibility for payment of collection charges. Delinquent charges may be charged as a special tax and shall become a lien against the property if not paid within thirty (30) days of the date of the special tax bill. (Ord. No. 7287, § 1, 2-7-84; Ord. No. 8026, § 6, 4-21-98)

Section 34.080. Penalties.

Any person violating any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) nor more than One Thousand Dollars ($1,000.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof. The provisions of this chapter may be enforced either by issuance of citations by code enforcement officials of the City by issuance of municipal court summonses by public safety officers of the City, or by both means.

Section 34.085. Bonds.

The contractor's performance shall be insured by a performance bond, irrevocable letter of credit, escrow arrangement or cashier's check equal to one fourth (1/4) of the total amount of the current year contract.

Section 34.090. Severability Clause.

The provisions of this Chapter are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Chapter. (Ord. No. 8485 § 1, 12-20-05) (Ord. No. 8485 § 1, 12-20-05)

CHAPTER 35. FOOD DISPENSING REGULATIONS

Article I. Food Service Establishments

Section 35.010. Food Service Sanitation Ordinance and Code Local Amendments.

The 1962 Edition to the U.S. Public Health Service Food Service Sanitation Ordinance and Code as published and promulgated by the U.S. Public Health Service, is adopted by the City of Webster Groves by reference with amendments as follows:

a. Section A, Paragraph 6 is amended by adding to the end of said paragraph the words "or who is employed at any time in a room in which food or drink is prepared or served."

b. Section A, Paragraph 11 is amended by adding to the end of said paragraph the words "and any bakery, grocery store, confectionery, meat market, or any other place used for the preparation for sale, manufacture, packing, storage, display, sale, offering for sale, or distributing of any food."

c. Section A, Paragraph 12 is amended by striking same in its entirety and substituting therefor the following words: "Health Authority shall mean the Director of Public Health of the City of Webster Groves or his designated representative."

d. Section B, Paragraph 1(e) is amended by striking same in its entirety and substituting therefor the following words: "All meats and meat products shall comply with Article III of Chapter 35 of the Code of Webster Groves."

e. Section B, Paragraph 1(f) is amended by striking same in its entirety and substituting therefor, "all poultry and poultry products shall comply with Article III of Chapter 35 of the Code of Webster Groves."

f. Section B, Paragraph 2(b)5, is amended by striking same in its entirety and substituting therefor: "Frozen food shall comply with Article II of the Code of Webster Groves. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of 45° F. or below; or under cool, potable running water (70° F or below); or quick-thawed as part of the cooking process; or by any other method satisfactory to the health authority."

g. Section H, Paragraph 2(a) is amended by inserting after the words "shall be permitted to enter," the words "and have access to any part of the establishment."

h. Section H, Paragraph 3 is amended by striking same in its entirety and substituting therefor: "Samples of food, drink, and other substances may be taken and examined by the Health Officer as often as he may deem necessary for the detection of unwholesomeness or adulteration. The Health Officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which he deems unwholesome or adulterated."

i. Section H, Paragraphs 7, 8 and 9 are amended by striking same in their entirety and substituting therefor the following Paragraph 7: "Any person, firm, or corporation violating any of the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Five Hundred Dollars ($500.00) or imprisoned for ninety (90) days, or by both such fine and imprisonment. Each and every offense shall constitute a separate offense and be punished as such."

j. Section H, Section 2(e) is deleted in its entirety.

k. Wherever the words "Health Authority" appear, they shall be stricken and the words "Director of Public Health or his designated representative" shall be inserted in lieu thereof.

l. Wherever the words "municipality of . . . or its police jurisdiction" appear, they shall be stricken and the words "City of Webster Groves" shall be inserted in lieu thereof.

m. Wherever the provisions of Article I are less restrictive than or in conflict with Article II, the latter shall govern.

n. Wherever the provisions of Article I are less restrictive than or in conflict with Article III, the latter shall govern.

Article II. Frozen Food Products

Section 35.110. Regulation of Handling and Sale of Frozen Food Products.

Every person, firm, or corporation engaged in the handling, storage, sale or dispensing of frozen food products, whether cooked or uncooked, shall observe the following regulations:

a. All frozen food products stored or displayed for sale, shall be maintained at storage temperature of minus ten degrees Fahrenheit below zero (-10° F.) or lower at all times in such manner as described in subsection b. of this section; except during defrost cycles, or for other conditions beyond the immediate control of the responsible person, firm or corporation and, in no instance shall said cycle or period exceed five (5) hours during one (1) such cycle period.

b. All facilities in which frozen food products are being held shall be equipped with accurate and reliable thermometers and controls for automatic maintenance of the temperatures herein required, which said thermometers shall be unobstructed, easily readable, available for inspection, and located in an appropriate place where the sensing element will be in the path of discharged air leaving the coils. The accuracy of such thermometers shall be within plus or minus two and one-half degrees Fahrenheit (2-1/2° F.).

c. No frozen food product shall be stacked or kept above the frost line indicated on the storage facility.

Section 35.120. Prohibition on Sale or Resale.

No person, firm, or corporation engaged in the sale of frozen food products shall offer for re-sale any frozen food product which has once been sold, and further, no frozen food product, under any circumstance, once it has been exposed to a temperature resulting in a thawing process shall be refrozen and thereafter stored, sold, offered for sale or for delivery.

Section 35.130. Application of Regulations.

The provisions of this Article shall apply to all establishments, wholesale or retail, engaged in the sale or use of frozen food products. No person, firm, or corporation engaged in the sale, handling, storage or dispensing of frozen food products, shall continue to merchandise such products within the City of Webster Groves unless said person, firm or corporation conforms to all the provisions of this Article; EXCEPT where said dispenser is unable to comply with the provisions set forth in Section 35.110.a herein; said dispenser may, upon written request to the Board of Health Commissioners of Webster Groves, be granted an extension for a period not to exceed six (6) months in which to purchase or make necessary adjustments sufficient to conform fully with the requirements in said Section 35.110(a), if in the opinion of said Board such extension of time is deemed proper.

Section 35.140. Enforcement.

It shall be the duty of the Health Commissioner of this City or his designate to enforce the provisions of this Article. In the performance of his official duties, he is herewith authorized at all reasonable times to enter and go into or upon any structure or premises, and the owner or operator thereof, or the person in charge thereof, shall give said official free access to such premises for the purpose of enabling him to perform his duties.

Section 35.150. Penalty for Violation.

Any person, firm, or association, or corporation, violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject to a fine of not less than Ten Dollars ($10.00) and not more than Five Hundred Dollars ($500.00), or to imprisonment for not more than ninety (90) days, or to both said fine and imprisonment. Each twenty-four (24) hour period any violation hereunder shall continue, shall constitute a separate offense hereunder and be punishable as such.

Article III. Meats

Section 35.210. Meat Handling and Processing - Regulations.

No person, firm or corporation engaged in commercial or other than casual or occasional meat handling shall, within the City of Webster Groves, slaughter, distribute, process, sell or offer for sale, at wholesale or retail any meat, meat products, meat food products or poultry, whether whole or in parts, cut or uncut, processed, cooked or uncooked unless such meat, meat products, meat food products, or poultry, whether whole or in parts, cut or uncut, processed, cooked or uncooked (except the grinding of meat by

retailers for sale to the public) have the approval of the meat inspection division or poultry division of the United States Department of Agriculture or of the Department of Public Health of the City of Webster Groves. Possession of meat, meat products, meat food products, or poultry, whether whole or in parts, cut or uncut, processed, cooked or uncooked, unless such meat, meat products or meat food products or poultry, whether whole or in parts, cut or uncut, processed, cooked or uncooked are stamped, branded or labeled with the identifying mark of the federal meat inspection signifying United States inspected and passed by the Department of Agriculture or unless the same have the approval of the Department of Public Health of the City of Webster Groves, by any commercial meat handling business shall be prima facie evidence of possession, with intent to sell or offer for sale, of such meat, meat products or poultry, whether whole or in parts, cut or uncut, processed, cooked or uncooked in violation of this Article provided that possession of a portion of meat taken or cut from such approved meat for sale on the premises of such commercial meat handlers where the identifying mark is necessarily removed by cutting or slicing shall not be held to be a violation of this Article.

Section 35.220. Permits.

To obtain an approval permit from the City of Webster Groves, every such person, firm or corporation shall meet health, sanitation and other standards substantially equal to, or superior to, those required by the United States Department of Agriculture, Meat Inspection Division. The Department of Public Health of the City of Webster Groves shall determine whether any applicant meets such standards by whatever inspection it may deem necessary. To defray the cost of such inspections, each such applicant shall pay an annual fee of Fifty Dollars ($50.00) to the City of Webster Groves. Any such applicant shall also permit the Department of Public Health, or any representative thereof, to inspect the said applicant's premises at reasonable times and as often as necessary to determine if such applicant's premises comply with the standards hereinabove provided. If it shall be determined by the said Department of Public Health that such applicant fully complies with these standards, a permit shall thereafter be issued, which shall remain in force on condition that the standards are continuously maintained by said permittee. Any failure continuously to maintain the standards shall be cause for immediate revocation of any such permit and the same may not be renewed except on a new and separate application and a showing that all standards have been met.

Section 35.230. Inspection Fees.

In addition to the requirements hereinabove provided, in the event the applicant's premises are located within the City or County of St. Louis, then such applicant shall submit, with his application, an inspection fee of Thirty-Five Dollars ($35.00) and for each required reinspection a fee of Twenty-Five Dollars ($25.00). In the event the applicant's premises are not located within the City or County of St. Louis, then such applicant must also, in addition to all other requirements hereinabove provided, tender with its application a sufficient sum to cover all costs of inspections, as above provided, including all necessary and reasonable expenses, a mileage allowance, at the rate of Fifteen Cents ($.15) per mile, and Twenty-Five Dollars ($25.00) per diem.

Section 35.240. Penalties.

Any person, firm or corporation violating any of the provisions of this Article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than Five Hundred Dollars ($500.00) or imprisoned for ninety (90) days, or by both such fine and imprisonment. Each and every offense hereunder shall constitute a separate offense and be punished as such.

Article IV. Weights and Measures

Section 35.310. Establishment of a System of Weights and Measures.

A system of weights and measures for the City of Webster Groves is hereby established.

Section 35.320. Adoption of a System of Weights and Measures.

The system of weights and measures adopted by the County of St. Louis, State of Missouri, by Ordinance No. 2924 in 1963 is adopted as the system of weights and measures to be employed by the City of Webster Groves.

CHAPTER 36. GENERAL REQUIREMENTS AND REGULATIONS FOR CONSTRUCTION OF HIGHWAYS AND STREETS

Section 36.010. Applicability.

The provisions of this Chapter and each section hereof, shall be applicable to street and highway contractors or their agents, servants, employees and sub-contractors, engaging in highway or street construction within the City.

Section 36.020. Blasting.

Any and all blasting, for street or highway construction, shall be regulated by the existing provisions of Section 22.025, known as the Explosives Code.

Section 36.030. Health and Sanitation.

All existing ordinances relating to public health and sanitation are herewith made specifically applicable to the conduct of contractors, their employees, agents and sub-contractors, in connection with construction of any street or highway, specifically including Chapter 10, Article V, "**Littering**;" Chapter 10, Article VII, "**Sewers and Drainage**;" Chapter 22, Article II, "**Volatile Liquids**;" Chapter 22, Article III, "**Miscellaneous Fire Prevention Regulations**;" and Chapter 31, Article I, "**Nuisances**."

Section 36.040. Trash Control.

Each contractor and his agents, employees, and sub-contractors engaged in streets or highways shall provide receptacles to receive any refuse which may accumulate from construction, and shall remove refuse whenever necessary to insure clean and sanitary conditions. No refuse shall be placed, kept, left or deposited in such a manner as to violate the provisions of the General Nuisance Ordinance.

Section 36.050. Food Handling.

Any person, firm or corporation engaged in handling food intended for workers constructing streets or highways shall conform with all requirements of Chapter 41, Article VI, and any person who handles food or drink, during its preparation or serving, or comes into contact with eating or cooking utensils, must furnish to the health officer a certificate showing that he is free from contagious or infectious diseases. In addition to the foregoing regulations, the operator of any food dispensing service shall comply with all regulations established by the Department of Health of the City.

Section 36.060. Hours of Construction.

Street and highway construction, of the nature described herein, shall commence no earlier than 7:00 a.m., and shall be discontinued no later than 10:00 p.m., local time, Monday through Saturdays, and no such construction shall be permitted on Sundays or legal holidays, unless in case of emergency, a permit is granted by the Council or City Manager authorizing work at such other times.

Section 36.070. Demolition of Existing Homes and Filling of Excavations.

Demolition of buildings, in the course of, or preliminary to, construction of any street or highway, shall be in compliance with the Building Code and conducted to protect adjacent homes and property from damage, and to minimize hindering the flow of traffic, or pedestrian use of adjacent streets and sidewalks. If the use of adjacent streets and sidewalks is required for demolition of any building, the contractor shall establish adequate measures for the protection of the general public including barriers and warning lights about the area. Such use of streets or sidewalks shall be limited to as short a period of time as possible under all the circumstances. No use of any street, road or public place shall occur without a permit from the Department of Public Works, which permit shall be revocable without cause. All excavations by demolition of buildings shall be filled to ground level and shall not be allowed to remain uncovered and unfilled for a period exceeding fourteen (14) days after the completion of the demolition of the above-ground structure of the building. Any unfilled excavations or basements existing after demolition of the building shall be surrounded by a barrier with warning signs posted thereon, notifying the public of the danger, and shall be continuously maintained until the excavation, or basement, has been filled, as hereinabove set out.

Section 36.080. Damage to Public Property.

The Contractor and his agents, servants, employees and sub-contractors shall be responsible for any damage to sidewalks, roadways or other public property occasioned by the use of equipment owned or controlled by them. All contractors, agents, servants, employees and sub-contractors shall be insured against bodily injury or property damage in the amount of One Hundred Thousand Dollars ($100,000.00) (for one person), Three Hundred Thousand Dollars ($300,000) (for more than one person), and One Hundred Thousand Dollars ($100,000) for property damage, with an insurance company approved by the Department of Law.

Section 36.090. Removal of Mud and Debris.

The contractor, his agents, servants, employees and sub-contractors, shall remove any mud, debris, gravel or other drag-on deposited by them, from streets and sidewalks. It shall be unlawful for any contractor, or his agents, servants, employees and sub-contractors, to allow any truck or other vehicle to travel upon any street of the City, if such vehicle has been loaded in such a manner that mud, dirt, or other debris may, or does, fall therefrom.

Section 36.100. Nuisances.

It shall be unlawful for any contractor, or his agents, servants, employees and sub-contractors, to commit any acts proscribed by Chapter 31, Article I, of the Revised Code.

Section 36.200. Use of Streets During Construction.

a. **Notice.** At least twenty (20) days prior to the proposed use of any street, by trucks, hauling or grading equipment, or other highway construction vehicles, the contractor in charge of such work shall make a written report to the Department

of Public Works, detailing the number and description of such trucks, hauling or grading equipment, or highway construction vehicles; the loaded and unloaded weight of such equipment, and the length of time the contractor proposes the use of the streets by such vehicles or equipment. The contractor shall furnish the Department of Public Works with all other information required by the Department to estimate or determine the amount of wear and tear or damage, if any, which may be caused to streets by such usage. The Department of Public Works, or City Manager, may additionally require any contractor or sub-contractor to post surety and/or insurance with the City to ensure the City of full compensation for any damage to streets or public facilities in connection with any damage caused by any facet of construction of streets, roads or highways.

b. **Routes.** The Department of Public Works shall, at least five (5) days before the commencement of usage of any streets, notify the contractor of the route, or routes, assigned to such trucks and equipment and issue a permit therefor; the contractor, his agents, servants, employees and sub-contractors shall use only the route, or routes, designated by the Department of Public Works. In the event of an emergency, appearing to require a change in route or, if the Department of Public Works determines that any route so designated is not safe, or that damage is being caused to any street, or, if it finds the public welfare or safety so requires, the Department may, upon three (3) day's notice, in writing, designate an alternative route, or routes, and it shall thereupon be the duty of the contractor, his agents, servants, employees and sub-contractors to use the alternate route, or routes, designated by the Department.

c. **Condition of Streets.** It shall be the duty of the Department of Public Works, immediately prior to designating the route, or routes, or alternate route or routes, to determine the condition of the streets proposed to be used and to cause the taking of photographs of such streets, showing the condition of the pavement, curbs and other physical features, which shall be dated and a memorandum made of the location shown by each photograph. Within five (5) days after termination of the use of the streets, as hereinabove provided, it shall be the duty of the Department to make additional photographs with proper descriptive matter.

d. **Inspections.** In addition to before and after photographs, the Department of Public Works shall make a thorough inspection of the condition of the streets used by the contractors, their agents, servants, employees and sub-contractors to make written reports including an estimate of the cost, if any, of restoring the street to its condition prior to use by construction vehicles.

e. **Damage to Streets.** At the time the Department of Public Works designates the route or routes it shall inform, in writing, the contractor, its agents, servants, employees and sub-contractors, that the City will hold them liable for damage to the streets resulting from such usage, and that acceptance of the route shall constitute an agreement by the contractors to pay to the City the reasonable cost of restoring the streets to their condition prior to use by the contractor. Within thirty (30) days after termination of the contractor's usage of said route, the contractor and/or his agents, servants, employees and sub-contractors, shall pay to the City an amount the City deems sufficient to restore the streets.

f. **Closing Streets.** If, during the course of construction, the contractor deems it necessary, for the completion of the work, or for the safety or protection of the public, to close any street, way, alley or public place, the contractor, his agents, servants, employees or sub-contractors, shall notify the Department of Public Works thereof and the Department may issue a permit for such closing, and may require the contractor to install barriers, warning notices and necessary traffic direction signs for the protection and convenience of the public.

g. **Lighting During Construction.** Where construction is adjacent to any public street, which has not been closed to traffic, the contractor shall provide ample lighting and sufficient barriers and caution signs to warn the public using the unclosed street to protect the public from injury to person or damage to property.

h. **Hours of Use of Streets.** The route, or routes, designated by the Department of Public Works for use by trucks and equipment may be used for the contractor, his agents, servants, employees or sub-contractors on week days and Saturdays, between the hours of 7:00 a.m. and 10:00 p.m., local time, and at no other time, provided that, in case of emergency, or in the interest of the general safety and welfare of the City and its inhabitants, the Department of Public Works may grant a permit for the use of the streets at times other than as herein set out.

i. **Applicable Provisions of Municipal Code.** Where applicable, all provisions of the Code of Webster Groves shall apply to those engaged in construction or roads, streets and highways.

Section 36.210. Penalty for Violation.

Any person, firm or corporation violating any of the provisions of this Chapter, shall, upon conviction thereof, be guilty of a misdemeanor and be subject to a fine of not less than Twenty-Five Dollars ($25.00), and not more than Five Hundred Dollars ($500.00), for each offense. Each violation shall be a separate offense, punishable as such. The penalty provisions herein shall be in addition to any civil remedies the City may assert.

CHAPTER 37. STORAGE

Section 37.010. Storage Regulations.

It shall be unlawful for any person, firm or corporation to store, keep, pile or otherwise maintain upon, his, her or its premises within the City of Webster Groves, any wood, stone, iron or other kind of character of materials, rubbish or debris of any kind (except leaves), unless it is stored, kept or piled or otherwise maintained upon said premises so as to provide at least twelve (12) inches of clear space between such materials and the surface of the ground beneath same.

Section 37.020. Enforcement.

The Department of Public Health and the Department of Police of the City of Webster Groves shall at all reasonable hours have the right to visit and inspect all private premises in the corporate limits for the purpose of determining the presence of any and all such materials stored, kept, piled or maintained thereon, and shall promptly notify the owner or occupant of the premises on which they shall find any such materials kept, stored, piled or maintained contrary to this ordinance, to remove the same within forty-eight (48) hours thereafter, and any owner or occupant of any premises so notified by the Department of Public Health and Department of Police of a violation of this Ordinance, who shall fail or refuse to comply therewith within forty-eight (48) hours of such notice, shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties herein provided.

Section 37.030. Penalties for Violation.

Any person, firm or corporation, including any owner, agent, lessee or occupant of private property in the corporate limits of the City of Webster Groves which shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine of not less than Five Dollars ($5.00) and not more than One Hundred Dollars ($100.00), and each day such violation shall continue shall be and constitute a separate offense and shall be punishable as such.

CHAPTER 38. AMBULANCE SERVICE

Section 38.010. Fees.

Webster Groves' residents and non-residents requiring ambulance services will be billed according to a schedule of fees set by the City Manager or his designee. (Ord. No. 8317, § 1, 11-19-02)

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CHAPTER 40. GENERAL REQUIREMENTS FOR LICENSING AND TAXATION OF BUSINESSES

Article I. Issuance of License; Payment of Taxes

Section 40.010. Taxes and Fees to Be Paid Before Issuance of Licenses.

No license or permit provided for or required under any ordinance of the City of Webster Groves, except motor vehicle, dog and bicycle licenses, may be issued to any person or received by any person until all personal taxes, merchants' and manufacturers' taxes, or other license fees, permit fees, and inspection fees, or any other financial obligations which are delinquent and owing to the City for that year, or any preceding year, have first been paid and receipts for such taxes, fees or financial obligations exhibited to the person issuing the license or permit.

Section 40.015. Lost Receipts.

If the receipts for such taxes, fees or permits have been lost or destroyed and cannot be produced by the applicant, then the officer to whom such payments were made must certify that the payments were made and are not delinquent.

Section 40.020. Compliance with Other Laws.

No license or permit provided for or required under any ordinance of the City of Webster Groves may be issued to any person if it appears to the person responsible for issuing the license or permit that the thing or conduct to be licensed or permitted would violate, or would bring about a violation of, the zoning code, the building code, or any other ordinance of the City. Whenever a license or permit is refused pursuant to this section, the applicant may have the refusal reviewed by the City Manager, who shall direct the issuance of the license or permit if he is advised by the City Attorney that the thing or conduct to be licensed or permitted would not violate, and would not bring about a violation of, any ordinance of the City.

Section 40.025. Duty of Director of Finance.

The Director of Finance shall see that any person required to have a license applies for a proper license, and if any person fails or refuses to do so, the Director of Finance shall report the offender to the City Manager for proper action.

Section 40.030. Blank Licenses to Be Delivered.

The City Clerk shall procure, sign and affix the City seal to blank licenses for all purposes for which a license may be issued, and shall from time to time deliver to the Director of Finance any required number of them, taking duplicate receipt. He shall keep a register of all licenses delivered to the Director of Finance, recording the number and amount thereof, for what issued and to whom delivered.

Article II. Business Licenses

Section 40.100. Businesses Subject to This Chapter; Exceptions.

It is the intention of the Council to license under this Chapter, all corporations and institutions, merchants, manufacturers, persons, commercial enterprises, businesses, dealers, trades, occupations, pursuits and avocations which are subject to taxation by the City of Webster Groves under the law, with the exception of those businesses or designated activities of businesses licensing under this Chapter, some portion of whose business is subject to licensing under such other ordinances, shall be required to have licenses under the latter ordinances in addition to those required by this Chapter but in such case, the respective portions of the businesses shall be treated for licensing under each applicable ordinance as though they were separate and distinct businesses or business activities, except as hereinafter provided. Merchants licensed under this Chapter and engaged in selling non-intoxicating beer or alcoholic beverages shall be required to have and pay for the licenses provided for in Chapter 42 of the Revised Code of Webster Groves, pertaining to licensing the sales of non-intoxicating beer and alcoholic beverages, in addition to the license herein provided for, and persons subject to licensing under Chapter 42 of the Revised Code of Webster Groves shall be subject to licenses under this Chapter to the full extent of their receipts.

Section 40.110. Definitions.

The following definitions will govern the construction of this Chapter:

a. "**Charges**" shall mean the amount designated by the licensee as the consideration to be paid for goods, services or otherwise, including considerations to be paid, rendered or delivered at a later date.

b. "**Gross Receipts**" shall mean all of the money, property, services and other considerations charged for or received or derived from their business activities, and includes but is not limited to receipts and charges for and from sales, rentals (except rental of real estate), hiring, admission prices, compensation, personal services, service charges, commissions, contracts, fees, penalties, bonuses, and services of a trade or occupation, or other price received or charged for any combination of services and property or use thereof or admittance or privilege granted; all commissions received and retained by any commission broker, including real estate agents, brokers, insurance brokers, insurance agents; all operating revenues of banks, including but not limited to service charges, interest on loans, mortgages and bonds; and revenues of insurance companies limited to direct premiums received from Missouri policy holders less all claims and benefits paid, increases in policy reserves, and insurance taxes, licenses and fees (except income taxes), in accordance with the reporting requirements of regulatory authorities, federal or state. However, "**gross receipts**" shall not include the following:

1. Receipts of taxes levied by municipal, state and federal governments and collected by the seller.

2. Receipts of traded merchandise recorded as cash receipts and resold and recorded as a sale or resale.

3. Interdepartmental sales within the organization of the seller.

4. Such part of the sale price of property returned by the purchaser as is refunded either in cash or in credit.

5. Receipts of refundable deposits, except that portion of refundable deposits forfeited and taken into the gross receipts of the seller.

6. Receipts from the sale of intoxicating beer.

7. In the case of a parent company whose books of record reflect the sales of its subsidiary or subsidiaries, the receipts of sales of such subsidiary or subsidiaries may be excluded except for such subsidiary or subsidiaries whose plant or place of business is located within the limits of the City of Webster Groves, unless such subsidiary or subsidiaries so located in the City of Webster Groves are separately licensed.

8. Receipts from any office located in Webster Groves which is operated solely as a billing office for other offices located outside of Webster Groves, and which billing is for transactions no part of which took place in Webster Groves.

c. "**Licensee**" shall mean every person required to have a current license as well as one holding a license.

d. "**License Year**" unless otherwise provided, the year beginning January 1st, or in the case of businesses newly established, at the beginning of doing business, and ending on the following December 31st, except that any merchant, manufacturer or service occupation may, but only upon prior approval by the Director of Finance, elect a license year which coincides with the merchant, manufacturer, or service occupations' accounting and federal tax fiscal year.

e. "**Manufacturer**" shall mean every person engaged in treating, processing, refining, improving, combining, fabricating, assembling or otherwise adding to the usability, value or appearance of commodities and other personal property, whether done on order or for sale upon expected or anticipated demand or orders for the manufactured goods.

f. "**Merchant**" shall mean every person who shall make or cause to be made any wholesale or retail sales or sales as a jobber of goods, wares and merchandise to any person, or who renders any services in connection with any such sale, at any store, stand or place in the City of Webster Groves, shall be deemed to be a merchant; whether such sales shall be accommodation sales, sales on consignment, or whether made from stock on hand or ordering goods from another source, or whether the subject of said sales be a different type of goods than those regularly manufactured, processed or sold by said dealer.

g. "**Person**" shall mean an individual, partnership, corporation or association and groups of, or associated individuals, partnerships, corporations or associations.

h. "**Service Occupation**" shall mean all callings, businesses, dealers, trades, avocations, pursuits, professions not exempt by law, occupations and enterprises with the exception of merchants, manufacturers and the businesses excluded under Section 40.100 of this article and excluding those specifically exempted from local licensing by statutes of the State of Missouri, and shall be construed to include also the selling of goods, wares and merchandise other than from a store, stand or place of business in the City of Webster Groves; persons dealing in or rendering services of any and all kinds to persons or property, and persons renting or hiring property or facilities to others excepting rental of real estate, and those who conduct activities for which an admission is charged or consideration is received for attendance at performances, shows, spectacles or other events, or for participation in contests or games or for use of facilities or accommodations operated or maintained by such person.

i. "**Sale**" shall mean any transfer, exchange or barter of tangible personal property for a consideration of money, property or service, or any combination thereof.

Section 40.120. Method of Calculating Licenses.

a. The license of merchants shall be calculated on the gross receipts as defined herein, of goods, wares and merchandise sold in the City of Webster Groves arising out of a business wholly or partly conducted at or in any store, stand, or place, or vehicle (fixed or movable) in the City of Webster Groves.

b. The license of manufacturers shall be calculated on the gross receipts as defined herein, of goods manufactured by them in the City of Webster Groves, irrespective of where the sale of such manufactured goods may take place.

c. The license of service occupations shall be calculated on the total amount of the gross receipts as defined herein, arising out of services performed in the City of Webster Groves.

Section 40.130. Nature of Tax and License and Classification of Businesses.

The licenses provided for in this Chapter are assessed and payable for the privilege of engaging in and doing business in the City of Webster Groves and under this Chapter, a business shall be classified as that of a merchant, manufacturer or service occupation according to the principal activity of the business.

Section 40.140. License Required; Penalty.

Every person defined to be a merchant, manufacturer or service occupation by the provisions of this Chapter shall, before doing or offering to do business as such, procure from the Director of Finance of the City of Webster Groves a license therefor under the provisions of this Chapter; and if he shall do any business, or manufacturing, make any sales as a merchant, manufacturer, or service occupation without first complying with the provisions of this section, or shall otherwise violate or fail to comply with any of the

provisions of this Chapter, he shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00) for each offense. Every day such person shall continue in business, after demand for payment of the proper license is made by said Director of Finance, shall constitute a separate offense.

Section 40.150. Agents and Others Liable.

It shall be unlawful for any manager, corporation officer, partner or agent to conduct or assist in the conduct of business of a merchant, manufacturer or service occupation without having procured a license, and upon conviction of violating this section such manager, corporation officer, partner or agent shall be fined not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00), and each day that such violation shall continue shall constitute a separate offense.

Section 40.160. Employee's Liability.

After notice by the Director of Finance to any clerk or employee of a merchant, manufacturer or service occupation that his principal has not procured a license to engage in such business, it shall be unlawful for such clerk or employee to conduct or assist in the conduct of the business of such merchant, manufacturer or service occupation, and upon conviction of violating this section such clerk or employee shall be fined not less than Five Dollars ($5.00) nor more than Fifty Dollars ($50.00), and each day that such violation shall continue after notice by the Director of Finance, shall constitute a separate offense.

Section 40.170. Returns.

Every merchant, manufacturer and service occupation as herein defined shall declare by sworn statement on forms provided by said Director, his gross receipts as defined herein and pay to the City of Webster Groves no later than the 30th day of April each year, an annual license fee based on the actual gross receipts of such merchant, manufacturer and service occupation for the entire preceding license year as herein defined, except for any merchant, manufacturer or service occupation commencing operations or business in the City during any license year shall pay at the time of such commencement a license fee based on estimated gross receipts for the remainder of the license year; provided, however, that any such merchant, manufacturer or service occupation shall before the 30th day of April following the end of such pro-rated license year, file an estimated return for the ensuing license year and pay at that time a license fee based on said estimate; provided, however, such merchant, manufacturer or service occupation shall pay an additional tax, if any, based on said actual gross receipts for said estimated periods; provided, however, that any payment of a license fee based on estimated or actual gross receipts which shall be in excess of the amount due to the City shall not be refunded, except in the case of cessation of operations or business, but shall be applied as a credit for the license fee for the ensuing year.

Every merchant, manufacturer and service occupation which with the approval of the Director of Finance elects a license year different from that defined herein shall pay to the City of Webster Groves no later than thirty (30) days after the end of said elected license year an annual license fee based on the actual gross receipts of such merchant,

manufacturer and service occupation for the entire preceding elected license year. The Director of Finance shall have the discretion, upon good cause shown, to extend the time for filing said sworn statement showing gross receipts, and paying said license tax, for a period not to exceed, in each case, sixty (60) calendar days.

Section 40.180. License Tax.

There shall be levied on the "**gross receipts**" of all merchants, manufacturers, and service occupations as defined herein, a license tax, paid annually by said merchants, manufacturers and service occupations on the basis of the following rate schedule:

Gross Receipts	Rate
On each One Thousand Dollars ($1,000.00) of gross receipts, or fraction thereof, on the first Two Million Dollars ($2,000,000.00)	$1.00
On each One Thousand Dollars ($1,000.00) of gross receipts, or fraction thereof, in excess of Two Million Dollars ($2,000,000.00), but not in excess of Five Million Dollars ($5,000,000.00)	$0.75
On each One Thousand Dollars ($1,000.00) of gross receipts, or fraction thereof, in excess of Five Million Dollars ($5,000,000.00), but not in excess of Ten Million Dollars ($10,000,000.00)	$0.50
On each One Thousand Dollars ($1,000.00) of gross receipts, or fraction thereof, in excess of Ten Million Dollars ($10,000,000.00) provided, however, the minimum fee shall be Thirty-Five Dollars ($35.00).	$0.25

Section 40.190. Records.

It shall be the duty of each merchant, manufacturer or service occupation to maintain adequate, permanent records of each sale, product manufactured, or service performed, which record together with the State of Missouri sales tax returns and any other necessary records shall be open, at reasonable times, to the inspection of the Director of Finance or his duly appointed representatives for audit purposes to determine the accuracy and truthfulness of any statements made in an application for a license or the payment of a license tax as herein required. The statements or returns made to, or made available for inspection by the Director of Finance or his duly designated representative under the requirements of this Article shall not be made public nor shall they be subject to the inspection of any person except the Mayor, City Manager, Director of Finance or members of the City Council, or their duly appointed representatives, nor shall such authorized persons disclose, except by order of court, any such privileged information.

Section 40.200. License Not Transferable; Separate Licenses Required.

A license is non-transferable and non-assignable and shall not be construed to permit the person to whom it is issued to carry on the business or occupation for which the license is obtained at more than one store, place or stand at the same time within Webster Groves.

Section 40.210. Demand by Director of Finance.

If the Director of Finance determines at any time that a licensee has failed to make a proper return or statement or has not paid the full amount of license due by him for any of the three (3) preceding years, he shall make demand for payment of the deficiency and may refuse to issue any license to a licensee who is in default in the payment of any license fee for any of the three (3) preceding years, until paid. No license or permit shall be issued to any licensee if said licensee shall have failed or refused to pay any other obligation then due and owing the City of Webster Groves.

Section 40.220. Director of Finance to Furnish Forms.

The Director of Finance shall prescribe and furnish the licenses herein provided for in the following form:

Merchant's, Manufacturer's and Service Occupation
City License No. _____
The City of Webster Groves

To All Who Shall See These Presents,

Greeting: Know Ye That _____ having paid to _____, Director of Finance of the City of Webster Groves, the prescribed license tax as a merchant, manufacturer or service occupation for the year _____ therefor the said _____ is hereby authorized to sell any goods, wares or merchandise or manufacture the same of any description, or render services, except as otherwise provided by Ordinance, at anyone store, stand or place of business, within the City, for the year ending on the thirty-first day of December, ____.

In Testimony Whereof, I, _____, Director of Finance of the City of Webster Groves, have hereunto set my hand this _____ day of _____, ____.

Attest: _____
City Clerk

Tax _____ License _____

Delivered this _____ day of _____, ____

Director of Finance: _____

The blank licenses provided for in this section shall be bound in book form, with suitable stubs, on which shall be made and entered the sworn statement. There shall also be entered upon the stubs the amount of tax collected.

Section 40.230. Failure to Make Statement; Penalty.

In case any merchant, manufacturer or service occupation shall fail, neglect or refuse to deliver the statement herein required and to pay the full and proper amount of license due under the provisions of this Chapter at the time provided for herein or who shall make any false statement or return or fail to pay any deficiency determined to be due for any of the three (3) preceding years, he shall be subject to the penalties prescribed herein.

Section 40.240. Arbitrary Assessments.

If a licensee fails to make a return when due, or having made a return fails to pay when due, or it be found upon inspection or audit that any return made by a licensee during the previous three (3) years failed to include gross receipts subject to and payable on the basis of the schedule contained in Section 40.180 hereof, the Director of Finance may, in addition to all other penalties, determine the true facts by the best information that he can and shall arbitrarily double the value or amount thereof, and it shall be the duty of the merchant, manufacturer or service occupation to pay his license fee on such arbitrary assessment of gross sales and/or gross receipts in addition to all other penalties provided for delinquencies.

Section 40.250. Waiver of Arbitrary Assessment.

In case the Director of Finance is satisfied that the failure to make return and to pay the license fee within the proper time was inadvertent and not willful, he may accept payment of the license fee upon a proper return, verified by the licensee, with such penalties for delinquency as may have accrued thereon and waive the double assessment.

Section 40.260. Delinquent License Taxes.

License fees due hereunder shall become delinquent May 1st of the year in which due, except that those merchant, manufacturer and service occupations whose license year differs from that herein defined shall become delinquent the 1st day of the second month after the end of said elected license year. Payments made after said dates shall be subject to a penalty of five percent (5%) of the amount due for the license during the first month of delinquency, and one percent (1%) of the amount due for the license for each additional month until the penalty amounts to twenty-five percent (25%), and this penalty shall be assessed in cases where a merchant, manufacturer or service occupation files a statement as hereunder required and then fails to pay the license fee due, or when he files a statement which is later found to be incorrect and it is determined that an additional license fee is due.

Section 40.270. False Returns; Penalty.

Whoever shall make or file with the Director of Finance, under the provisions of this Chapter, a false statement under oath, shall forfeit his license and be deemed guilty of a misdemeanor; and it shall be the duty of the Director of Finance to carefully examine all statements filed with him and to prosecute all violations of this Chapter according to law; provided, that before instituting any such prosecution he shall give the merchant, manufacturer or business occupation an opportunity to explain the statement and correct it if inadvertently made; and if it shall appear to the Director of Finance that such false statement was willfully and corruptly made, he shall report all the facts to the appropriate legal authority.

Section 40.280. Penalties and Revocation.

Any merchant, manufacturer or service occupation which exercises, engages in or carries on any business, trade or occupation in the City of Webster Groves without first having paid the license tax herein provided for and having lawfully obtained the license prescribed, or who violates any of the regulations or requirements of this Chapter, shall be subject to a fine of not less than Five Dollars ($5.00) or more than One Hundred Dollars ($100.00) for each such offense except as otherwise provided.

The Director of Finance may cause the closing, including locking or otherwise banning the conduct of any business therein, including the posting of appropriate signs and/or all other necessary acts to prohibit the conduct of business until such business shall have been complied with the provisions of this ordinance.

The City Council may revoke any license inadvertently issued upon proof that the precedent requirements have not been met, and may revoke any license for failure to observe the regulations of the State of Missouri or the City of Webster Groves pertaining to public health and sanitation, fire protection, public peace, or public morals.

Section 40.290. Severability.

If any article, section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional, or unlawful, for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate, distinct and independent provision of this ordinance and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

Article III. Sales Tax

Section 40.400. Imposition of Tax.

There is hereby imposed a sales tax of one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Webster Groves to the extent and in the manner as provided in Sections 94.500 to 94.570 R.S.Mo. 1959, as amended, and the Rules and Regulations of the Director of Revenue issued pursuant thereto, for the benefit of the City of Webster Groves.

Section 40.410. Effective Date and Collection.

The tax shall become effective and be collected as provided in Sections 94.500 to 94.570 R.S.Mo. 1959, as amended, and shall be subject to and incorporate all of the provisions of said sections.

Section 40.420. To Whom Payable.

All payments due the City of Webster Groves from sales tax collections under this Article shall be made payable to the "Director of Finance of the City of Webster Groves, Missouri."

Section 40.430. Tax to Be Part of General Revenue.

All revenues collected from the sales tax provided for in this Article shall become part of the general revenue of the City of Webster Groves, Missouri.

CHAPTER 41. LICENSING AND REGULATION OF PARTICULAR BUSINESSES

Article I. Barber Shops, Beauty Parlors and Similar Establishments

Section 41.010. Inspections.

The Director of Public Health or his representative shall, at least, once each year, and as often as necessary, inspect and examine all barbers, barber shops, barber schools, barber colleges, cosmetologists, cosmetologist school, cosmetologist colleges, hairdressers, hairdresser schools, hairdresser colleges, manicurists, manicurist schools and manicurist colleges, in the City of Webster Groves.

Section 41.015. Sanitation Requirements.

All persons owning, operating or managing such businesses and engaged in, following or practicing such trades or occupations shall strictly comply with the following requirements:

a. The premises shall be open to the Director of Public Health and his representatives for inspection during business hours. Each establishment shall at all times display a certificate of inspection issued by the Director of Public Health within the preceding twelve (12) months, certifying that the establishment and its operation have been found to be clean and sanitary. No inspection certificate shall be issued unless the applicant has obtained from the proper State Board a certificate or permit to engage in such business.

b. The premises shall be at all times supplied with running hot and cold water, connected with the City Water facilities, and drained through pipes into the sewers of the City. All premises where such shops, schools, or colleges are conducted shall at all times be kept in a clean and sanitary condition.

c. The premises shall be separate and apart from living quarters of any building, and shall not be used as sleeping quarters by any person.

d. Every person engaged in any of such businesses or occupations shall thoroughly cleanse his or her hand with soap and water immediately before serving any person. All cups, brushes, combs, clippers, razors, scissors, tweezers, blackhead removers, files, pushers, buffers, spatulas, and other tools and all massage and scalp applicators shall be kept in a clean and sanitary condition at all times, and shall be sterilized before serving any person; brushes and tools which might be injured by cleansing in hot water must be thoroughly cleansed in some other manner approved by the Director of Public Health and shall be sterilized in some antiseptic solution before serving any person.

e. Open powder boxes are prohibited.

f. Any towel, dry towel, steam towel or wash towel which has been used on any person must be laundered before it is used on any other person. When the hair of any person is cut, a newly laundered towel or protection band must be placed around the neck of the person so as to prevent the hair cloth from touching his skin. When a chair is used for any purpose a clean towel, either cloth or paper,

must be placed on the headrest of the chair before any person is permitted to recline thereon.

g. Any cream, emollient, or similar article shall be removed from its container with a spatula, and any unused portions so removed shall not be used on any other person.

h. The use of styptic pencils, powder puffs and sponges is prohibited. The use of styptic powder and individual applicators is permitted.

i. All metal tools, brushes or combs that have been used on a person who has eruptions on the face or scalp shall, before being used again, be sterilized or immersed for not less than fifteen minutes in one of the following antiseptics: twenty percent (20%) solution formaldehyde or two percent (2%) solution Lysol. Any person serving such a person shall, before serving another person, thoroughly wash his hand with hot water and soap, and then in one-thousandth (1/1000) solution of bichloride of mercury or fifteen percent (15%) solution of formalin.

Section 41.020. Periodic Examination of Barbers, Cosmetologists, Hairdressers, Etc.

The Director of Public Health shall, at such times as he may deem it advisable, and at least once every four (4) months, cause every barber, cosmetologist, hairdresser, manicurist, instructor, student or apprentice to be examined; if such a person is found to be free from venereal disease and all other infectious, contagious or communicable diseases or ailments which in the judgment of the Director of Public Health render unfit such a person to serve the public in his or her trade, then the Director of Public Health shall issue a certificate of health.

Section 41.025. Certificate of Health Required.

No person shall pursue or engage in any of the businesses enumerated in Section 41.010 without having procured within the preceding four (4) months a certificate of health from the Director of Public Health and having such certificate of health displayed at all times in his shop or place of employment.

Section 41.030. Inspection Fee.

Each such business shall pay to the City of Webster Groves an annual inspection fee of Twenty-Five Dollars ($25.00).

Section 41.035. Rules and Regulations.

The Director of Public Health may promulgate uniform rules and regulations for the purpose of effectuating or enforcing the provisions of this Article. Any such rules and regulations shall be printed on a card, in large type, and shall at all times be prominently displayed where the customers can conveniently read them.

Section 41.040. Penalties for Violation.

Any person who has violated any of the rules or provisions of this Article shall be cited to appear before the Director of Public Health and show cause why his or her certificate of inspection of health should not be revoked and, upon failure to show cause, the Director of Public Health shall have the power to revoke such certificate of inspection of health permanently or for such period of time as he may deem proper, and in addition thereto said person shall be subject to any other penalties for violation of this Article.

Any person violating any of the provisions of this Article shall be subject to a fine of not less than Five Dollars ($5.00) no more than One Hundred Dollars ($100.00), and each day's violation shall constitute a separate offense.

Article II. Bowling and Ten Pin Alleys, Miniature Golf Courses

Section 41.050. License Required.

Every person keeping, conducting or operating any ten pin alley, bowling alley or miniature golf course shall obtain a license therefor, on payment of an annual license tax of Twenty-Five Dollars ($25.00) for each such establishment, payable annually on the 1st day of February, and applicable to the period expiring on the next succeeding 31st day of January; provided, however, if a license is issued between the 31st day of July and the 1st day of the next succeeding February 1st, the tax for the period ending six (6) months after the 31st of July shall be Twelve Dollars and Fifty Cents ($12.50).

No license shall be issued until the applicant therefor produces satisfactory evidence to the City Council of his character and qualifications. Any license may be revoked by the City Council at any time.

Section 41.060. Limitations on Operation.

No person may keep, operate, or conduct a bowling or ten pin alley or miniature golf course without a license, or between the hours of 12:00 a.m. on Saturday nights and 12:00 p.m. on Sundays, or between 12:00 a.m. and 9:00 a.m. during any other day of the week, or at any location other than that approved by the City Council, or in any manner deemed by the City Council to be contrary to the general welfare of the City and its inhabitants.

Section 41.070. Penalty for Violation.

Any person who violates any provision of this Article will be subject to a fine of not less than Five Dollars ($5.00) or more than One Hundred Dollars ($100.00).

Article III. Dance Halls

Section 41.110. Definitions.

The term "**Public Dance**" as used in this Article includes any dance or ball to which admission can be had by payment of a fee or by purchase, possession or presentation of a ticket or token, or at which a charge is made for caring for clothing or any other

property, or which is conducted for the purpose of promoting the sale of refreshments, or any other dance or ball to which the public generally may gain admission with or without payment of a fee. The term shall not include a private dance at home, or a dance given by the City, or in a public school, or by a bona fide society, club or association where the attendance is restricted to the bona fide members of such society, club, or association and their guests, and is not open to the general public.

The term "**Public Dance Hall**" as used in this Article includes any room, place, platform or space and the premises appurtenant thereto in or on which a public dance is held.

Section 41.115. License Required.

No person may keep or conduct any public dance hall or hold any public dance without first having obtained a license. The fee for a license shall be One Hundred Dollars ($100.00). The license shall be applicable to the period expiring on the next succeeding 31st day of December.

No license may be issued to any person to keep or conduct any public dance hall or hold any public dance unless he has first produced to the City Council satisfactory evidence of his character and qualifications.

If a majority of the owners or occupants of structures or property located within a radius of four hundred (400) feet from any part of the premises on which a dance hall is to be located or upon which a public dance is to be held protest in writing, the Council shall not direct the issuance of a license except by unanimous vote, and if a license is issued the Council may, by unanimous vote, revoke the same.

Section 41.120. Regulations.

a. No public dance shall be held on Sunday, or between the hours of 12:00 a.m. and 9:00 a.m., or in any other location than that approved by the City Council and described in an appropriate license.

b. Every public dance hall shall be kept at all times in a clean, healthful and sanitary condition, and every stairway, passageway and room thereof shall be kept open and lighted, sufficiently so that it is possible to see distinctly to any part thereof.

c. No dancing partners of either sex shall be paid, employed or furnished by the persons conducting a public dance or dance hall.

d. No public dance hall shall be licensed or operated unless it complies with and conforms to the provisions of the building code of the City of Webster Groves respecting assembly halls, and all other ordinances of the City, and especially the health, sanitary and fire regulations of the City, and is properly ventilated and supplied with sufficient free drinking fountains, and separate and adequate toilet facilities for men and women, and is a safe and proper place for the purpose for which it is to be used.

e. No person under the age of seventeen (17) years shall be permitted to attend or take part in any public dance after the hour of 8:00 p.m., unless accompanied by

a parent or guardian or responsible adult person who has the written permission of the parent or guardian to take such person to the dance.

f. No intoxicating liquor shall be sold, given away, kept or permitted upon the premises where a public dance is held.

g. No disorderly or indecent conduct or immoral, profane or indecent language, or indecent act may be permitted in or about a public dance hall or public dance.

Section 41.125. Enforcement of Regulations.

The members of the Police, Fire, Public Works and Public Health departments of the City shall have access at all times to all public dance halls. Whenever any provision of this article is violated or whenever any indecent act is committed or any disorder takes place at any public dance hall, the Police Chief shall cause the premises to be vacated and closed.

Section 41.130. Penalty for Violation.

Any person, or any person acting as manager, agent or representative of any person, who operates, conducts, owns, leases, or manages a public dance or dance hall which does not fully comply with the provisions of this Article, shall be subject to a fine of not less than Ten Dollars ($10.00) no more than One Hundred Dollars ($100.00).

Article IV. Gas Companies

Section 41.150. License Tax.

Every person, firm or corporation engaged in the business of selling or distributing natural, artificial or mixed natural and artificial gas for heating, lighting, power or refrigeration, in the City of Webster Groves shall pay as an annual license tax a sum equal to seven percent (7%) of the gross receipts from such business conducted in the City each year. The term "**gross receipts**" as used in this Article means the aggregate amount of all sales and charges during any period for which payment is due less credits, allowances, refunds, sales taxes and uncollectible accounts actually charged off during said payment period.

Section 41.155. Statement of Gross Receipts and Payment of Tax.

Each person engaged in such business shall file with the Director of Finance on or before the 31st day of May, 1975, a sworn statement showing the gross receipts derived from the transaction of such business in the City of Webster Groves from August 1, 1974 to April 30, 1975, and simultaneously pay to the Director of Finance the tax required by Section 41.150 for said period of time. On or before the last day of each and every month thereafter, each person engaged in such business shall file a sworn statement with the Director of Finance showing the gross receipts derived from the transaction of such business in the City of Webster Groves during the preceding month, and simultaneously pay to the Director of Finance the tax as required by Section 41.150.

Section 41.175. Penalty for Violation.

Any person who fails to comply with any provision of this Chapter, or in any other way violates any provision of this Chapter, may be fined not less than Ten Dollars ($10.00) or more than One Hundred Dollars ($100.00) for each offense.

Article IV(a). Water Companies

Section 41.180. License Tax.

Every person, firm or corporation engaged in the business of selling or distributing water in the City of Webster Groves shall pay as an annual license tax a sum equal to seven percent (7%) of the gross receipts from such business conducted in the City each year. The term "**gross receipts**" as used in this article means, with respect to any year, the amount collected during that year less credits, allowances or refunds to customers credited, allowed or refunded during that year on account of water actually sold or distributed during that year, excepting therefrom water sold or distributed to the City of Webster Groves.

Section 41.185. Statement of Gross Receipts to Be Filed.

Each person engaged in such business shall file with the Director of Finance, on or before the 31st day of August, 2002, a sworn statement showing the gross receipts derived from the transaction of such business in the City of Webster Groves from December 31, 2001 to July 31, 2002 and simultaneously pay to the Director of Finance the tax required by Section 41.180 for said period of time. On or before the last day of each and every month thereafter, each person engaged in such business shall file a sworn statement with the Director of Finance showing the gross receipts derived from the transaction of such business in the City of Webster Groves during the preceding month, and simultaneously pay to the Director of Finance the tax as required by Section 41.180. (Ord. No. 8287, § 1, 7-16-02).

Section 41.190. Payment of Tax; Duration of License.

The license tax is due and payable on or before January 31st in each year. The license granted covers the year ending the preceding December 31st in each case.

Section 41.195. In Lieu of Certain Taxes.

This license tax is in lieu of all other excise, license or occupation taxes applicable to said business, but shall not exempt any such persons from the payment of any tax levied by or for the benefit of the City upon real or personal property.

Section 41.200. Penalty for Violation.

Any person who fails to comply with any provision of this Chapter, or in any other way violates any provision of this Chapter, may be fined not less than Ten Dollars ($10.00) or more than One Hundred Dollars ($100.00) for each offense.

Article V. Hospitals and Homes

Section 41.210. Definition.

Within this Article the term "**Institution**" shall include any hospital, sanitarium, establishment, home or other place or institution for the boarding, lodging, nursing or care of the sick or such persons as are suffering from or afflicted with bodily or mental infirmities or ailments of any kind whatsoever.

Section 41.220. Permit Required.

No person may establish, maintain, operate or conduct an institution without first having obtained a permit from the Department of Public Health. Any application for a permit shall be filed in writing with the Department of Public Health, and shall contain the following:

a. The name of every person who is to control, operate or manage the proposed institution, including the matron superintendent, resident physician or surgeon and medical staff, every physician or surgeon who is in any manner connected or identified with the proposed institution, and if the applicant is a corporation, then also the names of the officers and Board of Directors thereof.

b. The location of the proposed institution and the name under which it will be operated or conducted.

c. The size and dimension of the building or buildings and the number of rooms in each building.

d. The maximum number of patients that the institution can properly accommodate.

e. A statement whether any business is or will be conducted or operated in the same building or buildings or on the same premises, and, if so, what other business.

f. A written statement from each of the members of the medical staff, the resident physician or surgeon, superintendent and matron, certifying that he or she will serve on the staff of said institution.

Upon the filing of a satisfactory application, the Department shall cause the premises in question to be inspected. If he determines that the proposed institution will in all respects comply with the requirements of this Article, and the premises are in all other respects in a sanitary condition, he shall issue a permit.

A permit may not be transferred without the approval in writing of the Department. Any attempted transferal, or change in the name or location of the institution, will forfeit the permit.

Section 41.230. Inspections; Revocation of Permit.

Every institution shall at all times be open to inspection by the Director of Public Health or his duly authorized representatives, who may inspect the premises as often as may be deemed proper. If any violation is found of the terms of the application for the permit under which the institution was opened, conducted, managed or maintained, or any violation of any of the provisions of this Article or of any of the ordinances or regulations of the City of Webster Groves or statutes of the State of Missouri, then the Director shall recommend to the City Council the revocation of the permit issued for the institution.

The City Council may revoke any permit for any violation of any of the provisions of this Article or of the laws of the State of Missouri, or of the ordinances of the City of Webster Groves, or of any rules and regulations which may be prescribed from time to time by the Department of Public Health. Before a permit may be revoked, the Council shall issue a notice to the person named in the permit, advising him of the time and place of the Council's intended action and the grounds therefor, and must serve the notice at least ten (10) days prior to the hearing, either by delivering a copy thereof to the person named or by leaving a copy of the notice at the institution named in the permit which the Council intends to investigate.

Section 41.240. Requirements for Maintenance and Conduct of Hospitals and Homes.

Every institution shall conform to the following requirements:

Every room, including water closet compartments and bathrooms, must have at least one window opening directly upon the street or upon an areaway, yard or court, and one-half (1/2) of the sash must be capable of being opened full width. The total area of the windows in each room must be at least one-eighth (1/8) of the superficial area of the floor of the room.

Each room occupied or to be occupied by inmates must be of such dimensions as will give each inmate not less than four hundred (400) cubic feet of air space, and must have at least one window connecting with the external air for each four beds. There must be provided for each inmate at least one-thousand five hundred (1500) cubic feet of fresh air per hour whether by natural ventilation or by the use of ventilating appliances. Each bed must have at least forty (40) square feet of floor space, and in every room or dormitory containing more than one bed the beds must be so arranged as to leave a passageway of not less than two (2) feet horizontally on each side of each bed.

Every building must have not less than one (1) fire escape for every fifty (50) persons, or fraction thereof, for whom accommodations are provided above the first floor. Every building of three (3) or more stores in height must be provided with iron stair fire escapes attached to the exterior of the building, built solid from the upper window sill to the ground, with an iron ladder from the upper story to the roof. A fire escape may not run past a window if it is practical to avoid it. All fire escapes must be of the kind known as stationary fire escapes, and must have proper and safe balconies for each story, surrounded on the sides with wire bank and pipe rail not less than three (3) feet in height with openings from the building to balconies, and the stairways must when practicable

be of an angle of not more than fifty-five (55) degrees and must be enclosed with wire and rail not less than three feet high.

Each ward or wing must have running water furnished in one or more places, either in the ward or convenient thereto, so that it will be adequate and convenient. The plumbing, water closets, bathrooms and other sanitary appliances and equipment must be constructed in accordance with the City ordinances. The floor of any cellar or basement must be properly cemented so as to be watertight.

Each hall must be open to the external air with suitable windows, and must have no room or other obstruction at either end, unless sufficient light or ventilation is otherwise provided.

Every institution, including the culinary department, dining rooms, laundry, laboratory, morgue and post-mortem rooms connected with it, must be equipped from May 15th to November 15th with doors, screens and other appliances necessary for the exclusion of flies.

In each building there must be a suitable room to be used for the isolation of cases of contagious, infectious, epidemic or communicable diseases that may be found in the institution until such time as the persons suffering from the diseases may be removed. The room or rooms provided must have separate toilet facilities and a stationary wash stand with a supply of running water.

In each building there must be a suitable room for the proper care of the dead pending their removal.

No person in charge or control of any institution, or connected therewith as nurse, physician or attendant, or orderly, shall permit or allow the body of any inmate or person who has been under care in the institution, and has died therein, to be removed from the institution to any undertaking establishment within twenty-four (24) hours after death, unless the removal has been authorized in writing by some member of the immediate family of the deceased person or by some other person legally authorized to order or permit removal. No body may be removed otherwise than in accordance with the ordinances of the City concerning the removal of dead bodies. No body may be kept at any institution longer than thirty-six (36) hours after death without permission of the Department of Public Health.

Every person who secures a permit shall immediately notify the Department of Public Health of any change in the medical staff, resident physician or surgeon, superintendent or matron attached to or connected with the institution.

Section 41.250. Rules and Regulations.

The Department of Public Health is authorized to make, from time to time, such rules and regulations in respect to the management and conduct of any institution and the care and treatment of the patients or inmates thereof as he may deem wise.

Section 41.260. Records.

Each institution must keep a complete record of every inmate admitted to the institution, showing the name, address, age, sex and social status and the date of admission and discharge or disposition. In the case of an infant or child, the record must show the name and address of the person or persons from whom it was received, so far as can be ascertained, the name, address, nationality, and occupation of its parents, and the reason for its being brought to the institution. In case of the discharge or disposition of any infant or child or other dependent person, the record must show the name and address of the person to whom the inmate was given or delivered, and must state whether that person was a parent or guardian, or had legally adopted the infant or child. These records shall be open at all times to the inspection of the Department of Public Health.

Section 41.270. Penalty for Violation.

Any person who owns, operates, conducts, maintains, or manages an institution which does not comply with the requirements of this Article, and any person assisting in such conduct, shall be subject to a fine of not less than Twenty-Five Dollars ($25.00) or more than One Hundred Dollars ($100.00), or to imprisonment in the City Jail for not less than one or more than three (3) months, or to both such fine and imprisonment. Each day that a violation continues will constitute a separate offense.

Section 41.280. Definition of a Bed and Breakfast Facility.

To qualify as a bed and breakfast (B&B) facility for purposes of this Article, such facility shall comply with the conditions which are established within the definition of a bed and breakfast facility found in Zoning Ordinance No. 5906, Section 2, "**Definitions**." A bed and breakfast facility may be used for temporary guest accommodations after its owner is granted a conditional use permit under the provisions of Section 12 of the Zoning Ordinance and a business license as provided herein (Ord. No. 7873, § 1, 6-13-95).

Section 41.285. Licenses Required; Fees and Conditions Therefor.

For purposes of licensing, a bed and breakfast facility shall pay the fee prescribed for a service occupation as defined in Section 40.110(h) of the Code of Webster Groves. The method of calculating the license shall be as prescribed in Section 40.120(c).

Such licenses shall be applied for and issued annually upon the applicant meeting the following conditions: (a) a conditional use permit issued by the City Council as provided in the Zoning Ordinance, and continuing in good standing; (b) the issuance of a residential occupancy permit following an annual inspection therefor; (c) evidence satisfactory to the Director of Finance of membership in a regional or national bed and breakfast referral service (Ord. No. 7873, § 1, 6-13-95).

Section 41.290. Guest Log to Be Available for Inspection.

Each bed and breakfast facility shall maintain a daily log of guests to demonstrate compliance with the requirements of the bed and breakfast facility definition found in the Zoning Ordinance. Such guest logs shall be available for inspection by the City during

normal business hours. The City is empowered to make copies of such logs. Facilities are required to keep available for inspection guest logs for their last three years of operation (Ord. No. 7873, § 1, 6-13-95).

Cross reference: Section 2, "**Definitions**," Zoning Code; Section 12, "**Conditional Uses**," Zoning Code.

Article VI. Licensing and Regulation of Peddlers, Solicitors and Transient Merchants

Section 41.310. Definitions.

The following words, terms, and phrases, and their derivations, used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

"Charitable organization" means and includes not-for-profit entities such as municipally-affiliated, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal entities.

"Contributions" mean and include the words alms, money, subscription, property or any donations under the guise of a loan or money or property.

"Department" means the Department of Finance.

"Director" means the Director of Finance.

"Goods" shall mean all things that are movable at the time of sale or delivery.

"Gallery" shall mean any room that contains wall space upon which art is displayed for sale to the public.

"Hawker" means any person who offers goods, property or services for sale in the streets, highways, thoroughfares or public rights-of-way of the City by crying out, or by signals, music or other noise.

"Mobile Vending Cart" shall mean a non-motorized structure with at least two (2) operational wheels which is easily moved and which is used for vending by a transient merchant.

"Mobile Vending Cart Operator" shall mean a transient merchant who is conducting business from a mobile, but not motorized, vending cart.

"Peddler" means any person who travels from place to place – whether by foot, vehicle, wagon, cart or any other means of conveyance whatsoever, for the purpose of displaying, selling, making sales, soliciting or offering for sale, or leasing with the option to buy, at retail, any goods, property or services. This definition also includes any person who solicits orders, whether in person or not, and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this Ordinance, but shall exclude any person who has an invitation from a resident to visit that person's residence.

"Peddling" includes all activities ordinarily performed by a peddler as indicated in the definition of "peddler."

"Solicitor" shall mean any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial purposes or who canvasses for political, charitable, religious or other non-commercial purposes without seeking contributions or selling anything of value.

"Solicitation" includes all activities performed by a solicitor as defined herein.

"Street Vendor" means any person who is licensed to sell, offer for sale, exhibit, display, demonstrate or take orders for the retail sale of any goods or service whatsoever from a motorized vehicle, trailer, semi-permanent stand or structure, or similar device.

"Transient Merchant" The phrase "transient merchant" shall mean any "hawker," "mobile vending cart operator," or "peddler," as herein defined.

Section 41.311. License or Registration Required.

a. No person shall engage in the business of being a transient merchant without first having obtained a license therefore, except as provided for in Section 41.323 and Section 41.326; and further provided, however, that any person who conducts business as a street vendor or mobile vending cart operator as herein defined shall be required to comply with the additional rules and regulations set forth in this Article. No person shall sell from a vehicle or mobile vending cart that has not been licensed by the City. No person shall act as an agent or an employee for any person licensed under the provisions of this Article VI unless such person has first obtained an identification certificate from the Director.

b. No person shall engage in solicitation without first having registered with the Department, except as provided in Section 41.323.3 below.

c. Each Mobile Vending Cart Operator shall first obtain a Mobile Vending Cart Operator's License from the Director on forms provided by the Department and in compliance with the provisions of Section 41.328 hereof.

d. Each Street Vendor shall first obtain a Street Vendor's License from the Director on forms provided by the Department and in compliance with the provision of Section 41.329 hereof.

Section 41.312. License Applications.

Every person required to obtain a license to the provisions of this Article VI of Chapter 41 shall file with the Director of Finance an application in writing, on a form to be furnished by the Department, which shall provide at least the following information:

a. Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;

b. A brief description of the business or activity to be conducted;

c. The hours, location and length of time for which the right to peddle or solicit is desired;

d. If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the same may be;

e. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

f. A statement from the Director of Revenue of the State of Missouri certifying that the applicant is not delinquent in the payment of any sales tax if the list of delinquent taxpayers provided to the City by the Director of Revenue indicates a delinquency on the part of such person;

g. Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirement of this Ordinance.

Section 41.313. License Fees.

Prior to the issuance of a License or Registration pursuant to the provisions of this Article, the applicable fee, if any, shall be paid. From time to time, the Director of Finance shall submit a schedule of fees by category of licensee for approval by motion of the City Council at any public meeting. At the time the application is filed with the Department, the applicant shall pay the prescribed fee to cover the cost to the City of processing the application and investigating the facts stated therein. Such fees shall be waived for religious, political, community or charitable organizations.

Section 41.314. Application Review; Issuance of Licenses, Registrations.

a. Upon receipt of an application for a License or Registration, the Director of Finance or authorized representative, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.

b. If the Director finds the application to be satisfactory, the Director shall indicate approval on the application and shall deliver, upon payment of the prescribed fee, if any, the required permit or registration to the applicant.

c. The license or registration permit shall show the name and address of the applicant, the class of license or permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the license or permit shall be in effect. The license or permit shall also show the license or permit number and identifying description of any vehicle to be used in carrying on the business or conduct for which the license or permit is issued.

d. A record of all licenses and permits issued shall be maintained by the Department for a period of two (2) years.

Section 41.315. Denial of License Permit.

a. Upon the Director of Finance's review of the application, the Director may refuse to issue a license or permit to the applicant under this Ordinance for any of the following reasons:

1. The location and time of solicitation or transient merchant activities would endanger the safety and welfare of the solicitors, transient merchants or their customers or persons solicited;

2. An investigation reveals that the applicant falsified information on the application;

3. The applicant has a been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application;

4. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

5. There is no proof as to the authority of the applicant to serve as an agent to a principal; or

6. The applicant has been denied a permit under this Section within the immediate past 12 months, unless the applicant can and does show to the satisfaction of the Director that the reasons for such earlier denial no longer exist.

b. The Director's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is disapproved and that no license or permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

Section 41.316. Term of Permit.

All licenses and registrations issued according to the provisions of this Article shall be valid until December 31 of the year in which the ordinance codified in this section is enacted. Thereafter all licenses shall be valid for one (1) year beginning on January 1 and ending on December 31. Renewal of licenses shall be permitted beginning on December 1.

No license shall be issued under this chapter except for the full license period and the full license fee.

Section 41.317. Permit Exhibition.

Every person required to obtain a permit under the provisions of this Ordinance shall prominently exhibit the license or permit at all times when conducting any transient merchant or street vendor business and shall provide all necessary licenses when requested to do so by any prospective customer, person solicited or Department employee.

Section 41.318. Transfer Prohibited.

It shall be unlawful for any person other than the person to whom the license or permit was issued to use any license or permit issued under the provisions of this Article.

Section 41.319. Fixed Stands Prohibited.

a. No person, whether licensed pursuant to the provisions of this Article VI or not, shall stop or remain in any one (1) location in any street, alley or public place within the City to conduct business as a transient merchant for longer than is necessary to make a sale to a customer wishing to engage in a transaction. No person, whether licensed pursuant to the provisions of this Article VI or not, shall conduct business from a fixed stand located in any street, alley or public place.

b. Fixed stands on private property shall only be allowed if permitted, and upon the terms of, the zoning district regulations applicable to property upon which the fixed stand is located and only if the private property owner has authorized such use in writing before any license is issued.

Section 41.320. Curb Service Prohibited.

No person shall operate or maintain any stand, vehicle, store or place of business on or next to any street, lane, highway or public place in such a manner that the customers or traders with such person occupy or congregate within the limits of the street, lane, highway or public place. No person shall be permitted to use the streets, alleys, lanes or public places of the City for the service of customers or for the transaction of business, or to use any stands, stores or other places of business in any manner that shall require the customer, when transacting such business, to stand within the limits of the streets, highways, alleys or public places of the City. This provision shall not apply to licensed street vendors operating with City permission.

Section 41.321. Prohibited Areas.

No person, whether licensed pursuant to this Article or not, shall, in the sale of goods, wares, merchandise, or any other form of personal property, obstruct any street, alley, sidewalk or driveway except as may be necessary and reasonable to consummate a sale. No transient merchant or street vendor shall remain, barter, sell, offer or expose for sale any goods, wares or merchandise adjacent to any property against the wish or desire of the property owner or the tenant or occupant of such property, nor within five hundred (500) feet of the entrance to any school building between the hours of 8:00 a.m. and 5:00 p.m. on the days when school is in session, nor on those portions of streets that abut a public park. No person shall engage in the business of being a transient merchant on any street, alley or public place after having been requested to desist by any police officer of the City because of congested or dangerous traffic conditions.

Section 41.322. Practices Prohibited.

No transient merchant shall, while in any public place, shout or cry out his or her goods or merchandise, nor blow any horns, ring any bell, broadcast or play any sound, or use any similar device at a level in excess of 60 decibels to attract the attention of the public.

Section 41.323. Exempt Persons.

The following shall be exempt from all license fees under this Article and under Chapter 40, and shall be exempt from all other requirements of this Article VI except safety regulations of this Article VI:

a. Any person under eighteen (18) years of age, when engaged in the business of being a transient merchant on foot in the neighborhood of his or her residence under the direct supervision of any parent, legal guardian, school or recognized charitable organization or religious organization.

b. Any person exempt from the licensing requirements of this Article by virtue of State or Federal law, but only to the extent exempted by such State or Federal law and no more.

c. Any person who is the duly authorized representative or agent of any religious or charitable organization, or who, for any political organization or purpose, is seeking funds or membership or contacting members of a political organization or electors in any local, state or federal election.

d. Any person engaging in business solely at a City-operated, affiliated or sponsored market, fair or special event provided that all transactions are conducted solely within the confines of that market, fair or special event location and that the rules and regulations of the market, fair or special event are observed.

e. Any person who sells works of art and who rents wall space in a gallery as distinguished from a consignment shop or antique store or similar commercial

enterprise and who has paid a gallery fee or rented wall space not exceeding $500 per space.

Section 41.324. Hours of Solicitation.

Transient merchants, solicitors and canvassers may only call at any dwelling or residence between the hours of 9:00 a.m. and 7:00 p.m. Mondays through Fridays and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays and Sundays, except by appointment with the owner or occupant of such dwelling or residence.

Section 41.325. Entry Upon Premises Unlawful.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the activities of a solicitor or transient merchant, to enter upon any residential premises in the City where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words “No Peddlers,” “No Solicitors,” or words of similar import.

Section 41.326. Special Event License.

A charitable organization sponsoring a special event with a duration not to exceed four (4) consecutive days may obtain a special event license which shall excuse transient merchants conducting business at the special event from paying any license fee except as required by this subsection 41-326. A special event license shall be issued to cover all transient merchants conducting business at the special event only under the following conditions:

a. The special event license shall apply only to those transient merchants conducting business under the auspices of the organization obtaining the special event license and operating at the special event with the permission of the special event license holder.

b. The organization sponsoring the special event shall maintain a record containing the name, address, telephone number and date of birth of each transient merchant operating under its auspices at the special event. This record shall be displayed to any law enforcement officer or any representative of the City of Webster Groves upon request.

c. A special event license shall be issued only for a prescribed location.

d. All other provisions of this Code and all provisions of any other applicable ordinance, law, rule or regulation shall be complied with to the extent not inconsistent herewith.

e. From time to time, the Director of Finance shall submit a schedule of Special Event License Fees for approval by motion by the City Council at any public meeting, and such fees shall be applicable to all departments of the City.

f. No more than six (6) special event licenses shall be issued to any one charitable organization in any calendar year.

Section 41.327. General provisions.

a. **Applicability of Health Code -- Inspection.** All licensees and their employees shall be subject to and comply with all applicable requirements, standards, rules and regulations ("regulations") of the St. Louis County Health Department for dispensing and purveying food. All food held, offered for sale, sold or given away by licensees shall be subject to and comply with all Regulations. Proof is required that a person has filed an application for a permit from the County Health Department before receiving a permit for a vendor's license from Webster Groves.

b. **Health Inspections and Analysis.** It shall be the duty of every licensee to permit inspections to be made and, when required, to furnish samples of any foods kept, offered for sale or given away by the licensee as often as may be deemed necessary to determine that the foods are free from adulteration, are not misbranded, and do not contain an excessive number of microorganisms or their toxins. The licensee shall answer all reasonable and proper questions and furnish records of the sampled product. Samples shall be examined or analyzed by or under the direction of the County's Department of Health, and a record of each such examination or analysis shall be made and kept in its office.

c. No transfer of ownership shall be allowed on any license issued hereunder.

Section 41.328. Mobile Vendor Cart Regulations.

a. Every mobile vending cart used by a licensed vendor in or about the business shall have the name of the owner and his address plainly, distinctly, and legibly painted in letters and figures at least two inches in height in a conspicuous place on the outside of each side of every such wagon, cart or other vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such wagon, cart or other vehicle is in use during the continuance of the license covering the use of such wagon, cart or other vehicle.

b. No mobile vending cart used within the City shall interfere with or impede the flow of traffic on any City street. No mobile vending cart shall violate any traffic or parking laws, including the prohibition of double parking of the City.

c. All mobile vending carts used in the sale of the products described in this chapter must be kept in a clean and sanitary condition at all times, and when containing loads or parts of loads of food products, they must be kept only in sanitary places that meet with the rules and regulations of the County Health Department.

d. No mobile vending cart shall be located on any City sidewalk or other public way during non-vending hours, nor shall any such pushcart or other item be parked, stored or left overnight.

e. No mobile vending cart shall be motor powered. Nothing in this paragraph shall prohibit the transportation of a licensed vendor's cart to and from the licensed vendor's authorized location by a motor powered vehicle.

Section 41.329. Street Vendor Regulations and Districts.

a. **Vending Permitted.** A street vendor may sell or offer for sale or permit the offering or selling of any goods upon any public sidewalk, street, roadway, or roadway median within the City of Webster Groves except in those areas designated by ordinance as prohibited, and in compliance with the regulations of this section.

b. **Street Vending Districts Prohibited.** Street Vendors are prohibited within the boundaries of the Business Taxing Districts as established in Old Orchard, Old Webster and Crossroads within the City of Webster Groves.

c. **Additional Requirements.**

1. **Application.**

Every individual who desires a license as a street vendor shall make application therefor in conformity with the provisions of this subsection. The application for a Street Vendor license shall be not less than $150 per year, but from time to time, the Director of Finance shall submit a schedule of fees by category of licensee for approval by motion of the City Council at any public meeting. A non-refundable application processing fee of $25.00 shall be collected at the time of application; provided, however, that upon the granting of a license, the amount of the application fee shall be credited to the fee for the annual license.

2. **Special Street Vendor Permit Requirements.**

The Director shall issue the license to the applicant upon meeting the following conditions:

A. Present proof of compliance with all requirements deemed necessary by the County Department of Health, the Department of Public Works, the Police Department or the Department of Parks and Recreation; and

B. Present proof of insurance in the amount of one hundred thousand dollars ($100,000) bodily injury coverage and property damage in the amount of twenty thousand dollars ($20,000) with an insurance company of good standing and duly licensed in Missouri on each vehicle used in the operation of the vending business.

3. **Rules and Regulations.**

A. The business of street vending shall only be permitted between the hours of 7:00 a.m. and 8:00 p.m.

B. No vehicle related to the operation of a street vending business shall be located on any City sidewalk or other public way during non-vending hours, nor shall any such pushcart or other item be parked, stored or left overnight;

C. A licensed street vendor may not block the passage of the public through a public area or interfere with access to ramps, curb cuts or other conveniences for individuals with disabilities. If a sufficient crowd gathers to transact business with a licensed street vendor such that the passage of the public through a public area is blocked or that access to ramps, curb cuts or other conveniences for individuals with disabilities is blocked a police officer may disperse that portion of the crowd that is blocking the passage of the public.

D. A licensed street vendor may not conduct a vending business in a public area so as to obstruct access to private property, except with the prior written consent of the owner or manager of the property.

E. The conduct and behavior of all licensed street vendors shall comply in all respects with existing noise ordinances.

F. No licensed street vendor shall conduct a vending business within 150 feet from another licensed vendor or an existing business which sells or offers for sale comparable goods or merchandise.

G. No licensed street vendor shall conduct a vending business within 500 feet of a special event unless such vendor has first obtained the written permission of the permit holder of the fair or festival and has been issued a festival vendor's license under the provisions of this chapter.

H. Licensed street vendors shall keep the sidewalks, street and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind. All trash or debris accumulating within fifteen (15) feet of any vending stand shall be collected and disposed of by the vendor each day of operation.

I. Licensed vendors may not put refuse from the operation of their vehicle in or beside any public or private trash container or in any drain along or in the streets or sidewalks.

J. Licensed vendors may not leave their vehicle unattended at any time.

K. Whenever a vehicle is stopped for the purpose of making a sale, it shall be stopped at the right hand curb of the street at the extreme right hand edge of the pavement and shall be legally parked. No sale shall be made from any such vehicle from other than the curb side when said vehicle is legally parked or to any person who is standing in the normally traveled portion of a City street or alley. At such stops the vehicle's motor shall be turned off unless its operation is essential to protecting the product sold.

L. No vehicle may be parked or stored in a restricted parking area.

M. Each vending vehicle subject to the provisions of this chapter shall be equipped with:

(i) A mechanical and electrical safety signaling device which while the vehicle is stopped to make sales, will display flashing signals plainly visible from the front and rear, during the day or night, indicating that sales are being made therefrom;

(ii) A receptacle for the disposal of wrappers, papers, containers and other trash.

(iii) All vehicles used in the sale of the products described in this chapter must be kept in a clean and sanitary condition at all times, and when containing loads or parts of loads of such products, they must be kept only in sanitary places that meet with the rules and regulations of the County Health Department.

N. The Public Works Director shall formulate any additional rules and regulations necessary for the safety of the pedestrian and traveling public.

Section 41.330. Permit Revocation.

Any license or permit issued under this Ordinance may be revoked or suspended by the Director of Finance, after notice and hearing, for any of the following reasons:

a. Fraud, misrepresentation or false statement contained in the application for a permit;

b. Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;

c. Conducting peddling or solicitation activities contrary to the provisions contained in the permit;

d. Conviction for any crime involving moral turpitude;

e. Conducting transient merchant or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public;

f. Knowing or repeated violations of Chapter 60 the Code of Webster Groves regarding solicitation within the public right of way; or

g. Violation of Section 70.710 of the Code of Webster Groves regarding aggressive solicitation.

Section 41.331. Notice and Hearing.

Notice of a hearing for revocation of a license or permit issued under this Article VI shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the holder of the license or permit at the address shown on the application or at the last known address of the holder of the license or permit.

Section 41.332. Appeals.

Any person aggrieved by the action or decision of the Director of Finance to deny, suspend or revoke a permit applied for under the provisions of this Article VI shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the application form, or to his or her last known address.

a. An appeal shall be taken by filing with the Director a written statement setting forth the grounds for the appeal.

b. The Director shall transmit the written statement to the City Manager within ten (10) days of its receipt and the City Manager shall set a time and place for a hearing on the appeal.

c. A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.

d. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

e. The decision of the City Manager on the appeal shall be final and binding on all parties concerned.

Section 41.333. Claims of Exemption.

Any person claiming to be legally exempt from the regulations set forth in this Ordinance, or from the payment of a fee, shall cite to the Director of Finance the section, statute or other legal authority under which exemption is claimed and shall present to the Director proof of qualification for such exemption.

Section 41.334. Violations and Penalty.

Violation of any of the provisions of this Ordinance shall be treated as an infraction, and shall, upon conviction, be punishable by a fine of not less than $50.00 nor more than $100.00 or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment. In addition to any criminal enforcement, the City or any individual may pursue any available civil remedies deemed appropriate and necessary.

Section 41.335. Severability.

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

Section 41.336-41.359. Reserved.

(Ord. No. 8690 §1, 11-2-10)

Article VII. Junk Dealers

Section 41.360. Definition.

The term "**Junk Dealer**" includes any person who collects, stores, handles, sells and displays for sale quantities of scrap iron or scrap metals; parts or portions of used automobiles or vehicles of any kind; second hand or used building or construction materials; used or second-hand bottles, glass or glassware; old rubber or discarded rubber tires and tubes; rags and waste paper; parts or portions of old and second-hand machinery, tools and equipment; any other second-hand goods; and every other kind of materials or articles customarily found in and about junk or second-hand yards.

Section 41.365. License Required.

Every junk dealer who has no stand or place of business within the City of Webster Groves shall obtain a license upon payment of a license fee of One Hundred Dollars ($100.00) for each calendar year. The payment of this fee shall not exempt any junk dealer from the payment of other license fees for carts, wagons, or other vehicles.

Every junk dealer who has a stand or place of business within the City of Webster Groves shall pay a license fee of Two Hundred Dollars ($200.00) for each calendar year.

No license may be issued until written application thereof has been made to the City Council and approved.

Every license is non-transferable and may be annulled or revoked at any time if it is used by any person other than the person named in the license, or if the licensee violates any provisions of this Article.

Section 41.370. Register -- Open to Inspection.

Every junk dealer must keep a register of the name and address of every person from whom he purchases "**junk**" and said register shall be available for examination by the police department.

Section 41.375. Buying From Minors Prohibited.

No junk dealer may buy or receive any property from any minor without the written consent of the parent or guardian of such minor, nor knowingly purchase or receive stolen property.

Section 41.380. Penalty for Violation.

Any junk dealer who violates any provision of this Article shall be subject to a fine of not less than Five Dollars ($5.00) or more than Fifty Dollars ($50.00), and may have his license revoked.

Article VIII. Motion Picture Operators

Section 41.410. License Required.

Every person who exhibits motion pictures commercially shall obtain a license upon payment of an annual license tax of Fifty Dollars ($50.00) for each place of showing, payable on the 1st day of February of each year.

No such license may be issued until the applicant has procured from the City Clerk a certificate that the premises and the apparatus used in connection with the exhibition fully comply with the conditions set forth in this Article. The Council may revoke any license when the pictures exhibited therein are so lewd, filthy, violent, degrading or obscene as to shock or offend reasonable standards of conduct and morals.

Section 41.415. Objectionable Pictures and Performances Prohibited.

No person may produce, exhibit, or show on the stage or on the screen any play, moving pictures, or performance principally devoted to the showing, exhibiting, or exploiting of gang life, the acts and performances of gangsters and gunmen, and denizens of the underworld generally, wherein are exhibited killings, murders, or other violations of the law by such gangsters, gunmen, or underworld characters, so violent and sordid as to transgress the bounds of decency.

Section 41.420. Regulation of Booths.

The term "**picture machine**" as used in this Article includes any machine or device operated by or with the aid of electricity, adapted and used to project upon a screen or other surface pictorial representations of a respectable character, which the public are admitted to view upon the payment of an admission fee.

Every picture machine installed, maintained or operated must be enclosed within a booth which meets the following regulations.

a. **Frame, Roof, and Floor.** The frame must be composed of angle iron not less than one inch by one inch by one-eighth, properly braced so as to secure rigidity and security, and must be riveted or bolted at the joints. Every booth must be sheathed and roofed with sheet iron of not less than Number 20 B. & S. gauge, or with one-fourth (1/4) inch hard asbestos board, in either case to be securely riveted or bolted to the angle iron frame, or with matched lumber thoroughly covered upon the inner side of the enclosure with asbestos not less than one-quarter of an inch thick. The booth must be floored with sheet iron of not less than No. 20 B. & S. gauge, or with one-quarter inch hard asbestos boards, in either case to be securely riveted or bolted to the iron frame, or with boards covered with asbestos at least one-eighth (1/8) of an inch thick, with the surface protected by a covering of sheet metal of not less than Number 26 B. & S. gauge.

b. **No Combustible Material Allowed.** All shelves, furniture and fixtures in the booth must be constructed of incombustible material; no material of combustible nature may be in the booth, except the films used in the operation of the machine, and the machine-stand, which may be of wood, if it is covered with asbestos or metal.

c. **Ventilation.** Each booth must be provided with a metal pipe, not less than six (6) inches in diameter, for ventilating purposes, which must project through the top or side of the booth and be extended outside of the roof or outer wall of the building in which the booth is situated.

d. **Door-Opening for Projection.** The entrance door into the booth must be no larger than two feet by five feet and of the same construction as the booth, and so arranged as to close automatically, either by means of a spring placed upon the exterior and riveted to the framework or by a metal rope and weight attachment. Two latches (2) of steel must be provided, one (1) twelve (12) inches below the top and the other twelve (12) inches above the bottom of the door. The latch bars must be so connected by metal rods that one operation will open both latches.

The orifice, or opening, for the operator's view, or through which the picture is thrown, must not be larger than twelve (12) inches by twelve (12) inches, and must be provided with a gravity door of the same construction as the booth, which door is held open only by pressure of the operator's feet, or by fusible links placed in a series with fine cords arranged so that one of the links is suspended directly over the film when in the slide of the apparatus.

e. **Electrical Wiring-Exit Signs.** All electrical wiring in the booth must have non-inflammable insulation. Each lamp connected with a picture machine must have a separate switch, located within the booth. There must be in the booth a switch controlling the lights in the exhibition room. There must be a separate system of lighting, controlled by a switch located in the ticket office, or other convenient place outside of the operating booth, to operate red signal lamps; one lamp must be placed at each exit within a transparent sign marked "Exit," in letters not less than five (5) inches high. The location of these signs and lights will be determined by the Director of Public Works. Electrical wiring in the booth or ticket office or exhibition room must be installed in accordance with the rules and

regulations established from time to time by the National Board of Fire Underwriters.

Section 41.425. Handling of Film.

Every picture machine must be equipped with incombustible magazines for receiving and delivering films during the operation of the machine. A shutter must be placed in front of the condenser of each machine, arranged to remain closed until held open by pressure of the operator's foot or other approved device that will insure the immediate dropping of the shutter when the operation of the machine is stopped. Films not in the machine must be kept in metal boxes with tight fitting covers in the booth enclosing the machine.

Section 41.430. Regulations for Exhibition Rooms.

A picture machine may be installed, maintained or operated only in a building that abuts directly upon a street, constructed of brick, masonry or other incombustible material, and the exhibition room must abut directly upon a street. If an exhibition room directly abuts upon only one street, the booth enclosing the picture machine must be placed at the end of the exhibition room which is opposite and farthest from the street. Each such room must have two (2) exits opening upon the street, and may not exceed one thousand (1,000) square feet in area. If an exhibition room abuts upon two (2) streets, or a street and an alley, the booth enclosing the picture machine must be located at the end of the room opposite to and farthest from either the street or the alley. Every such room must have at least three (3) exits, at least two (2) upon one street and at least one upon the other street or alley, each exit being not less than five (5) feet wide. An exhibition room abutting directly upon two (2) streets and an alley may not exceed five thousand (5,000) square feet in area, unless located in a building of the first class, and must have two (2) exits upon each of the three sides adjacent to the streets and alley. An open court leading directly to a street or alley, and not less than six (6) feet in width, may for the purpose of this provision, be deemed an alley. No exhibition room with a gallery may be located in any building other than a building of the first class. Every building exceeding one story in height in which the first floor of any portion thereof is used as an exhibition hall for picture machines, and in which an upper floor is occupied for dwelling or lodging purposes, must have all communicating openings through any floor, such as stairways, elevator shafts, dumb waiters or other openings, enclosed in walls of fireproof material. All seats in any exhibition hall for picture machines must be securely fastened to the floor and must be so arranged that there will not be more than six (6) seats between any seat and an aisle. No exit in an exhibition hall for picture machines may be less than three (3) feet wide; all exit doors must be arranged to swing outward and must have approved fastenings. All aisles must lead directly to exits and all exits must be directly accessible to aisles. Every aisle must be at least three (3) feet in width where it begins, and must be increased in width toward the exit, two (2) inches to every ten (10) running feet in length.

Section 41.440. Age of Operator.

No person under the age of twenty-one (21) years may operate any picture machine.

Section 41.445. Regulation of Hours of Showing.

No motion picture may be exhibited between the hours of 12:00 a.m. on Saturday night and 1:00 p.m. in the afternoon of the following Sunday.

Section 41.450. Penalty for Violation.

Any person violating any of the provisions of this Article shall be subject to a fine of not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00), and each day's violation shall constitute a separate offense.

Article IX. Motor Buses

Section 41.510. Definition.

The term "**Motor Bus**" as used in this Article includes every motor vehicle having a seating capacity of ten or more persons which is offered for or engaged in conveying passengers, with or without baggage, for hire, within the City of Webster Groves, without regard to the time consumed or the distance traveled, where the passenger has no control over the route of passage or carriage and where the charge for carriage is made on the basis of carrying a passenger from one designated place to another designated place, along a definite route. The term "**operator**" includes any person actively engaged in the operating of a motor bus.

Section 41.515. License Required for Each Bus.

No motor bus may be offered for or engaged in carrying passengers, with or without baggage, for hire, over or upon the public streets in the City of Webster Groves without a valid license for each motor bus. No such license may be issued until a permit has been obtained from the City permitting the operation of the motor bus. No such license will be transferable or assignable, or will be valid after the licensee's permit has been revoked. When presented with a permit the City Clerk shall issue an annual license upon the payment of an occupation tax levied upon the owners of each and every motor bus company of a gross receipts tax of five percent (5%) of said receipts attributable to, or emanating from business originating within the City limits.

Section 41.520. Permit Required.

Before obtaining a permit the applicant must file a written application verified by the owner or owners of the vehicle in question, stating:

a. That the owner or owners desire a permit to operate a motor bus or buses for the conveyance of passengers, with or without baggage, for hire over and upon the public streets of the City.

b. The name and address of the owner or owners, and if a corporation, then in addition to its name and address the names and addresses of the officers thereof.

c. The name of the manufacturer and factory number of each bus to be operated, the seating capacity, the state license number, and the amount and holder of any mortgage thereon.

d. The particular route to be covered, the schedule to be run, the rates to be charged, and the name and address of the operator or operators of the bus or buses.

The application must produce satisfactory evidence of technical skill and financial responsibility.

Section 41.525. Insurance-Bond Requirements.

The applicant shall give bond to the City or maintain and carry liability insurance, all to be approved by the Council, for each vehicle proposed to be operated in the following amounts:

Each vehicle of ten (10) or less passenger capacity, in the sum of Five Thousand Dollars ($5,000.00) for one person and Fifteen Thousand Dollars ($15,000.00) total liability for two (2) or more persons, and for property damage of One Thousand Dollars ($1,000.00).

Each vehicle of from eleven (11) to twelve (12) passenger capacity, in the sum of Five Thousand Dollars ($5,000.00) for one (1) person and Twenty Thousand Dollars ($20,000.00) total liability for two (2) or more persons, and for property damage of One Thousand Dollars ($1,000.00).

Each vehicle of from thirteen (13) to eighteen (18) passenger capacity, in the sum of Five Thousand Dollars ($5,000.00) for one (1) person and Twenty-Five Thousand Dollars ($25,000.00) total liability for two (2) or more persons, and for property damage of One Thousand Dollars ($1,000.00).

Each vehicle of from nineteen (19) to twenty-four (24) passenger capacity, in the sum of Five Thousand Dollars ($5,000.00) for one (1) person and Thirty-Five Thousand Dollars ($35,000.00) total liability for two (2) or more persons, and for property damage of One Thousand Dollars ($1,000.00).

Each vehicle of more than twenty-four (24) passenger capacity, in the sum of Five Thousand Dollars ($5,000.00) for one (1) person and Fifty Thousand Dollars ($50,000.00) total liability for two (2) or more persons, and for property damage of One Thousand Dollars ($1,000.00).

Such bond or liability insurance shall bind the obligors thereunder to make compensation for injuries to persons and loss of and damage to property resulting from the negligent operation of the motor vehicle and shall provide adequate security for the prompt payment of any sum accruing to the City and for the performance of other obligations owing to the City.

No such bond or insurance will be required of any motor carrier to whom or which a certificate of convenience and necessity has been issued by the Public Service Commission of the State of Missouri, if the motor carrier produces to the Council

satisfactory proof that it has filed and that there is on file with the Commission a liability insurance policy or bond approved by the Commission in some insurance company, or association, or other insurer, authorized to transact business in the State of Missouri, in such sum and upon such conditions as the Commission may deem necessary adequately to protect the interests of the public with due regard to the number of persons and amount of property involved, which liability insurance binds the obligors thereunder to make compensation for injuries to persons and loss of or damage to property resulting from the negligent operation of such motor carrier. Nor will any such bond or insurance be required of any motor carrier to which or whom apply the provisions of Section 390.126, Revised Statutes of Missouri of 1959, as it may be amended from time to time, which motor carrier shall produce to the Council satisfactory proof and evidence that said carrier has furnished annually to the Commission, and at such other times as may be required, satisfactory proof and evidence of such motor carrier's financial ability properly to protect the interest of the public and pay compensation for injuries to persons and loss or damage to property, on account of or arising out of negligent operation of such carrier's business, and that such carrier has not been required by the Commission to furnish any liability insurance policy or bond.

The insurance herein required must be carried in a firm or corporation which has been duly licensed or permitted to do insurance business in the State of Missouri, and which is approved by the Council, and every applicant, before a license is issued, must deposit its insurance policy with the City Clerk or furnish to the City Clerk a certificate from the insurance company that such insurance is in full force and effect upon each vehicle, and must file in either event a certificate from the insurance company agreeing that it will notify the City of Webster Groves in writing immediately upon the cancellation or expiration of the insurance.

Upon the cancellation or expiration of any such insurance the permit or license herein provided for will be revoked and forfeited until proper certificates from the insurance company are filed with the City Clerk.

Section 41.530. Application; Already Existing Service.

An application for a permit to operate motor buses along a route or in a district already served by another person shall not be granted unless the City Council after investigation finds that additional motor buses should be used, and, after so finding, gives the person already holding a permit to operate along said route or in such district the right to operate additional buses in such number as the Council has found necessary; in the event that such person refuses or fails to operate such additional buses within the time fixed by the Council, the application may be granted.

Section 41.535. License Tax.

Every person engaged in the business of operating a motor bus within the City of Webster Groves must pay to the City, as an annual license tax, a sum equal to five percent (5%) of the gross receipts derived from the operation of such business conducted within the City.

Section 41.540. Statement of Gross Receipts to Be Filed.

Every such person must file with the City Clerk on or before the 15th day of March a sworn statement showing the gross receipts derived from such business in the City of Webster Groves during the preceding calendar year, and must pay to the City Collector an amount equal to five percent (5%) of the gross receipts shown by such statement.

The City Clerk is authorized to investigate the correctness and accuracy of the statement, and for that purpose he shall have access, at all reasonable times, to the books, documents, papers and records of any person making such a statement.

Section 41.545. Credit for License Tax.

In the event that any such person is required by the terms of any franchise contract entered into with the City of Webster Groves to make any payments to the City, then such person shall receive a credit on such payments equal to the amount of tax provided for in Section 41.535. Nothing herein contained shall be construed to exempt the owner of any bus from paying to the City the tax imposed as a registration tax or license fee by the City in licensing motor vehicles or automobiles to be operated on its streets, or from payment of any tax levied upon real or personal property belonging to such person. Nor shall anything herein be construed to exempt the owner or driver of a motor vehicle from the qualifications which the City or the State of Missouri may require of persons who operate motor vehicles or automobiles upon public streets or places.

Section 41.550. Certain Information to Be Posted in or Upon Motor Bus.

The license when issued must at all times be posted in the vehicle to which it applies and within view of the passengers carried therein.

The name and address of the driver or operator must at all times be posted in the vehicle under the heading: "Name and Address of - Chauffeur," unless the vehicle is operated by a corporation, in which case the name and address of the corporation must appear.

Motor buses, operated as such, must be plainly marked in such a manner as to indicate their character, and on every bus, when at the service of the public, there must be a sign, plainly visible by day or night, indicating the route traversed and the destination of the vehicle.

Section 41.555. Operating Requirements.

No motor bus while waiting for time of departure may stop or stand on any public street or place except on such public stands as are lawfully established, or upon private stands as may be established by permit.

No person may operate a motor bus who has any infirmity of body or mind which might render him or her unfit for the safe operation thereof. Nor may any motor bus be operated by any person who is addicted to the use of intoxicating liquors. Every motor bus must be kept in a clean, sanitary condition, and the motor, brakes and other mechanism thereof must be kept in good working order.

No operator of any motor bus may (a) solicit passengers other than by the sign to be posted on the bus as provided in this Article; (b) discharge or take on passengers or cross the tracks of any steam railway without bringing the motor bus to a full stop; (c) carry more than two (2) passengers, including the driver in excess of the seating capacity of the motor bus as fixed by the manufacturers' rating; (d) operate the motor bus while any person riding thereon is not entirely within the body thereof, or while any person is standing or sitting on the running boards, fenders, or doors thereof; (e) discharge or take on passengers except at the right hand side of the motor bus, except that if the driver is seated on the right hand side then passengers entering or leaving the seat beside the driver may do so on the left-hand side; (f) willfully or without the consent of the passenger carry any passenger beyond the point on the route of the motor bus at which the passenger had requested that he be permitted to leave, or beyond the destination indicated on the printed sign displayed on the bus in accordance with this Article.

Section 41.560. Rules and Regulations.

The Director of Public Works may adopt such reasonable regulations, not inconsistent with the provisions of this Article for the operation and inspection of such vehicles and for the qualifications of the drivers as will best conserve the interest of the City and the safety of the general public.

Section 41.565. Penalty for Violation.

Any person who operates a motor bus, or owns a motor bus and permits it to be operated, in the City of Webster Groves without a valid license, or without complying fully with all provisions of this Article, or who in any other way violates any of the provisions of this Article, will be subject to a fine of not less than Twenty-Five Dollars ($25.00) or more than One Hundred Dollars ($100.00) for each offense.

Article X. Day Care Facilities[1]

Section 41.605. Definitions.

For the purposes of this article, certain words and terms are defined as follows:

a. "**Adult**" is any person eighteen (18) years of age or over.

b. "**Adult Day Care Home**" in residential and commercial zoning districts, a building or dwelling maintained, (the "**premises**") by a person who provides care to eight (8) or fewer functionally impaired adults; additionally, in residential districts the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Adult Day Care Home premises as his or her permanent

[1]**Editor's note** - Ord. No. 7315, § 1, adopted Aug. 21, 1984, repealed Art. X, §§ 41.610-41.635, pertaining to schools and homes, and enacted a new Art. X, §§ 41.605-41.630, as herein set out, with minor, non-substantive additions and deletions made by the editor for purposes of clarity.

residence and shall physically occupy the premises at all times that a premises is used to provide an adult day care program. Furthermore, at no time shall any such program in a residential district provide medical care, therapy or other services which require the presence on site of an additional care provider or specialist, even if the state license allows the provision of such services.

c. "**Adult Day Care Center**" is an adult day care program providing care to more than eight (8) functionally impaired adults.

d. "**Adult Day Care Program**" is a group program, licensed by the State of Missouri Department of Social Services-Division of Aging, designed to provide care and supervision to meet the needs of functionally impaired adults for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult's own home, however at no time shall any such program provide medical care, therapy or other services which require the presence on site of an additional care provider or specialist, even if the state license allows the provision of such services.

e. "**Child Day Care**" is care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day Care is a voluntary supplement to parent responsibility for the child's protection, development, and supervision. Day Care may be given in a Day Care Home or a Day Care Center.

f. "**Child Day Care Home**" or "**Child Day Nursery**" shall be held to mean, in residential and commercial zoning districts, a building or dwelling maintained (the "**premises**") by a person who provides or attempts to provide care for more than four (4) but not more than ten (10) children, who are not related to the Day Care Provider, at any one time during the daytime for compensation or otherwise; additionally, in residential districts, the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Day Care Home premises as his or her permanent residence and shall physically occupy the premises at all times that a premises is used to provide any Day Care service for unrelated children.

g. "**Child Day Care Center**" is a facility other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children for any part of the twenty-four (24) hour day.

h. "**Child Day Care Facility**" is a Child Day Care Home or a Child Day Care Center, whether known or incorporated under another title or name.

i. "**Functionally Impaired Adult**" is an individual aged eighteen (18) or older who, by reason of age or infirmity, requires care and supervision

j. "**Related**" is any of the following relationships by marriage, blood, or adoption between the provider and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew, or first cousin.

k. "**Person**" shall be held to mean and include any person, firm, corporation, association, institution or incorporated or unincorporated organization, and the pronouns "**his**, " "**him**, " "**himself**" and "**who**" shall be deemed and construed to refer to such person.

l. "**Child**" means and includes an individual who is seventeen (17) years of age or under and the word "**children**" means and includes more than one such individual.

m. "**Infant**" is any child under the age of twelve (12) months.

n. "**Toddler**" is any child between the age of twelve (12) months to twenty-four (24) months.

o. "**Preschool Child**" is any child two (2) years through five (5) years of age who is not in kindergarten for five-year-old children.

p. "**School-Age Child**" is any child age five (5) years or older who is in kindergarten or elementary school.

q. "**Staff/Child Ratio**" means the number of child-care staff required in relation to the number of children in care.

r. "**School System**" is a public or private school which provides education in at least the first through the sixth grade.

s. "**Nursery School**" is a school operated by a person or organization which is conducted primarily for education of preschool-age children for no more than four (4) hours per child per day and which provides no custodial care. For purposes of application of Section 12 (additional use regulations) of Ordinance No. 5906, the term "**nursery school**" shall include the term "**day care center**. " (Ord. No. 7315, § □1, 8-21-84; Ord. No. 8169, § 1, 10-3-00; Ord. No. 8284, § 2, 7-16-02)

Section 41.610. Regulations Regarding a Child Day Care Home.

a. Any person providing Child Day Care to four (4) or fewer children is not operating a Child Day Care Home and need not comply with any of the provisions of this article.

b. Any organization or person planning to offer Child Day Care for five (5) and not more than ten (10) children shall apply for a license from the City of Webster Groves and have such license issued before accepting more than four (4) unrelated children for Child Day Care. The application for such license shall be limited, however, to specifying the location to be used, the name and address of the person connected with the operations and a copy of the application submitted to the State of Missouri Division of Family Services for the license to be issued by that division. Upon receiving the application, the Director of Planning shall notify the Fire Chief and together they shall promptly make inquiry into the facts set out in the application, and inspect the home to determine whether it conforms to the ordinances then in effect and meets the applicable requirements of the Fire

Safety Rules and Regulations for Child Day Care Homes prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. Within ten (10) days after receiving an application, each office shall file a report in writing with the city manager stating the recommendations. Upon favorable recommendations, the City Council shall issue such license following a public hearing for which notice shall be given as provided in Chapter 53 of this Code. In issuing the license, the City Council shall address whether the issuance of the license will:

1. Substantially increase traffic hazards or congestion; and.

2. Adversely affect the character of the neighborhood.

The council's finding being negative as to both of the subjects referred to in subsection (1) and (2), above, then the application shall be granted and the City Council will direct the issuance of a license upon payment of a license fee of Fifty Dollars ($50.00). If affirmative as to either subject, then such license shall be denied.

c. In addition to the application for a license to the City Council, an application for a conditional use permit should be filed with the Director of Planning and Development, who shall notify the Fire Chief and together they shall promptly make inquiry into the facts set out in the application, and inspect the buildings, if already in existence, or the plans and specifications therefor, to determine whether they conform to all the requirements of this article, and in particular Section 41.620, all other ordinances then in effect, and the applicable requirements of the Fire Safety Rules and Regulations for Day Care Centers prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. The Director of Planning and Development shall set a public hearing date before the Plan Commission, which shall consider all facts and make recommendation to the City Council regarding approval or disapproval of a conditional use permit under the provisions of Chapter 53 of the City Code, the Zoning Code, Section 53.170.

If the City Council is satisfied that the applicant, and the superintendent or person or persons to be in charge, are of good moral character, and possess sufficient knowledge, experience and ability to conduct the proposed institution, and that the buildings specified comply with all the requirements of this and all other ordinances of the City, the laws of the State of Missouri and of the Untied States affecting such establishment or institutions, and that a conditional use permit should be issued under the provisions of Section 53.170, the City Council may direct the issuance of a conditional use permit and a license therefor.

d. References in this ordinance to the permissible number of children to be cared for in the Child Day Care home shall not prohibit the provision of care for more than ten children where the State of Missouri Division of Family Services has approved the home for more than ten children under the provisions of 13 CSR 40 - 61.140 Overlap Care of Children, or any successor rule issued by the Division of Family Services. Care for more than ten children shall not be permitted without prior proof of approval by the Division of Family Services, and shall be

subject to the applicable state rules issued by the Division of Family Services relating to such "**overlapping**" care.

(Ord. No. 7315, § □1, 8-21-84; Ord. No. 7500, §§ 1-2, 8-16-88; Ord. No. 7540, § □1, 5-16-89; Ord. No. 8284, § 3, 7-16-02)

Section 41.615. Licensing Provisions for Child Day Care Centers.

No person may open, conduct, manage or maintain any Child Day Care Center within the City of Webster Groves without having first applied for and received a license therefor. Any person desiring a license may apply in writing to the City Council. The application shall specify the location proposed to be used, the name and address of each person connected or to be connected with the center, and if a corporation, the name and address of each member of the board of directors together with a copy of the article of incorporation. This application shall set forth a full description of the accommodations to be provided and the nature and kind of care, supervision, instruction or benefits given or proposed, stating whether full or part-time. In lieu of the foregoing the applicant may provide to the City a copy of the application filed with the Division of Family Services for the State of Missouri for issuance of the State's license for a Child Day Care Center. In either event a copy of the application shall be filed with the Director of Planning.

In addition to the application for a license to the City Council, an application for a conditional use permit shall be filed with the Director of Planning and Development, who shall notify the Fire Chief and together they shall promptly make inquiry into the facts set out in the application, and inspect the buildings, if already in existence, or the plans and specifications therefor, to determine whether they conform to all the requirements of this article, and in particular Section 41.620, all other ordinances then in effect, and the applicable requirements of the Fire Safety Rules and Regulations for Day Care Center prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. The Director of Planning and Development shall set a public hearing date before the Plan Commission, which shall consider all facts and make recommendation to the City Council regarding approval or disapproval of a conditional use permit under the provisions of Chapter 53 of the City Code, the Zoning Code, Section 53.170.

If the City Council is satisfied that the applicant, and the superintendent or person or persons to be in charge, are of good moral character, and possess sufficient knowledge, experience and ability to conduct the proposed institution, and that the buildings specified comply with all the requirements of this and all other ordinances of the City, the laws of the State of Missouri and of the United States affecting such establishment or institutions, and that a conditional use permit should be issued under the provisions of Section 53.170, the City Council may direct the issuance of a license therefor, upon payment of a license fee of Fifty Dollars ($50.00). (Ord. No. 7315, § □1, 8-21-84; Ord. No. 8284, § 4, 7-16-02)

Section 41.620. Physical Requirements of the Child Day Care Center and Regulations Regarding the Operation Thereof.

The following rules and regulations issued by the Missouri Division of Family Services dated September 22, 1982 and revised effective February 1983, relating to Child Day

Care Centers are attached hereto and are adopted by reference and shall be enforced by the appropriate employees and officers of the City of Webster Groves (as for instance, where appropriate, the reference to State Fire Marshal shall for purposes of this article mean the City Fire Chief and reference to Division of Family Services shall mean City Council):

13 CSR 40-62.070, Physical Requirements of the Center;

13 CSR 40-62.080, Furniture, Equipment and Materials;

13 CSR 40-62.090, Personnel;

13 CSR 40-62.100, Child-Care Staff/Child Ratio;

13 CSR 40-62.110, Medical Examination Reports;

13 CSR 40-62.190, Records and Reports. (Ord. No. 7315, § 1, 8-21-84; Ord. No. 8284, § 5, 7-16-02)

Section 41.630. Regulations Regarding an Adult Day Care Home.

a. Any organization or person planning to offer Adult Day Care for not more than eight (8) functionally impaired adults shall apply for a license from the City of Webster Groves and have such license issued before accepting such adults for Day Care. Application for such license shall be limited, however, to specifying the location to be used, the name and address of the person connected with the operations and a copy of the application submitted to the State of Missouri Division of Aging for the license to be issued by that division. Upon receiving the application, the Director of Planning and Development shall notify the Fire Chief and together they shall promptly make inquiry into the fact set out in the application, and inspect the home to determine whether it conforms to the ordinances then in effect and meets the applicable requirements of the Fire Safety Rules and Regulations for Day Care Home prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. Each office shall file a report in writing with the City Manager stating the recommendations. Upon favorable recommendations, the City Council shall issue such license following a public hearing for which notice shall be given as provided in Chapter 53 of this Code. In issuing the license, the City Council shall address whether the issuance of the license will:

1. Substantially increase traffic hazards or congestion; and

2. Adversely affect the character of the neighborhood.

The Council's finding being negative as to both of the subjects referred to in subsections (a) and (b) above, then the application shall be granted and the City Council will direct the issuance of a license upon payment of a license fee of Fifty Dollars ($50.00). If affirmative as to either subject, then such license shall be denied.

b. In addition to the application for a license to the City Council, an application for a conditional use permit shall be filed with the Director of Planning and Development, who shall notify the Fire Chief and together they shall promptly make inquiry into the facts set out in the application, and inspect the buildings, if already in existence, or the plans and specifications therefor, to determine whether they conform to all the requirements of this article, and in particular Section 41.640, all other ordinances then in effect, and the applicable requirements of the Fire Safety Rules and Regulations for Day Care Centers prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. The Director of Planning and Development shall set a public hearing date before the Plan Commission, which shall consider all facts and made recommendation to the City Council regarding approval or disapproval of a conditional use permit under the provisions of Chapter 53 of the City Code, the Zoning Code, Section 53.170.

If the City Council is satisfied that the applicant, and the superintendent or person or persons to be in charge, are of good oral character, and possess sufficient knowledge, experience and ability to conduct the proposed institution, and that the buildings specified comply with all the requirements of this and all other ordinances of the City, the laws of the State of Missouri and of the United States affecting such establishment or institutions, and that a conditional use permit should be issued under the provisions of Section 53.170, the City Council may direct the issuance of a conditional use permit and a license therefor.

Section 41.635. Licensing Provisions for Adult Day Care Centers.

No person may open, conduct, manage or maintain any Adult Day Care Center within the City of Webster Groves without having first applied for and received a license therefor. Any person desiring a license may apply in writing to the City Council. The application shall specify the location proposed to be used, the name and address of each person connected or to be connected with the center, and if a corporation, the name and address of each member of the board of directors together with a copy of the article of incorporation. This application shall set forth a full description of the accommodations to be provided and the nature and kind of care, supervision, instruction or benefits given or proposed, stating whether full or part-time. In lieu of the foregoing the applicant may provide to the City a copy of the application filed with the Division of Aging for the State of Missouri for issuance of the State's license for an Adult Day Care Center. In either event a copy of the application shall be filed with the Director of Planning.

In addition to the application for a license to the City Council, an application for a conditional use permit shall be filed with the Director of Planning and Development, who shall notify the Fire Chief and together they shall promptly make inquiry into the facts set out in the application, and inspect the buildings, if already in existence, or the plan and specifications therefor, to determine whether they conform to all the requirements of this article, and in particular Section 41.640, all other ordinances then in effect, and the applicable requirements of the Fire Safety Rules and Regulations for Day Care Centers prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. The Director of Planning and Development shall set a public hearing date before the Plan Commission, which shall consider all facts and make recommendation to the City

Council regarding approval or disapproval of a conditional use permit under the provisions of Chapter 53 of the City Code, the Zoning Code, Section 53.170.

If the City Council is satisfied that the applicant, and the superintendent or person or persons to be in charge, are of good moral character, and possess sufficient knowledge, experience and ability to conduct the proposed institution, and that the buildings specified comply with all the requirements of this and all other ordinances of the City, the laws of the State of Missouri and of the United States affecting such establishment or institutions, and that conditional use permit should be issued under the provisions of Section 53.170, the City Council may direct the issuance of a license therefor, upon payment of a license fee of Fifty Dollars ($50.00).

Section 41.640. Physical Requirements of the Adult Day Care Center and Regulations Regarding the Operation Thereof.

Adult Day Care Homes and Centers shall comply with the provisions in the Code of State Regulations found at 13 CSR 70-92.010(3)(F), as amended from time to time.

Section 41.685. Duration, Renewal and Revocation of Licenses for Day Care Facilities.

The license for either a Day Care Home or Center for children or for functionally impaired adults will expire one (1) calendar year after the date of the issuance; it will not be transferable or assignable. It shall describe the kind of institution to be operated thereunder, the location, and the number of children or functionally impaired adults cared for therein. Such a license may be renewed annually thereafter by the Director of Finance, upon receipt of an appropriate application for renewal, favorable reports from the Director of Public Works and Fire Chief, and payment of the renewal fee of Fifteen Dollars ($15.00). A license may be revoked by the City Council at any time, for good cause shown, after giving the holder ten (10) days previous notice in writing of the reasons for the proposed revocation, and a hearing thereon. The issuance of a license by the City for a Day Care Facility and any renewal thereof shall be contingent upon the applicant being issued a State license from the regulating agency and maintaining such license in good standing. (Ord. No. 7315, § 1, 8-21-84; Ord. No. 8284, § 6, 7-16-02)

Section 41.690. Penalty for Violation.

Any person who operates or maintains any Day Care Facility for children or functionally impaired adults without the appropriate license or not in full compliance with the requirements of this article, and any person who assists or takes part in such conduct, shall be subject to a fine of not less than Twenty-Five Dollars ($25.00) or more than One Hundred Dollars ($100.00) or imprisonment in the city jail for not less than one (1) or more than three (3) months or by both such fine and imprisonment. Each day of violation shall be a separate offense. (Ord. No. 7315, § 1, 8-21-84; Ord. No. 8284, § 7, 7-16-02).

Article XI. Skating Rinks

Section 41.710. License Required.

Every person who keeps or operates a ice-skating or roller-skating rink shall obtain a license, upon payment of an annual license tax of One Hundred Dollars ($100.00) for each rink. The license tax is payable at the time of issuance of the license and is applicable to the period expiring on the next succeeding 31st day of January, and is payable thereafter on the 1st day of February of each year; provided, however, any person to whom a license is issued between the 31st day of July and the 1st day of the next succeeding February shall pay Fifty Dollars ($50.00) for the period ending six (6) months after the 31st day of July.

No license may be issued unless the applicant has first furnished to the City satisfactory evidence of his character and qualifications. A license may be revoked by the City Council at any time.

Section 41.720. Conditions of Operation.

All such rinks shall close at 12:00 a.m. and not reopen until 7:00 a.m., nor operate at any location other than that approved by the City Council, or in any manner deemed by the City Council to be detrimental to the welfare of the City or its inhabitants.

Section 41.730. Penalty for Violation.

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction therefor be subject to a fine of not less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00), for each offense.

Article XII. Taxicabs

Section 41.750. Definition.

The term "**Taxicab**" as used in this Article includes every motor vehicle having a seating capacity of one or more persons which is offered for or engaged in conveying passengers with or without baggage, for hire, within the City of Webster Groves, if the charge for carrying is made on the basis of the time consumed or the distance traveled from one place to another place.

Section 41.755. Registration Required for Each Taxicab.

No owner or operator of any taxicab may enter the City for the purpose of doing business therein without first registering such taxicab at the Police Department and completing a form to be furnished by said Department, which form shall require, inter alia, the following:

Section 41.760. Required Information.

a. The name and address of the owner or owners, and if a corporation, the name and address of the officers thereof.

b. The State license number of each taxicab and the number of the operator's Missouri Chauffeur's license.

c. The rates to be charged and the name and address of each operator of each taxicab.

d. The points where such taxicabs will be stationed for calls.

Section 41.765. License Fee.

a. Each taxicab or fleet owner authorized to do business in this City shall pay the sum of Twenty-Five Dollars ($25.00) annually and receive a permit therefor from the Director of Finance.

b. No taxicab business license shall be required for motor vehicles being operated as such, if said business or service is licensed by the City of St. Louis, or St. Louis County, and only as long as, and to the same extent as, such licensing authority allows taxicab businesses licensed by the City of Webster Groves to operate within its boundaries without further licensing requirements or fees and the ordinance under which the business or service is licensed is similar in content to this Article XII of Chapter 41. Such a taxicab shall have affixed to its windshield or rear window a license obtained from the City of St. Louis, or St. Louis County. The aforementioned license must be valid for the current year and the operator must comply with all of the requirements of the ordinance of the licensing authority and with all applicable provisions of this Article XII, Chapter 41. (Ord. No. 8005, § 1, 10-21-97)

Section 41.770. Application for Permit.

An application for a permit shall be addressed to the City Manager and shall be issued when convenience and necessity demand. This application shall be in writing, verified by the affidavit of the applicant, or if the applicant be a corporation, partnership or association of persons of any kind, by its duly authorized officer or agent, and shall state the following facts:

a. The full name and address of the applicant and, if a partnership, the names and addresses of all partners; if a corporation or association of persons, the names and addresses of all the officers and directors thereof.

b. The number of taxi cabs the applicant desires to operate.

c. The type of motor car to be used, horse power and name of manufacturer.

d. The insurance or bond proposed to be carried, the amount of such insurance and the company issuing the policy, or the amount and type of such bond.

Section 41.775. Certain Information to Be Prominently Posted in Each Taxicab.

a. A current passport-size photograph of the operator with his name, address and chauffeur's license number.

b. The name and address of the company insuring the passenger against personal injury and property damage. (Ord. No. 8005, § 1, 10-21-97)

Section 41.776. Insurance Required.

a. Every operator of a taxicab business, or of a courtesy car service, shall maintain and carry public liability insurance in the sum of Twenty-Five Thousand Dollars ($25,000.00) for each person who may be injured in any one (1) accident, Fifty Thousand Dollars ($50,000.00) limit for any one (1) accident, and Ten Thousand Dollars ($10,000.00) for any property damage, at any time by reason of the negligence of the driver or operator of its taxicab or courtesy car. If the minimum insurance requirements of the State Safety Responsibility Law shall be increased by the General Assembly of the State of Missouri, such increases shall automatically become the minimum requirements of this section.

b. The 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 continuously in force and effect. A verified copy of the insurance policy shall be filed with the Director of Finance, with the certificate of the insurer that the policy is in full force and effect.

c. In the event any insurance policy provided for hereunder lapses and is not immediately renewed, the operator's licenses shall be deemed immediately revoked without the necessity for future action by this City for all taxicabs affected thereby.

(Ord. No. 8005, § 3, 10-21-97)

Section 41.780. Fares; Meters; Zones.

Every taxicab shall be equipped with an automatic meter for the purpose of measuring the fare to be charged and the face of said meter shall at all times be in plain view of the passenger; provided, however, one or more taxicabs may be operated on a zone system, if the zone charges are prominently displayed on or in the taxicab.

Section 41.785. Operating Requirements.

No person may drive or operate a taxicab in this City, if he has any infirmity of body or mind which might render him unfit for such operation nor may any such vehicle be driven or operated by any person who is addicted to the use of intoxicating liquors or drugs, or by any person who has been convicted of a felony, or more than two moving violations within one year. Every such vehicle must be kept in a clean and sanitary condition and the motor, brakes and other mechanism must be kept in good working order.

Section 41.790. Inspection of Taxicabs.

The Department of Police shall, annually or more often, inspect any taxicab operating over and upon the streets of the City, for the purposes of determining the mechanical fitness of the taxicabs; if, upon such inspection, any mechanical defect is found, affecting the safe operation and use of the taxicab, it shall be immediately taken out of service

and remain out of use, until such defect has been repaired or otherwise remedied and the taxicab has been approved by the Department of Police.

Section 41.795. Penalties for Violation.

Any person who operates a taxicab, or owns a taxicab and permits it to be operated, in the City of Webster Groves without a valid license, or without complying fully with all provisions of this Article, or who in any other way violates any of the provisions of this Article, will be subject to a fine of not less than Twenty-Five Dollars ($25.00) or more than One Hundred Dollars ($100.00) for each offense.

Article XIII. Telephone Companies

Section 41.810. License Tax on Gross Receipts.

Each person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service in the City of Webster Groves, Missouri shall pay to said City, as an annual license tax, a sum equal to seven percent (7%) of the gross receipts derived from the furnishing of said service within said City as hereinafter set forth.

Section 41.812. Statement of Gross Receipts and Payment of Tax.

All such persons, firms, companies or corporations mentioned in Section 41.810, hereof, shall file with the Director of Finance of said City on or before the 15th day of March, 1976, a sworn statement of the gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the period from January 1, 1975 through January 31, 1976. On or before the 30th day of April, 1976, such person, firm, company or corporation herein mentioned shall file with the Director of Finance a sworn statement of the gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the period February 1, 1976 through March 31, 1976. Thereafter, such sworn statement shall be filed on the last day of each calendar month, and shall reflect the gross receipts derived during the preceding calendar month. Payment of the tax as provided herein shall be made simultaneously with the filing of such statement of gross receipts.

Section 41.814. License.

The first payment of the tax as herein provided shall be based upon gross receipts for the period from January 1, 1975, to January 31, 1976, and shall be for a license to operate for the period from March 15, 1976, to April 30, 1976. The payment of April 30, 1976, shall be based on gross receipts for the period February 1, 1976, through March 31, 1976, and shall be for a license to operate for the month of May, 1976. Thereafter, each payment made on or before the last day of each succeeding month shall be based on gross receipts derived from the preceding month, and shall be for a license to operate in the month following such payment.

Section 41.815. In Lieu of Certain Taxes.

This tax is in lieu of all other excise, license or occupation taxes, upon any person subject to this tax, but shall not exempt any person from the payment of any tax levied by or for the benefit of the City of Webster Groves upon any real or personal property.

Section 41.820. Right to Trim Trees.

Any person engaged in furnishing exchange telephone service in Webster Groves may trim trees upon and overhanging the streets, alleys, sidewalks and public places to prevent the branches from coming in contact with telephone wires or cables, if the trimming is done under the supervision and direction of the Director of Public Works.

Section 41.825. Removing, Raising, or Lowering Wires.

Any person who owns telephone wires in the City shall, on the request of any person, remove or raise or lower such wires temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the benefited party or parties, and payment in advance may be required. Not less than forty-eight (48) hours advance notice shall be given to arrange for such temporary wire changes.

Section 41.830. Penalty for Violation.

Any person who, and the president, manager, superintendent, or local officer in charge of any corporation which, violates or fails to comply with any of the provisions of this Article, or files a false or misleading statement, may be fined not more than One Hundred Dollars ($100.00) for each offense.

Article XIV. Electric Utilities

Section 41.840. License Tax.

a. Every person, firm, company or corporation how or hereafter engaged in the business of furnishing and distributing electricity for light, heat, power and other purposes in the City of Webster Groves, Missouri, shall pay the City of Webster Groves, Missouri, as a license tax, a sum equal to seven percent (7%) of the "**gross receipts**" of such business.

b. Each person engaged in such business shall file with the Director of Finance on or before the 31st day of May, 1975 a sworn statement showing the gross receipts derived from the transaction of such business in the City of Webster Groves from July 1, 1974 to April 30, 1975, and simultaneously pay to the Director of Finance the tax required by Section 41.840(a). Each said person shall, on or before the last day of each and every month thereafter file a sworn statement with the Director of Finance showing the gross receipts derived from the transaction of such business in the City of Webster Groves during the preceding month, and simultaneously pay to the Director of Finance the tax required by Section 41.840(a).

c. Any person, firm, company or corporation engaged in the business hereinabove set forth within the City of Webster Groves, Missouri, making any payment of a license or occupational tax to the City under any ordinance or contract pursuant thereto heretofore enacted shall receive credit for such payments on the tax set forth herein.

d. The tax required to be paid shall be in lieu of any other excise, license, or occupation tax on any person, firm, company or corporation engaged in the business described in subsection a. hereof, but nothing herein contained shall be so construed as to exempt any such person, firm, company or corporation from the payment to the City of Webster Groves, Missouri, of the tax which the City of Webster Groves, Missouri, levies upon any real or personal property belonging to any such person, firm, company or corporation.

e. Any person, firm, company or corporation mentioned in subsection a. hereof who conducts any business therein mentioned without complying with the requirements and provisions of this Article shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than Ten Dollars ($10.00) and not more than Five Hundred Dollars ($500.00) for each offense. Each day of such operation in violation of this Article shall constitute a separate offense.

f. All ordinances or parts of ordinances in conflict with this Article are hereby repealed. The validity of any such section or portion thereof of this Article shall not affect the validity of the remainder thereof.

Article XV. Trailers and Trailer Camps

Section 41.850. Definition.

The term "**Trailer**" as used in this section includes any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by self-propelled vehicle, 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 rest upon and is carried by the towing vehicle, and any vehicle, whether moving under its own power or attached to and drawn by another motor vehicle, designed and constructed to permit occupancy for use as a temporary or permanent dwelling or sleeping quarters for one or more persons.

Section 41.855. Parking in Public Places Limited.

No person may park any trailer upon any street, alley, highway or other public place for a period of more than one (1) hour.

Section 41.860. License Required.

No person may park or use or occupy a trailer for more than twenty-four (24) hours on any parcel of land without a license, nor may the owner, lessee or agent of any parcel of land permit the use or occupancy of a trailer without a license except that the owner of a trailer may park or store it on his own property without a license as long as it is not used

or occupied for sleeping or dwelling purposes. Provided further that no such owner shall, at any time, park or store a trailer in the required front or side yards, but he may do so in the required rear yard in compliance with the requirements of the Zoning Ordinance, regulating the location of accessory buildings and structures. Each application for a license shall be made in writing upon the forms provided to the Department of Public Health. The application shall set forth the street and number of the occupied dwelling if any on the parcel of land in question and the name of the occupant and it shall be accompanied by the written consent of the owner of the dwelling; it shall contain a statement of the character and location of the sanitary sewer facilities available and the permission of the owner for their use and a statement showing what disposition will be made of all waste water on the premises. An application for a license to locate a trailer on a vacant parcel of land shall contain the name of the street or streets on which the property abuts a description of the character and location of the sanitary facilities available and a written permit for their use. A permit may not be granted if not proper sanitary sewage facilities are available or if in the opinion of the Department of Public Health the use of the location proposed would endanger the health of inhabitants of the City or if the location proposed is within a zone where such use is forbidden or if the use at the location proposed would violate any other ordinance of the City.

A license granted will be for a period not to exceed six (6) months and will not be transferable and may be revoked for failure to observe all the requirements of the ordinances of the City and the rules and regulations of the Health Department. The license fee is Five Dollars ($5.00) payable in advance.

Should a license or permit be refused the applicant may appeal to the City Council and after a hearing thereon the Council may order the permit to be granted or may sustain the ruling of the Department of Public Health.

Section 41.865. Renewal of License.

A license may be renewed in the same manner and subject to the same conditions and license fees as in the case of the original application for the license.

Section 41.870. Additional Health Requirements.

The Department of Public Health in addition to the health conditions herein prescribed, may require additional facilities respecting drinking water, garbage disposal or sanitation, in order to protect the public health and all other general health requirements.

Section 41.875. Compliance with Building Code.

If the wheels or jacks are removed, except for temporary repair, or if the trailer is attached to the ground by means of posts, piers, foundation or otherwise, same shall be subject to all requirements of the Building code and other ordinances relating to buildings-the location thereof.

Section 41.880. Trailer Camps.

In any trailer camp, a minimum area of eight hundred square feet shall be required for each trailer, and no trailer may be situated within ten feet of any existing building, or of

the property line of the adjoining property, or within twenty-five feet of any public street. No person may own, operate or manage any trailer camp, or the premises on which a trailer camp is located, in violation of this section, or may assist in such conduct.

Section 41.885. Penalty for Violation.

Any person who violates any of the provisions of this Article shall be subject to a fine of not less than Five Dollars ($5.00) or more than Twenty-Five Dollars ($25.00); each day such a violation continues shall constitute a separate offense.

Article XVI. Unattended Businesses

Section 41.910. When Unattended Business Deemed a Public Nuisance.

All business establishments in the City of Webster Groves which are open for business but without an attendant on duty within such establishment, shall not permit such unattended place of business to become a public nuisance. Any such establishment shall be deemed a public nuisance, for purposes of this ordinance, if the owner or operator thereof or any person or persons using or gathering in or about such premises shall be convicted of violating the ordinances and laws relating to or concerned with public peace and order, including, but not limited to, ordinances prohibiting any of the following:

a. Breach of peace

b. Destruction of property

c. Loitering

d. Assault

e. Larceny

f. Public Nuisance

g. Any convictions arising out of or relating to the building, plumbing, fire safety or zoning ordinances.

Section 41.920. Standard for Operation.

The owner or operator of any unattended business establishment shall keep the same clean and orderly and shall in all respects conduct said business in a manner as orderly and in compliance with City ordinances as if the same were at all times attended.

Section 41.930. Exceptions.

None of the provisions of this Article shall apply to coin-operated vending machines located outside or away from any business establishment; including, but not limited to, public telephone booths, soft-drink, candy, cigarette, ice and milk vending machines.

Section 41.940. Penalty for Violation.

Any person, firm or corporation violating the terms of this Article may be required by the City Manager or his duly authorized agents to have at least one attendant on duty within such establishment at such times as may be designated by the City Manager. The City Manager or any of his duly authorized agents shall also be empowered to close such establishment until such time as it has complied with the provisions of this Article. Failure to comply with any such order of the City Manager or any other provision of this Article shall constitute a misdemeanor and upon conviction thereof shall be fined in an amount not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Article XVII. Billiard or Pool Table Rooms

Section 41.966. License Required.

Every person keeping, conducting or operating any billiard or pool table room shall obtain a license therefor under the provisions of Chapter 40, Article II of the Code of Webster Groves, 1963.

No license shall be issued until the applicant therefor produces satisfactory evidence to the City Council of his character and qualifications. Any license may be revoked by the City Council at any time.

Section 41.967. Limitations on Operation.

Every such billiard or pool table room shall:

a. Have a minimum of 10 billiard or pool tables;

b. Provide an unobstructed view of the interior thereof from the outside;

c. Be located on the ground floor of the building in which it is located;

d. Not permit the sale, use or consumption of any beverage having an alcoholic content on the premises;

e. Not have any more than one telephone serving the premises;

f. Not operate or be open for business between the hours of 1:00 a.m. Sunday and 1:00 p.m. Sunday, or between the hours of 1:00 a.m. and 8:00 a.m. on all other days of the week;

g. Not dispense food or beverage except in compliance with Chapter 35, Article I, of the Code of Webster Groves, 1963;

h. Not permit any person under the age of eighteen (18) years upon or in the premises after 11:00 p.m. on any day of the week.

Section 41.968. Penalty for Violation.

Any person who should violate any provisions of this Ordinance shall, upon conviction, be subject to a fine of not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00) and in addition thereto, such conviction shall be grounds for immediate revocation of any license granted to such person for the operation of a billiard or pool table room.

Article XVIII. Massage Establishments

Section 41.970. Definitions.

a. "**Massage**" shall mean any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body, for medical or hygienic purposes, with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, unguents or other similar preparations commonly used in this practice.

b. "**City**" shall mean that area within the municipal boundaries of the City of Webster Groves, Missouri.

c. "**Massage Establishments**" shall mean any establishment having a fixed place of business wherein a principal function is such that massage is given, engaged in, or carried on, or permitted to be given, engaged in, or carried on. Any establishment engaged in or carrying on, or permitting any combination of massage and bath house shall be deemed a massage establishment.

d. "**Masseur**" or "**Masseuse**" shall mean any person, whether paid by fixed salary or who is an independent contractor, who administers to another person, for any form of consideration, a bath, massage, manipulation of the body, electric vibration, magnetic stimulation or similar procedure.

e. "**Outcall Massage Service**" shall mean any business not licensed as a massage establishment under the provisions of this ordinance wherein a principal function is such that massage is given, engaged in, or carried on not at a fixed location but at a location designated by the massage technician, customer or client.

f. "**Director**" shall mean Director of Finance, City of Webster Groves, Missouri.

g. "**Health Officer**" shall mean the Director of Public Health of the City of Webster Groves, Missouri, or his authorized representative.

h. "**Superintendent**" shall mean the Chief of Police or such other person designated by the Council of the City of Webster Groves, Missouri, acting in the capacities of Chief of Police.

i. "**Employee**" shall mean any person, other than a masseur or masseuse who renders any service to the permittee, who receives compensation or any

consideration directly or indirectly from the permittee, and who has no physical contact with the permittee's customers or clients.

j. "**Permittee**" shall mean any person receiving a permit to operate a massage establishment or outcall massage service under the provisions of this ordinance.

k. "**Person**" shall mean any individual, co-partnership, firm, association, company, corporation, or combination of individuals of whatever form or character.

l. "**Applicant**" shall mean any person who applies for a permit as required by this Article. When information is requested of applicant pursuant to the provisions of 41.972(c), the term "**Applicant**" shall be deemed to include with regard to a corporation, partnership, or other business entity other than a sole proprietorship, the stockholders, members of the Board of Directors, officers, partners, members of the firm, members of an unincorporated association, and all employees and agents who shall perform any services for the massage establishment.

Section 41.971. Provisions Not Applicable - To Whom.

The provisions of this ordinance shall not apply to hospitals, nursing homes, sanatoria, persons holding an unrevoked certificate of entitlement to practice the healing arts under the laws of the State of Missouri, or persons working under the direction and control of such persons or in any such establishment.

Section 41.972. Permit Required - Massage Establishment - Outcall Services.

a. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a massage establishment or an outcall massage service as herein defined without first having obtained a permit duly issued by the Director as set forth herein.

b. The Health Officer and the Superintendent shall conduct the required investigation on behalf of the City.

c. Application for a permit to engage in the business of a massage establishment or outcall massage service shall be obtained from the Director and shall contain the following information:

1. The two (2) previous addresses (if any) within the three (3) years immediately prior to the present address of applicant;

2. Written proof that the individual or partnership applicant is over the age of eighteen (18) years;

3. Individual or partnership applicant's height, weight, color eyes, hair and sex;

4. Two (2) portrait photographs at least two (2) inches by two (2) inches;

5. Businesses, occupations, or employments of the applicant for the three (3) years immediately preceding the date of the application;

6. The history of the applicant in operation of a massage establishment or similar business or occupation, including, but not limited to, whether or not such person, in previously operating in this or another city or state under a permit has had such permit revoked or suspended and the reason therefor, and the business activity of suspension or revocation;

7. All criminal convictions other than misdemeanor traffic violations;

8. The name and address of each masseur or masseuse who is or will be employed in said establishment;

9. Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application;

10. Nothing herein contained shall be construed to deny to the investigation officials the right to take fingerprints and additional photographs of the applicant.

11. Applicant shall furnish information from which the City can determine whether the masseurs, masseuses, or employees who work in, or will work in, applicant's massage establishment or engage in the outcall service are employed on a salary or other fixed compensation basis or are employed as independent contractor, applicant shall file with his application a copy of all written agreements wherein the terms of such status are set forth, and applicant shall furnish information showing the amounts of said fee or money paid, or to be paid, and the method of computation thereof, under such agreements.

d. All applications for a massage establishment or outcall massage service permit, shall be accompanied by an investigation fee of Fifty Dollars ($50.00), no part of which shall be refundable.

e. Upon the receipt of said application, the Director shall refer the application to the Department of Public Works, the Planning Department, the Police Department and the Department of Health. Each of these departments shall within thirty (30) days from the date of said application review records or make an inspection of the premises proposed to be devoted as a massage establishment and shall make a written recommendation to the Director concerning compliance with the respective requirements.

f. The Director shall issue said permit if upon investigation and the reports filed it is found.

1. That the operation as proposed by applicant, complies or would comply with all applicable laws and ordinances, including but not limited to, the City's building code, zoning laws, and health regulations;

2. The applicant (including those deemed to be applicants within the meaning of the definition) has not been convicted in a Court of competent jurisdiction (and not subsequently pardoned), for a period of two (2) years prior to the date of the application of an offense of prostitution, maintaining a house of prostitution, or sodomy.

   Otherwise, said permit shall be denied. In the event of denial, notification and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of Certified Mail or hand delivery.

g. An appeal may be taken by any aggrieved party to the Board of Adjustment of the City of Webster Groves, Missouri.

h. Upon application, the Director shall be authorized to issue a temporary massage establishment permit to any applicant who is currently the owner or operator of such an establishment pending review and investigation of the application submitted herein. Such temporary permit shall remain in effect for a period of thirty (30) days or until issuance of the permit applied for, unless said permit has been denied for any of the reasons set forth herein, in which event said temporary permit shall be of no further force and effect.

Section 41.973. Display of Permits, Register.

a. The owner or operator shall display the massage establishment permit issued in an open and conspicuous place on the premises.

b. The operator of a massage establishment or an outcall massage service must maintain a register or written listing of all persons employed by him, whether as independent contractors or otherwise, as masseurs, masseuses or employees. Such register shall be available for inspection at all times during regular business hours.

Section 41.974. Suspension or Revocation of Permit.

a. Any massage establishment's permit issued under this Article shall be subject to suspension or revocation by the Director for violation of any provision of this Article or for any grounds that would warrant the denial of the issuance of such permit in the first instance.

b. The permittee shall be entitled to a hearing before the Director prior to the suspension or revocation of any permit under this Article. At such hearing evidence will be received for the purpose of determining whether or not such permit shall be suspended or revoked or whether the permit may be retained.

Section 41.975. Sanitation Requirements.

a. All premises used by permittees hereunder shall be subject to periodic inspection by the City for safety of the structure and the propriety of plumbing, ventilation, heating and sanitation.

b. One artificial white light of not less than forty (40) watts shall be provided and lighted in each room where a massage is being administered.

c. The walls shall be clean and painted with an approved washable mold-resistant paint in all rooms where water and steam baths are given.

d. Floors shall be free from any accumulation of dust, dirt, or refuse.

e. All equipment used in the massage operation shall be maintained in a clean and sanitary condition.

f. Towels, sheets and linens of all types shall be clean and freshly laundered, and shall not be used for more than one person.

g. Dressing and locker facilities shall be available for patrons. Security deposit facilities shall be available for the protection of the valuables of the patrons.

Section 41.976. Sexual Stimulation of Customers.

a. It shall be unlawful for any masseur or masseuse to offer to or to masturbate any individual customers.

b. It shall be unlawful for any masseur or masseuse to offer to, or to intentionally touch, the genitals of a person being massaged by such masseur or masseuse.

Section 41.977. Inspection.

Officials of the City, including the Health Officer, the Director and the Superintendent, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, electrical, plumbing, or health regulations, and for the purpose of determining that the provisions of this Article, and other provisions of law are being complied with.

Section 41.978. Transfer or Renewal of Permit.

No massage establishment permit shall be transferable except upon first having obtained a new permit from the Director pursuant to all the requirements for a new application and shall be accompanied by a filing and investigation fee of Fifty Dollars ($50.00), no part of which shall be refundable. The application for such transfer shall contain the same information as required herein for an initial application for such permit.

Permits issued hereunder shall be in effect for a period of twelve (12) months, and may be renewed for like periods of time thereafter upon application therefor.

Section 41.979. Employees, Agents, Independent Contractors.

The Director, if he finds a massage establishment being operated without the license required hereunder, to more effectively provide enforcement of this ordinance, may give notice to any employee, agent, or independent contractor that his employer or principal has not procured a license required hereunder and it shall thereafter be a misdemeanor

for such employee, agent, or independent contractor to conduct or assist in the conduct of the operation of such business. Notice required by this section shall be personal service made by any employee of the City.

Section 41.980. Penalties.

Any person who violates any of the provisions of this Article shall, upon conviction, be sentenced to not more than ninety (90) days imprisonment or not more than a Five Hundred Dollar ($500.00) fine, or by both such fine and imprisonment.

Article XVIII(a). Sexually Oriented Businesses

Section 41.981. Purpose and Findings.

a. **Purpose.** It is the purpose of this Ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent, nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

b. **Findings.** Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Council, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 426 U.S. 50 (1976); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); City of Erie v. Pap's A.M., 120 S. Ct. 1382 (2000), and on studies in other communities including, but not limited to: Phoenix, Arizona; Minneapolis, Minnesota; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; Dallas, Texas; Newport News, Virginia; Bellevue, Washington; New York, New York; and St. Croix County, Wisconsin; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the Council finds:

1. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

2. Certain employees of sexually oriented businesses, defined in this Ordinance as adult theaters and adult cabarets, engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

3. Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

4. Offering and providing such space encourages such activities, which creates unhealthy conditions.

5. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

6. At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

7. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS (acquired immunodeficiency syndrome) caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985, and 253,448 through December 31, 1992.

8. There continue to be increasing numbers of reported cases of AIDS in the State of Missouri.

9. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Missouri.

10. The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982, and 45,200 through November, 1990.

11. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

12. In his report of October 22, 1986, the Surgeon General of the United States has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

13. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

14. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

15. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view “adult” oriented films.

16. The findings noted in subsections (1) through (15) raise substantial governmental concerns.

17. Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

18. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

19. Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

20. Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

21. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

22. In the prevention of the spread of communicable diseases, it is desirable to obtain a limited amount of information regarding certain employees

who may engage in the conduct which this Ordinance is designed to prevent, or who are likely to be witnesses to such conduct.

23. The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this Ordinance.

24. The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to, and prevents conduct which leads to, the transmission of sexually transmitted diseases.

25. The general welfare, health, morals, and safety of the citizens of the City will be promoted by the enactment of this Ordinance.

Section 41.982. Definitions.

a. "**Adult Arcade**" shall mean any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas."

b. "**Adult Bookstore**", "**Adult Novelty Store**" or "**Adult Video Store**" shall mean a commercial establishment which has forty percent (40%) or more of its stock-in-trade, or derives forty percent (40%) or more of its revenues, or devotes forty percent (40%) or more of floor space open to the general public to one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas;"

2. Sex toys and instruments, devices, or paraphernalia which are designed for use or marketed primarily for sadomasochistic use or abuse of the user or others.

c. "**Adult Cabaret**" shall mean a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear semi-nude; or

2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or

3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas."

d. "**Adult Motel**" shall mean a hotel, motel, or similar commercial establishment, which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; and either

2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours, or

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

e. "**Adult Motion Picture Theater**" shall mean a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

f. "**Adult Theater**" shall mean a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear nude or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

g. "**Distinguished**" or "**Characterized by an Emphasis Upon**" shall mean the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of "specified anatomical areas" or "specified sexual activities."

h. "**Employee**," "**Employ**," and "**Employment**" describe and pertain to any person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, regardless of whether the person is denominated as an employee, independent contractor, agent, or by another status. Employee does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

i. "**Enforcement Officer**" shall mean the City Code Enforcement Officers or such persons as may be designated by the City Council.

j. "**Escort**" shall mean a person who, for consideration, and for another person, agrees or offers: (1) to act as a companion, guide, or date, or (2) to privately model lingerie, or (3) to privately perform a striptease.

k. "**Escort Agency**" shall mean a person or business association that for a fee, tip, or other consideration, furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes.

l. "**Establish**" or "**Establishment**" shall mean and includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;

2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

3. The addition of any sexually oriented business to any other existing sexually oriented business; or

4. The relocation of any sexually oriented business.

m. "**Licensee**" shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

n. "**Nude**," "**Nudity**" or a "**State of Nudity**" shall mean the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

o. "**Operate or Cause to Be Operated**" shall mean to cause to function or to put or keep in a state of doing business. "**Operator**" means any person on the premises of a sexually oriented business who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operation, the business. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, pan owner, or licensee of the business.

p. "**Person**" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

q. "**Regularly Features**" or "**Regularly Shown**" shall mean a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

r. "**Semi-Nude**" or "**In a Semi-Nude Condition**" shall mean the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

s. "**Semi-Nude Model Studio**" shall mean a commercial establishment which regularly features a person (or persons) who appears semi-nude and is provided to be observed, sketched, drawn, painted, sculptured, or photographed by other persons who pay money or any form of consideration, but shall not include a proprietary school licensed by the State of Missouri or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

t. "**Sex Toy**" shall mean instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of the human genital organs.

u. "**Sexual Encounter Center**" shall mean a business or commercial establishment that as one of its principal business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of "**specified sexual activities**." The definition of sexual encounter center or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

v. "**Sexually Oriented Business**" shall mean an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, semi-nude model studio, or sexual encounter center, or any business which by name or advertising is self-designated as a sexually oriented business.

w. "**Specified Anatomical Areas**" shall mean:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

2. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

x. "**Specified Criminal Activity**" shall mean any of the following offenses:

1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public

lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity relating to a sexually oriented business; sexual assault; molestation of a child; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

2. For which:

A. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

B. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

C. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor occurring within any twenty-four (24) month period.

3. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

y. "**Specified Sexual Activities**" shall mean any of the following:

1. The fondling of another person's genitals, pubic region, anus, or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

3. Excretory functions as part of, or in connection with, any of the activities set forth in (1) through (2) above.

z. "**Transfer of Ownership**" or "**Control**" of a sexually oriented business means and includes any of the following:

1. The sale, lease, or sublease of the business;

2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Section 41.983.1 License Required.

a. It is unlawful:

1. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the City pursuant to this Ordinance.

2. For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the City pursuant to this Ordinance.

3. For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this Ordinance.

b. An application for a license must be made on a form provided by the City. All applicants must be qualified, according to the provisions of this Ordinance.

c. An applicant for a sexually oriented business license or a sexually oriented business employee license shall file with the Enforcement Officer a completed application made on a form prescribed and provided by the City Treasurer. An application shall be considered complete if it includes the information required in this section. The applicant shall be qualified according to the provisions of this Ordinance. The application shall be notarized. The application shall include the information called for in subsections (1) through (6), and where applicable, subsection (7), as follows:

1. The full true name and any other names used in the preceding five (5) years.

2. The current business address.

3. Either a set of fingerprints suitable for conducting necessary background checks pursuant to this Ordinance, or the applicant's Social Security Number, to be used for the same purpose.

4. If the application is for a sexually oriented business license, the name, business location, legal description, business mailing address and phone number of the proposed sexually oriented business.

5. Written proof of age, in the form of either (i) a copy of a birth certificate and current photo, (ii) a current driver's license with picture, or (iii) other picture identification document issued by a governmental agency.

6. The issuing jurisdiction and the effective dates of any license or permit held by the applicant relating to a sexually oriented business, and whether any such license or permit has been denied, revoked, or suspended, and if so, the reason or reasons therefor.

7. If the application is for a sexually oriented business license, the name and address of the statutory agent or other agent authorized to receive service of process.

The information provided pursuant to subsections (1) through (7) shall be supplemented in writing by certified mail, return receipt requested, to the Enforcement Officer within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

d. The application for a sexually oriented business license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

e. If the person who wishes to operate a sexually oriented business is an individual, he or she shall sign the application for a license as applicant. If the person that wishes to operate a sexually oriented business is other than an individual (such as a corporation), each officer, director, general partner, or other person who will participate directly in decisions relating to management of the business shall sign the application for a license as the applicant. Each applicant must be qualified under Section 41.983.2, and each applicant shall be considered as a licensee if a license is granted.

f. A person who possesses a valid business license is not exempt from the requirement of obtaining any required sexually oriented business license. A person who operates a sexually oriented business and possesses a business license shall comply with the requirements and provisions of this Ordinance, where applicable.

g. The information provided by an applicant in connection with the application for a license under this Ordinance shall be maintained by the Enforcement Officer on a confidential basis, and may be disclosed only: (1) to other governmental agencies in connection with a law enforcement or public safety function, or (2) as may otherwise be required by law or a court order.

Section 41.983.2 Issuance of License.

a. Upon the filing of a completed application for a sexually oriented business license or a sexually oriented business employee license, the Enforcement Officer shall issue a Temporary License to the applicant, which Temporary License shall expire upon the final decision of the Enforcement Officer to deny or grant the license. Within twenty (20) days after the receipt of a completed application, the Enforcement Officer shall either issue a license, or issue a written notice of intent to deny a license, to the applicant. The Enforcement Officer shall approve the issuance of a license unless one or more of the following is found to be true:

1. An applicant is less than eighteen (18) years of age.

2. An applicant is delinquent in the payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to a sexually oriented business.

3. An applicant has failed to provide information as required by Section 41.983.1 for issuance of the license.

4. An applicant has been convicted of a specified criminal activity. The fact that a conviction is being appealed shall have no effect under this subsection. For the purpose of this subsection, "**conviction**: '

   A. Means a conviction or a guilty plea; and

   B. Includes a conviction of any business entity for which the applicant had, at the time of the offense leading to the conviction for a specified criminal activity, a management responsibility or a controlling interest.

5. The license application fee required by this Ordinance has not been paid.

6. An applicant has falsely answered a question or request for information on the application form.

7. The proposed sexually oriented business is located in a zoning district other than a district in which sexually oriented businesses are allowed to operate under the City of Webster Groves Zoning Ordinance, or is not in compliance with the location restrictions established for sexually oriented businesses in the appropriate zoning district(s).

b. An applicant that is ineligible for a license due to subsection (a)(4) of this section may qualify for a sexually oriented business license only when the time period required by the applicable subsection in Section 41.982(x) has elapsed.

c. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to that applicant, the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. A sexually oriented business employee license shall contain a photograph of the licensee. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing, and shall produce such license for inspection upon request by a law enforcement officer or other authorized city official.

Section 41.983.3 Fees.

Every application for a sexually oriented business license or sexually oriented business employee license (new or renewing) shall be accompanied by a fee as set periodically by the Council to cover the actual costs of administration and investigation. Sexually

Oriented Businesses shall also be subject to the Business License requirements and fees of the City as set forth in this Code. All license applications and fees shall be submitted to the Director of Finance of the City.

Section 41.983.4 Expiration of License.

a. Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 41.983.1. An application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

b. When the City denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to the denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date that the denial became final.

Section 41.983.5 Suspension.

The City shall issue a written intent to suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:

a. Violated or is not in compliance with any section of this Ordinance; or

b. Refused to allow an inspection of the sexually oriented business premises as authorized by this Ordinance.

Section 41.983.6 Revocation.

a. The Enforcement Officer shall issue a written statement of intent to revoke a sexually oriented business license if a cause of suspension in Section 41.983.5 occurs and the license has been suspended within the preceding twelve (12) months.

b. The Enforcement Officer shall issue a written statement of intent to revoke a sexually oriented business license if the Officer determines that:

1. A licensee gave false or misleading information in the material submitted during the application process;

2. A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

3. A licensee has knowingly allowed prostitution on the premises;

4. A licensee has knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

5. A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises. This subsection will not apply to an adult motel, unless the licensee knowingly allowed sexual activities to occur either (i) in exchange for money, or (ii) in a public place or within public view.

c. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

d. When, after the notice and hearing procedure described in Section 41.983.7, the Enforcement Officer revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license for one (1) year from the date revocation becomes effective, provided that, if the conditions of Section 41.983.7 (b) are met, a Provisional License will be granted pursuant to that section. If, subsequent to revocation, the Enforcement Officer finds that the basis for the revocation found in subsections (b)(1) and (b)(4) of this section has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

Section 41.983.7 Hearing; License Denial, Suspension, Revocation; Appeal.

a. If the Enforcement Officer determines that facts exist for denial, suspension, or revocation of a license under this Ordinance, the Enforcement Officer shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend, or revoke the license, including the grounds therefor, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the Enforcement Officer. Within five (5) working days of receipt of such notice, the respondent may provide to the City Manager, in writing, a response that shall include a statement of reasons why the license or permit should not be denied, suspended, or revoked. Within three (3) days of the receipt of respondent's written response, the City Manager shall notify respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding.

Within ten (10) working days of the receipt of respondent's written response, the City Manager shall conduct a hearing at which respondent shall have the opportunity to be represented by counsel and present evidence and witnesses on his or her behalf. If a response is not received by the City Manager in the time stated or, if after the hearing, the City Manager finds that grounds as specified in this Ordinance exist for denial, suspension, or revocation, then such denial, suspension, or revocation shall become final five (5) days after the City Manager sends, by certified mail, written notice that the license has been denied, suspended, or revoked. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction.

If the City Manager finds that no grounds exist for denial, suspension, or revocation of a license, then within five (5) days after the hearing, the City Manager shall withdraw the intent to deny, suspend, or revoke the license, and

shall so notify the respondent in writing by certified mail of such action and shall contemporaneously issue the license.

b. When a decision to deny, suspend, or revoke a license becomes final, the applicant or licensee (aggrieved party) whose application for a license has been denied, or whose license has been suspended or revoked, shall have the right to appeal such action to a court of competent jurisdiction. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement of the denial, suspension, or revocation, the City shall immediately issue the aggrieved party a Provisional License. The Provisional License shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee, as the case may be, and will expire upon the court's entry of a judgement on the aggrieved party's action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement.

Section 41.983.8 Transfer of License.

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

Section 41.984. Inspections.

a. For the purpose of ensuring compliance with this Ordinance, an applicant, operator or licensee shall permit law enforcement officers and any other federal, state, county or city agency in the performance of any function connected with the enforcement of this Ordinance, normally and regularly conducted by such agencies, to inspect, at any time the business is occupied or open for business, those portions of the premises of a sexually oriented business which patrons or customers are permitted to occupy.

b. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Section 41.985. Location of Sexually Oriented Business.

a. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than "**C**" Commercial, as defined and described in the Webster Groves Zoning Code.

b. A person commits an offense if the person operates or causes to be operated a sexually oriented business within 1,000 feet of:

1. A church, synagogue, mosque, temple, or building which is owned and used primarily for religious worship and related religious activities;

2. A public or private educational facility including, but not limited to, preschools, kindergartens, elementary schools, private schools,

intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "**School**" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

3. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities;

c. A person commits an offense if the person operates or causes to be operated a sexually oriented business within 500 feet of: of a parcel of land which is used for a Child Day Care Center.

d. A person commits an offense if the person operates or causes to be operated a sexually oriented business within 250 feet of another licensed sexually oriented business.

e. A person commits an offense if the person operates or causes to be operated a sexually oriented business with a customer entrance within 100 feet of any property zoned for residential use.

f. For the purpose of subsection (b) and (c) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the pan of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (b) or (c). The presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

g. For purposes of subsection (c) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

Section 41.986.1 Operating Regulations.

a. A person who operates or causes to be operated a sexually oriented business (other than an adult motel) which exhibits on the premises, in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location

of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit, if granted, will be conspicuously posted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicant.

3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City.

4. It is the duty of the licensee of the premises to ensure that at least one (1) licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

6. It shall be the duty of the licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks, or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this section.

7. No viewing room may be occupied by more than one (1) person at any time.

8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level.

9. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

10. No licensee shall allow openings of any kind to exist between viewing rooms or booths.

11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

14. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, or other porous material shall be used within forty-eight (48) inches of the floor.

b. A person having a duty under subsection (1) through (14) of subsection (a) herein commits a misdemeanor if he or she knowingly fails to fulfill that duty.

Section 41.986.2 Additional Regulations for Escort Agencies.

a. An escort agency shall not employ any person under the age of eighteen (18) years.

b. A person commits an offense if the person acts as an escort, or agrees to act as an escort, for any person under the age of eighteen (18) years.

Section 41.986.3 Additional Regulations Concerning Public Nudity.

a. It shall be a misdemeanor for a person to knowingly and intentionally, in a sexually oriented business, appear in a state of nudity or engage in specified sexual activities.

b. It shall be a misdemeanor for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition, unless the person is an employee who, while semi-nude, is at least six (6) feet from any patron or customer and on a stage at least two (2) feet from the floor.

c. It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to receive directly any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity directly to any employee, while that employee is semi-nude in a sexually oriented business.

d. It shall be a misdemeanor for an employee, while semi-nude, to knowingly and intentionally touch a customer or the clothing of a customer.

Section 41.986.4 Hours of Operation.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 10:00 p.m. and 8:00 a.m. daily.

Section 41.987. Prohibition Against Children in a Sexually Oriented Business.

A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen (18) years on the premises of a sexually oriented business.

Section 41.988. Exemptions.

It is a defense to prosecution under Section 41.986.3 that a person appearing in a state of nudity did so in a modeling class operated:

a. By a proprietary school, licensed by the State of Missouri; a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

2. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

3. Where no more than one (1) nude model is on the premises at any one time.

Section 41.989. Penalties.

A person who operates or causes to be operated a sexually oriented business in violation of the provisions of this Article shall, upon conviction, be sentenced to not more than ninety (90) days imprisonment nor not more than a Five Hundred Dollar ($500.00) fine, or by both such fine and imprisonment.

Article XIX. Amusement Centers and Penny Arcades.

Section 41.990. Definitions.

a. "**Amusement Center**" and "**Penny Arcade**" shall mean any establishment which provides six (6) or more mechanical amusement devices for use or operation by the public, but excluding any establishment that:

1. Derives at least seventy-five percent (75%) of its gross income from the sale of food and/or beverage for consumption on premises; or

2. Is operated primarily as a movie theater, bowling alley, skating rink or other similar establishment, which displays or operates amusement devices only during the hours that such establishment makes its primary service or activity available to the public. (Ord. No. 8526, § 1, 12-05-06)

b. "**Mechanical Amusement Device**" shall mean any machine, which, upon the insertion of a coin, slug, token, plat, disc, or any other insertion device, may be operated by the public for use as a game, entertainment, or amusement, of any kind or description whatever.

c. "**Person**" shall mean any individual, co-partnership, firm, association, company, corporation, or combination of individuals, of whatever form or character.

d. "**Director**" shall mean the Director of Finance, City of Webster Groves, Missouri.

e. "**City**" shall mean that area within the municipal boundaries of the City of Webster Groves, Missouri. (Ord. No. 7304, § 1, 4-17-84).

Section 41.991. Provisions Not Applicable -- To Whom.

The provisions of this article shall not be applicable to any person having set up in his private residence one (1) or more mechanical amusement devices when employed for his own private use or for the use of his family, nor clubs where mechanical amusement devices are used exclusively by club members and upon which no charge for playing is made, nor to business establishments or other public places which may have five (5) or less mechanical amusement devices for use or operation by the public.

Section 41.992. License Required.

It shall be unlawful for any person to operate, or to permit to be operated on any premises in the city, an amusement center or penny arcade, without first securing a license duly issued by the director as set forth herein.

Section 41.993. Requirements for License -- Term.

a. An application for the operation of an amusement center or penny arcade in the city shall be obtained from the director.

b. Each such application shall be verified and shall contain the name of the proposed operation (if a partnership, the names of all partners, and if a corporation, the names of all officers and stockholders), the proposed location of the amusement center or penny arcade, and the number and types of machines to be provided. Such application shall be accompanied by accurately scaled and duly dimensioned plans of the premises, showing the proposed location of the machines.

c. Each such application shall be accompanied by an application fee of Fifty Dollars ($50.00), no part of which shall be returnable. An annual license fee of Fifty Dollars ($50.00) shall be charged for each machine.

d. Each such application shall be referred by the director to the Chief of Police, who shall investigate the character and fitness of the proposed operator as well as any other persons listed as having an interest in the proposed license. The plans submitted with such application shall be submitted to the Building Commissioner who shall determine whether said proposed operation would comply with the applicable zoning ordinances, and shall be submitted to the Fire Marshal who shall determine whether said proposed operation would comply with the provisions of the Fire Code. The Police, Building Commissioner and Fire Marshal shall within sixty (60) days file written reports with the Director.

e. Such license shall be issued by the Director, unless he finds one or more of the following:

1. Intentional misstatements or misleading statement of fact in the application;

2. The proposed operation would not comply with all applicable City ordinances;

3. Any parties interested in the proposed business have been convicted of any violation of statute or ordinance involving moral turpitude, or have previously had a business license suspended or revoked. Provided, that if the Director shall find that the conduct of such parties subsequent to the aforesaid conviction, suspension or revocation, has been such as to indicate fitness to operate a business, and that permitting such applicant to conduct such an operation would not be contrary to the public interest, he may issue said license;

4. Failure to pay the required application fee.

f. The term of said license shall be one (1) year from the date of issuance, and may be renewed as provided herein.

g. Each applicant shall be notified by mail or by hand delivery of the issuance or nonissuance of a license by the Director. (Ord. No. 7304, § 2, 4-17-84)

Section 41.994. Renewal -- Procedure.

a. Within thirty (30) days of the expiration of the license, a licensee may apply to the Director for renewal thereof, on such application as shall be provided by the Director.

b. Renewal applications shall contain the name, address and license number of the licensee's operation, and further, licensee shall indicate any changes from the information furnished to the Director at the time of the original application.

c. An application for renewal shall be accompanied by a renewal application fee of Fifty Dollars ($50.00), no part of which shall be returnable. In addition, an annual license fee of Fifty Dollars ($50.00) shall be charged for each machine.

d. The Director shall renew said license if he shall find that said operation shall have been conducted in accordance with all applicable laws and ordinances. (Ord. No. 7304, § 2, 4-17-84).

Section 41.995. Suspension or Revocation -- Procedure.

a. The Director may suspend for a period up to ninety (90) days or revoke a license theretofore issued, if he finds one or more of the following:

1. Intentional misstatements or misleading statements of fact in the application, not discovered until after the issuance of such license.

2. Permitting such conduct as would constitute a violation of any state statutes or city ordinances pertaining to consumption or possession of alcoholic beverages by a minor, or any statutes pertaining to possession of controlled substances or narcotics, on the premises of such operation.

3. Violations of this article.

b. In the event the Director revokes such license, the licensee shall have a period of ten (10) days following revocation to request a hearing before the Director. Said hearing shall be held no later than ten (10) days following the notice of such request, and upon written notice duly given the licensee by the Director at least five (5) days prior to the date of such hearing. The decision of the Director and the reasons therefor shall be sent by certified mail and hand delivered to licensee.

Section 41.996. Miscellaneous Regulations -- Conduct Prohibited.

a. No person under the age of fourteen (14) years shall be permitted on the premises of an amusement center or penny arcade unless accompanied by his parent or legal guardian. No person aged fourteen (14), fifteen (15) or sixteen (16) years shall be permitted on the premises of an amusement center without having on his person an identification card supplied by the operator, and containing that person's name, age, home address, telephone number, date of birth, and signature of the recipient, and the issuer. No such identification card shall be issued by the operator unless receiving the written permission of the parent or legal guardian. The operator shall maintain a permanent record of the names of the parents or legal guardians who have granted such permission. Such record shall be available for inspection at all times by the director and the Webster Groves Police Department.

b. No alcoholic beverages or nonintoxicating beer shall be permitted on the premises of an amusement center or penny arcade.

c. No narcotics or controlled substances under the laws of the United States or the State of Missouri shall be permitted on the premises of an amusement center or penny arcade.

d. At least one supervisor of at least eighteen (18) years of age, employed by the operator, shall be on duty at all times and be present on the premises of an amusement center and penny arcade.

e. An amusement center or penny arcade may not operate between the hours of 11:00 p.m. and 9:00 a.m. of the following day, except on Fridays when they may not operate between the hours of 12:00 a.m. midnight and 9:00 a.m. of the following day, and except on Saturdays when they may not operate between the hours of 12:00 a.m. midnight and 12:00 noon the next day, all times official St. Louis County time.

Section 41.997. Penalties.

Any person who shall be convicted of a violation of any provision of this article may be punished by a fine not exceeding Five Hundred Dollars ($500.00), or by serving a sentence of not more than thirty (30) days, or by both such fine and sentence.

Article XX. Vending and Amusement Machines

Section 41.998. Definitions.

a. "**Amusement Machine**" shall mean any machine or device which, upon the insertion of a coin, slug, token, plate, disc, key or any other insertion device into any slot, crevice or other opening, or by the payment of any price, may be operated by the public for use as a game, entertainment, or amusement, of any kind or description.

b. "**Vending Machine**" shall mean any machine or device which, upon the insertion of a coin, slug, token, place, disc, key or any other insertion device into any slot, crevice or other opening, or by the payment of any price, dispenses any goods, merchandise, personal property of any description, food, drink or confection, or provides any service as dry cleaning, washing, drying or any other service.

c. "**Person**" shall mean any individual, partnership, firm, association, company, corporation, organization, combination of any of the foregoing or any other entity of whatever form or character.

d. "**Director**" shall mean the Director of Finance, City of Webster Groves, Missouri.

e. "**City**" shall mean that area within the municipal boundaries of the City of Webster Groves, Missouri.

Section 41.999. Provisions Not Applicable -- To Whom.

The provisions of this article shall not be applicable to:

a. Persons engaged in charitable or not-for-profit enterprises, provided the Vending Machines or Amusement Machines owned and operated by such Persons shall have a sign affixed to them stating the name of the organization receiving

proceeds from such machines and, provided, further, the burden of establishing this exemption shall be on the person claiming the exemption.

b. Coin changing, check approving, newspaper vending machine or postage stamp dispensing devices.

c. Coin operated dry cleaning, washing or drying devices located on the premises of businesses licensed as laundromats.

d. Mechanical Amusement Devices located in Amusement Centers or Penny Arcades licensed as such under Part V, Chapter 41, Article XIX of the Code of Webster Groves.

e. Coin operated washing machines and drying devices in apartment complexes containing ten or fewer units.

Section 41.999.1. License Required.

It shall be unlawful for any Person to operate, or to permit to be operated on any premises in the City, a Vending Machine or Amusement Machine, without first securing a license duly issued by the Director as set forth herein.

Section 41.999.2. Requirements for License -- Term.

a. An application for the operation of a Vending Machine or Amusement Machine in the City shall be obtained from the Director.

b. Each application shall be verified and shall contain the name and address of the applicant (if a partnership, the names of all partners, and if a corporation, the names of all officers, directors and stockholders); the location or proposed location of the Vending Machine or Amusement Machine; a description of all other business conducted at such location or the name and address of the Person conducting such other business; a description of the Vending Machine or Amusement Machine to be covered by the license including, but not limited to, the item or items that it dispenses or, in the case of an Amusement Machine, the game, entertainment or amusement it provides, significant mechanical feature, the name of the manufacturer and the serial number.

c. Each application shall be accompanied by an initial license fee of Twenty-Five Dollars ($25.00) for each Vending Machine and Fifty Dollars ($50.00) for each Amusement Machine.

d. A license shall be issued by the Director unless he finds one or more of the following:

1. Intentional misstatements or misleading statements of fact in the application;

2. The granting of the license would conflict with existing City ordinances.

3. Any parties having an interest in the ownership or operation of the Vending Machine or Amusement Machine to be licensed have been convicted of any violation of statute or ordinance involving moral turpitude, or have previously had a business license suspended or revoked; provided, however, if the Director shall find that the conduct of such parties subsequent to the aforesaid conviction, suspension or revocation, has been such as to indicate fitness to operate a business in the City, and that the granting of such license would not be contrary to the public interest, he may issue the license.

4. Failure to pay the required application fee in a timely manner;

e. Each applicant shall be notified by mail or by hand delivery of the issuance or non-issuance of a license by the Director.

f. The term of the initial license shall be from the date of issuance until December 31 of the year in which the license is issued. A license may be renewed as provided herein.

g. Every Vending Machine or Amusement Machine licensed under this Article shall have affixed upon the front thereof in plain view, the City license issued for such machine, as well as a statement indicating the name and address of the person owning, distributing or exhibiting such machine, or placing such machine at its location.

h. The premise on which any Vending Machine or Amusement Machine is maintained or exhibited shall be open to inspection by the Police Department of the City.

Section 41.999.3. Renewal -- Procedure.

a. The license year will begin on January 1st and end on December 31st. Within thirty (30) days prior to the expiration of the license, the license may apply to the Director for renewal thereof.

b. A renewal application shall be submitted on a form provided by the Director and shall contain the name, address and license number of licensee's Vending Machine or Amusement Machine, and shall disclose all changes from the information furnished to the Director on the original application.

c. An application for renewal shall be accompanied by an annual license fee of Twenty-Five Dollars ($25.00) for each Vending Machine and Fifty Dollars ($50.00) for each Amusement Machine.

d. The Director shall renew a license if he finds that the Vending Machine or Amusement Machine shall have been operated in compliance with all applicable laws and ordinances.

Section 41.999.4. Suspension or Revocation -- Procedure.

a. The Director may suspend for a period of up to ninety (90) days, or revoke, a license heretofore issued if he finds one or more of the following:

1. Intentional misstatements or misleading statements of fact in any application submitted by the licensee;

2. Conduct is permitted on the premises where the Vending Machine or Amusement Machine is located that violates any law or ordinance;

3. Violation of this Article;

4. Failure to pay the annual license fee in a timely manner.

b. In the event the Director revokes the license, the licensee shall have a period of ten (10) days following revocation to request a hearing before the Director. Said hearing shall be held no later than ten (10) days following receipt of notice of such request, and upon written notice duly given the licensee by the Director at least five (5) days prior to the date of such hearing. The decision of the Director and the reasons therefor shall be sent by certified mail or hand delivered to licensee.

Section 41.999.5. Delinquent License.

License fees due hereunder shall become delinquent on January 1st of the license year. Payments made after said due date shall be subject to a penalty of five percent (5%) of the amount due if payment is made during the first month of delinquency, and five percent (5%) of the amount due, plus an additional one percent (1%) of the amount due for each additional month or part thereof that payment is delinquent if payment is made any time following the first month of delinquency, up to a maximum of twenty-five percent (25%).

Section 41.999.6. Impoundment of Machine.

Any Vending Machine or Amusement Machine subject to this Article that is placed within the City without the license issued hereunder affixed upon the front of the machine in plain view shall be subject to impoundment. The Director shall attempt to notify the owner of the violation by letter or by notice placed on the machine. If within five (5) days of the mailing or posting of such notice, the owner of the machine has not displayed the necessary license, the City may seize and impound the machine. The owner shall pay an impoundment fee of Twenty Dollars ($20.00) per machine and a storage fee of Five Dollars ($5.00) per day per machine.

Section 41.999.7. Penalties.

Any person who shall be convicted of a violation of any provision of this Article may be punished by a fine not exceeding Five Hundred Dollars ($500.00), or by serving a sentence of not more than thirty (30) days, or by both such fine and sentence. (Ord. No. 7473, § 1, 12-15-87; Ord. No. 7502, § 1, 9-6-88).

CHAPTER 42. Licensing And Regulation Of Liquor

Article I. Intoxicating Liquor

Section 42.010. Definitions.

The term:

"**Affiliate**" shall mean and include:

a. A person who directly or indirectly owns, controls, or holds with power to vote, twenty percent (20%) or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

As a fiduciary or agent without sole discretionary power to vote the securities; or

Solely to secure a debt, if the person has not exercised the power to vote;

b. A corporation twenty percent (20%) or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the applicant or a person who directly or indirectly owns, controls, or holds, with power to vote, twenty percent (20%) or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

As fiduciary or agent without sole power to vote the securities; or

Solely to secure a debt, if the person has not in fact exercised the power to vote;

c. A person whose business or enterprise is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the applicant; or

d. A person who operates the applicant's business or enterprise under a lease or other agreement or controls substantially all of the applicant's assets.

(Ord. No. 8653, § 1, 10-8-09)

"**By the Drink**" (except as to malt liquor, in the original package) includes any quantity of less than one-half pint, whether in the original package or otherwise.

"**Convenience Store (with gasoline**)" shall mean a small store or shop (minimum 1,000 sq ft) that typically has long hours and sells a mix of items such as candy, ice-cream, soft drinks, lottery tickets, cigarettes and other tobacco products, newspapers and magazines, along with a selection of processed food and perhaps some groceries as well as gasoline for use in motor vehicles, but which is neither as large nor sells the broad scope of items commonly sold by grocery stores. (Ord. No. 8706 §1, 2-15-11)

"**Convenience Store (without gasoline)**" shall mean a small store or shop (minimum 1,000 sq ft) that typically has long hours and sells a mix of items, excluding gasoline, such as candy, ice-cream, soft drinks, lottery tickets, cigarettes and other tobacco products, newspapers and magazines, along with a selection of processed food and

perhaps some groceries, but which is neither as large nor sells the broad scope of items commonly sold by grocery stores. (Ord. No. 8706 §1, 2-15-11)

"**Financial Interest**" shall mean and include all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed business or enterprise and all such interest in the net profits of the business or enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

(Ord. No. 8653, § 1, 10-8-09)

"**General Merchandise Store**" shall mean a place of commerce where a variety of dry goods, not including food or pharmaceuticals, is offered for sale to the general public.

"**Grocery Store**" shall mean a food store that sells a general line of food products, such as canned and frozen foods; fresh fruits and vegetables; fresh and prepared meats, fish, and poultry; and nonfood grocery products. (Ord. No. 8706 §1, 2-15-11)

"**Gross Sales**" shall mean all of the money, property, services and other considerations charged for or received or derived from their business activities, and includes but is not limited to receipts and charges for and from sales, rentals (except rental of real estate), service charges, commissions, contracts, fees, penalties, bonuses, or other price received or charged for any combination of services and property or use thereof, including but not limited to the sale of gasoline, beer, wine or alcohol." (Ord. No. 8706 §1, 2-15-11)

"**Insider**" as used in this Chapter shall mean and include:

a. If the applicant is an individual,

   1. A spouse or relative of the applicant;

   2. A general partner of the applicant;

   3. A partnership in which the applicant is a general partner;

   4. A general partner in a partnership described in subparagraph 3, above; or

   5. A corporation of which the applicant is a director, officer, or person in control;

b. If the applicant is a corporation,

   1. A director of the applicant;

2. An officer of the applicant;

3. A person in control of the applicant;

4. A partnership in which the applicant is a general partner;

5. A general partner in a partnership described in subparagraph 4, above; or

6. A relative of a general partner, director, officer, or person in control of the applicant;

c. If the applicant is a partnership or limited liability company,

1. A general partner or member in the applicant;

2. A relative of a general partner or member in, a general partner or member of, or a person in control of the applicant;

3. Another partnership or limited liability company in which the applicant is a general partner or member;

4. A general partner or member in a partnership described in subparagraph 3; or

5. A person in control of the applicant;

d. An affiliate, or an insider of an affiliate as if the affiliate were the applicant; and

e. A managing agent of the applicant.

(Ord. No. 8653, § 1, 10-8-09)

"**Intoxicating Liquor**" includes alcohol designed for use as a beverage, alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented, and any preparation or mixture designed for use as a beverage containing in excess of three and two-tenths (3.2) per cent of alcohol by weight.

"**Light Wines**" shall mean any wine manufactured exclusively from grapes, berries and other fruits and vegetables and containing not in excess of fourteen percent (14%) of alcohol by weight.

"**Managing Member**" as used in this Chapter shall mean and include the person in day-to-day charge of the business licensed under this Chapter and/or the person who acts as the managing partner, managing member in an LLC and the president of a corporation. (Ord. No. 8653, § 1, 10-8-09)

"**Manufacturer**," "**Distiller**," or "**Brewer**" includes any person who engages in any method or process used or employed in the manufacture, distillation, brewing or rectifying of intoxicating liquors in Webster Groves.

"**Minor**" shall mean any person under the age of twenty-one years.

"**Microbrewery**" shall mean a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand barrels or less.

"**Original Package**" shall mean and include any package containing three (3) or more standard bottles of malt liquor or non-intoxicating beer, or one-half (1/2) pint or more of spirituous or vinous liquors in the manufacturer's original container. A standard bottle is any bottle or can containing sixteen (16) ounces or less of malt liquor or non-intoxicating beer.

"**Person**" as used in this Chapter shall mean and include any individual, sole proprietor, association, joint stock company, syndicate, partnership, limited partnership, limited liability company, corporation or other similar entity, receiver, trustee, conservator, or other officer appointed by any state or federal court. (Ord. No. 8653, § 1, 10-8-09)

"**Premises**" when used in this article, shall mean and include the place or places within a specified structure where intoxicating liquor is sold and consumed, provided, however, that the premises and the place or places where intoxicating liquor is sold and consumed shall, at the time of application for any license hereunder, be fully described in such application, but the place or places described in the application need not be adjoining and contiguous rooms or areas.

"**Private Club**" shall mean the primary premises of an organization or association incorporated or established pursuant to state law where entry is granted to club members and their guests only, and not to the general public.

"**Restaurant-Full Service**" shall be deemed to be a restaurant where:

a. Food is prepared on the premises and served for consumption on the same premises; and

b. Patrons are seated at tables or in booths and served by waiters and/or waitresses; and

c. A full menu is provided for selections of appetizers, salads, entrees and desserts; and

d. Off-street parking spaces are available for customers' use and comply in all respects with the provisions of the Zoning Ordinance; and

e. The annual gross receipts from the sale of food prepared and served for consumption on the premises is no less than Two Hundred Thousand Dollars ($200,000.00); and

f. No less than sixty percent (60%) of its gross receipts are derived from the sale of food prepared and served for consumption on the premises; and

g. The area of the bar does not exceed twenty percent (20%) of the area where food is served to and for consumption by seated customers; and which serves

food listed on its regular menu at all times at which liquor by the drink is served, except for the hour preceding the legal closing time for establishments serving intoxicating liquor by the drink for consumption on the premises where served; and provided further, however, that any full service restaurant which does not have annual gross receipts of Two Hundred Thousand Dollars ($200,000.00) or more from the sale of food prepared and served for consumption on the premises but which derives no less than seventy-five percent (75%) of its gross receipts from the sale of food prepared and served for consumption on the premises may have a service bar only at which intoxicating liquor by the drink may be dispensed only by employees of the establishment in order to be served to customers seated at tables or in booths.

"**Specialty Food Store**" shall mean a place of commerce other than a grocery store and the primary purpose of which is the sale of only one or a few kinds of food items, including but not limited to cheeses, fruits and nuts, are offered for sale to the general public.

"**Supermarket**" shall mean a grocery store, primarily self-service, providing a full range of food departments, having sales equivalent to $2 million or more in 1980 dollars, adjusted annually for inflation. (Ord. No. 8706 §1, 2-15-11)

"**Vintner**" shall mean a business whose primary activity is the production and selling of wine, with an annual production of 15 cases or less. A case shall contain no more than 12 bottles with a capacity of one liter or less per bottle.

"**Wholesaler**" or "**Distributor**" includes any person who maintains an established place of business or office in Webster Groves at or from which orders are received and solicited, or where a supply of intoxicating liquors is kept, for sale in the original package to any other person licensed to sell intoxicating liquors at retail.

Section 42.020. Licenses Required.

No person, except a microbrewery or vintner as defined in this Chapter, may brew, manufacture, distill, rectify, distribute, sell or expose for sale, give away or otherwise dispense, or cause, suffer, or permit to be sold, given away, or dispensed on premises owned, operated, managed or controlled by him, any intoxicating liquor in the original package or otherwise, without having first obtained an appropriate license from the city.

Section 42.021. Private Clubs; Exemption.

Private clubs may dispense liquor by the drink on the premises of the private club, to members and guests only, without first securing a license therefor.

Section 42.022. Druggist; Exemption.

A druggist may handle intoxicating liquor purchased by him from a licensed vendor, or transported into the state by him, under the Liquor Control Act of the State of Missouri, such liquor to be used exclusively in connection with his business as a druggist in compounding medicines, or as a solvent or preservative, or in filling a prescription of a regularly licensed physician.

Section 42.023. Licenses Required; Categories.

A separate annual license for the period July 1 through June 30 of the following year must be taken out for each of the following activities on payment of a license fee for the annual period or for the prorated period for which the license will be applicable and in the amount indicated herein. Each of these licenses will apply only to the particular activity for which it is issued, and to the particular premises described in the license; no person may sell, expose for sale, brew, distill, manufacture, rectify or distribute any intoxicating liquor, except from the premises and in the manner described in this license. A separate license is required for each place of business. No license is transferrable or assignable.

a. Sale of malt liquor, excluding only product of a microbrewery, containing alcohol in excess of three and two-tenths (3.2) per cent by weight and not in excess of five (5) per cent by weight by grocers and other merchants and dealers for sale in the original package direct to consumers, but not for resale and not for consumption on the premises where sold; Twenty-Two Dollars and Fifty Cents ($22.50).

b. Sale of such malt liquor and/or light wines, excluding only product of a microbrewery or vintner, containing not in excess of fourteen (14) per cent of alcohol by weight, at retail by the drink for consumption on the premises where sold, which license shall also permit the holder to sell nonintoxicating beer; Fifty-Two Dollars and Fifty Cents ($52.50).

c. Sale of such malt liquor, excluding only product of a microbrewery, as a wholesaler or distributor to persons duly licensed to sell such malt liquor at retail; One Hundred Fifty Dollars ($150.00).

d. Sale of any kind of intoxicating liquor in the original package, excluding only product of a microbrewery or vintner, not to be consumed on the premises where sold; One Hundred Fifty Dollars ($150.00). Establishments licensed to sell intoxicating liquor in the original package may apply for and obtain a license to conduct wine-tastings on the premises of the licensed establishment for an additional annual fee of Thirty-Five Dollars ($35.00).

e. Sale of intoxicating liquor, of alcoholic content in excess of three and two-tenths (3.2) per cent by weight, of any kind, excluding only product of a microbrewery or vintner, at retail by the drink for consumption on the premises where sold, including five (5) per cent beer and light wines; Four Hundred Dollars ($400.00).

f. Sale of intoxicating liquor of any kind, excluding only product of a microbrewery or vintner, by a wholesaler or distributor to persons duly licensed to sell intoxicating liquor at retail; Five Hundred Dollars ($500.00). (Ord. No. 8379, § 1, 12-2-03)

g. Manufacturing, wholesaling, distilling, brewing or rectifying intoxicating liquor except beer or wine produced by a microbrewery or vintner as defined in this Chapter; Five Hundred Dollars ($500.00). (Ord. No. 8379, § 1, 12-2-03)

h. Brewing beer by a microbrewery or producing wine by a vintner; Five Dollars ($5.00) per each ten (10) barrels of beer or fraction thereof, up to a maximum license fee of Two Hundred Fifty Dollars ($250.00) for each microbrewery and Five Dollars ($5.00) per each case of wine or fraction thereof, up to a maximum license fee of Two Hundred Fifty Dollars ($250.00) for each vintner. A license under this section shall also permit a microbrewery or vintner to sell beer or wine produced on the premises for consumption on the premises and for sale in the original package direct to consumers during Mondays through Saturdays between the hours of 11:00 a.m. and 12:00 a.m. midnight. A separate license for Sunday sales between the hours of 12:00 p.m. noon and 6:00 p.m. shall be available for an additional license fee of One Hundred Fifty Dollars ($150.00) for each microbrewery or vintner.

i. Sale on Sunday of any kind of intoxicating liquor in the original package, not to be consumed on the premises where sold; One Hundred Fifty Dollars ($150.00).

j. Sale on Sunday of intoxicating liquor of any kind at retail by the drink for consumption on the premises where sold, where such licensee has qualified under the provisions of Section 42.072; the additional fee of Three Hundred Dollars ($300.00).

k. Sales by an arts or educational institution or organization, including but not limited to operas, symphonies, theaters, universities, colleges and schools, at an event sponsored by such an institution or organization; One Hundred Fifty Dollars ($150.00).

l. Any person licensed to sell intoxicating liquor in the original package at retail may apply for a special permit to conduct wine, beer or distilled spirit tastings on the licensed premises for an additional Thirty-Five Dollars ($35.00) payable at the same time and in the same manner as other license fees, provided that nothing in this subsection shall be construed to permit such a special permit holder to sell wine, beer or distilled spirits for on-premises consumption.

m. Any caterer and other person holding a license pursuant to the provisions of this Chapter and who complies with Section 42.056 of this Chapter, may obtain a permit for an additional Ten Dollars ($10.00) for each calendar day, or fraction thereof, for which the permit is issued.

n. Sale of wine (not to exceed fourteen percent (14%) alcohol by weight) at retail by the bottle for consumption on or off the premises, or by the glass for consumption on the premises only, and wine related retail items but no other types of alcohol, said license shall not be subject to the restrictions of Section 42.050 of this code; One Hundred Fifty Dollars ($150.00). (Ord. No. 8388, § 1, 2-17-04)

o. Sales of beer and/or wine by a Convenience Store with Gasoline; One Hundred Fifty Dollars ($150.00). (Ord. No. 8706 §2, 2-15-11)

p. Consumption of Intoxicating Liquor Supplied by Guests at Painting Salons or Parlors, or any art, craft, music, gallery or similar business Sixty Dollars ($60.00). (Ord. No. 8846 §2, 6-17-14)

Any fee required in this Section 42.023 and its subsections may be reduced by up to fifty percent (50%) upon application to the Finance Director demonstrating that the applicant has established and is actively implementing a server training program that complies with a state recommended or approved program or its equivalent.

Section 42.024. License Required; Duration.

Upon approval of the original application by the City Council and of renewals thereof by the Director of Finance, and upon payment of the license fee provided herein, the City shall grant the applicant a license to do business in the City of Webster Groves for a term to expire with the 30th day of June next succeeding the date of such license. Of the license tax to be paid for any such license, the applicant shall pay as many twelfths (1/12s) as there are months (part of a month counted as a month) remaining from the date of license to the next succeeding June 30. The City may create a Schedule of Pro-rated Fees to be provided to applicants which will list the fees required based upon the date the license is issued.

Section 42.025. License Required; Limitations.

Each license shall apply only to the class for which issued and for the premises specifically described in the license and shall not be transferable or assignable.

Section 42.028. Bond Required.

Before any initial application for a license authorizing the sale of intoxicating liquor at retail by the drink to be consumed upon the premises shall be approved, the director shall require of the applicant a bond satisfactory to him to be given to the city in the sum of Two Thousand Dollars ($2,000.00). The bond shall be written by a surety company authorized to write such bonds in the state and shall be conditioned that the person obtaining such license shall faithfully perform all duties imposed by law upon the applicant by the ordinances of the city and laws of the state, and that he will pay all taxes and license fees provided for by the ordinances of the city, or the state for the benefit of the city, together with all fines, penalties and forfeitures which may be adjudged against him. The bond shall provide that it may be sued upon in the name of the city or the state for the collection of any taxes, license fees, fines, penalties and forfeitures which may be adjudged against him.

Section 42.030. Application for License; Procedure.

Any person desiring any such license may make written application therefor, stating specifically the particular type of business to be carried on; a description of the place of business and the improvements thereon, with the street or post office address thereof; the name and address of the individual, or if a partnership, the names of all persons comprising the partnership and the residence address of each, and if a corporation, the names and addresses of all officers and the name and address of the officer having charge of the business proposed to be operated within the city. Each application for a license shall be filed with the Director of Finance, on a form to be furnished by the Director of Finance, and signed and sworn to by the applicant.

Section 42.031. Application for License; Approval by City Council.

The Director of Finance shall present each application to the City Council; upon approval of an application by a majority of the City Council, and upon payment of all license taxes provided for, a license will be issued to the applicant.

Section 42.032. Application for License; Renewal.

a. Licensees desiring to renew current licenses shall, at least sixty (60) days prior to the expiration of the license, file with the Director of Finance an application for renewal. Upon payment of the license fee made payable to the City of Webster Groves, the Director of Finance shall present the application to the City Council for renewal of the license for an additional license year if the conditions that permitted the issuance of the prior year's license have not changed.

b. In the event the Director of Finance determines the conditions under which the original license was issued have changed, the Director of Finance shall, within ten (10) days after receipt of the application for renewal forward it to the City Council together with a statement of the changed conditions.

c. The City Council may, in its discretion, renew or reject a license renewal application for an additional year and may prescribe conditions for the renewal of such a license.

d. A licensee may request a public hearing before the City Council concerning the renewal of a license.

Section 42.033. Continuation of License Upon Licensee's Death.

In the event any licensee shall be deceased during the term for which such license is issued, then such license may continue with the approval of the City Council until the expiration thereof. The privileges conferred by the license may be exercised by the administrator, executor, or next of kin of the deceased licensee. In such event, such administrator, executor, or licensee shall report the death of the original licensee to the director, together with the name and address of the person by whom the business of such licensee is to be conducted.

Section 42.034. Change of Business Location.

Any person licensed to sell intoxicating liquor under the provisions of this Chapter may, upon application to the City Council, be authorized to change the location of his/her place of business during the term of such license. The proposed new location shall comply with all the conditions prescribed in this Chapter relating to the location where intoxicating liquor may be sold.

Section 42.045. Conditions of Issuance of License.

a. No person shall be granted a license hereunder:

Unless such person and each insider who is in any way involved in, or has any financial interest in, the business or enterprise licensed under this Chapter is eligible to receive a liquor license from the State of Missouri;

Unless such person, if an individual, is a legal voter and a taxpaying citizen of St. Louis County, Missouri the City of St. Louis, Missouri or any county contiguous to St. Louis County, Missouri;

If such person or any insider who is in any way involved in, or has any financial interest in, the business or enterprise licensed under this Chapter or any person employed in the business or enterprise licensed under this law shall have had a license revoked under this law or shall have been convicted of violating the provisions of any law applicable to the manufacture of sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United State;

If such person or any insider who is in any way involved in, or has any financial interest in, the business or enterprise is not a good moral character or has been convicted of any felony or misdemeanor involving theft, larceny or moral turpitude or has admitted in a civil action, or been found by a court or jury in a civil action, to having committed any kind of fraudulent conduct;

If any individual who has a financial interest of ten percent (10%) or more in the business or enterprise licensed hereunder has had a license revoked under this law or such individual is not of good moral character or has been convicted of any felony or misdemeanor involving theft, larceny or moral turpitude or has admitted in a civil action, or been found by a court or jury in a civil action, to having committed any kind of fraudulent conduct;

If any employee who works on the premises of the subject business or enterprise has been convicted of any felony or misdemeanor involving theft, larceny or moral turpitude or has admitted in a civil action, or been found by a court or jury in a civil action, to having committed any kind of fraudulent conduct;

Provided, however, that no license issued under this Chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee, unless such employee also falls within any of the categories of this subsection immediately above, of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor so long as any such employee does not directly participate in retail sales of intoxicating liquor. Each employer shall report the identity of any employee convicted of a felony to the state division of liquor control. Licensees shall comply with all rules promulgated by the division of liquor control;

And provide, however, that nothing contained in this section shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state; and

As a wholesaler of intoxicating liquor that contains alcohol in excess of five percent (5%) by weight unless such person is a resident corporation as defined by state law.

b. The Director of Finance shall require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all insiders financially interested in the business of enterprise to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the Director of Finance.

(Ord. No. 8653, § 2, 10-8-09)

Section 42.046. Conditions of License; Protection of Public Required.

The City Council may, at the time of granting a license, and as a condition thereof, require the applicant to observe reasonable requirements in the conduct of the business thereunder, properly and adequately to protect the traveling public in the use of the public street on which the business abuts, or fronts, and to avert traffic hazards.

Section 42.047. Conditions of License; Compliance with This Article.

The applicant shall at the time of presenting his application be furnished with a copy of this article and any amendments thereto, and shall signify his familiarity with the same and his readiness and willingness to comply with and abide by these rules and regulations.

Section 42.048. Posting of License on Premises; Transfer of Stock; New Officers.

Every license issued pursuant to the provisions of this article shall be kept conspicuously posted in the place for which it was issued.

All corporations licensed under the provisions of this Article shall notify the Director, in writing, any time corporate stock or a corporate stock option is sold or conveyed in any manner by any stockholder with five percent (5%) or more of the stock of the licensed corporation and any time a corporation officer is changed. Such written notice shall be delivered in person or sent by certified mail to the Director within ten (10) days of such sale, conveyance or changed.

Section 42.049. Regulation of Retail Package Sales.

Intoxicating liquor may be sold at retail, in the original package, not to be consumed on the premises where sold, upon a license granted by the City Council. Such license shall be issued only upon compliance with the conditions set forth in Sec. 42.050 and is subject to the regulations otherwise set forth in this Chapter.

Section 42.050. Regulation of Retail Package Sales; Conditions of License.

a. No license shall be issued except to a person or corporation engaged in and whose principal business is that of a drug store, cigar and tobacco store, grocery store, general merchandise store, convenience store without gasoline, specialty food store or delicatessen or supermarket, and then only if such person shall meet all of the requirements of this Chapter and have been engaged in the conduct and operation of such bona fide principal business at the time of issuance of the license, and provided further that at the time of issuance and continuously thereafter the gross sales of wares and merchandise, exclusive of intoxicating liquors, tobacco and lottery tickets, must exceed fifty percent (50%) of the business's gross sales; each application for license shall be accompanied by appropriate records of the business documenting compliance with said provision. Such application shall likewise be accompanied by a surety bond as provided in Section 42.028 hereof. No license shall be issued in any event to any person engaged, or who expects or intends to engage, principally in the sale of intoxicating liquors in what is commonly known as "liquor stores."

b. A retail package sales license for any convenience store with gasoline shall meet the following conditions:

1. the applicant must obtain a conditional use permit from the City Council pursuant to the regulations in Chapter 53, the Zoning Code of Webster Groves;

2. such a store may only sell beer and wine and no other liquor of any kind;

3. not more than 25% of the gross sales of the convenience store with gas in any given calendar year may be comprised of sales of beer and wine; and

4. each employee who is allowed to sell beer or wine must have completed a server training program that complies with a state recommended or approved program or its equivalent.

(Ord. No. 8706 §3, 2-15-11)

Section 42.051. Regulation of Retail Package Sales; Consumption on Premises Prohibited.

No person, after having obtained a retail package sales license, shall cause or permit any intoxicating liquor so sold in its original package, to be opened or consumed in or upon any part of the premises of the applicant. There shall be displayed, in full view of the public, an appropriate notice that no sales of intoxicating liquors will be made to minors, or at times when forbidden by law; and that the opening or consumption of the same upon any part of the premises, is prohibited. Any violation of this provision shall be sufficient grounds upon which to revoke the license herein provided for. (Ord. No. 8706 §4, 2-15-11)

Section 42.052. Regulation of Retail Package Sales; Number of Licenses Limited.

Notwithstanding anything in this Chapter to the contrary, no license for the sale of intoxicating liquor at retail, in the original package not for consumption on the premises where sold shall hereafter be granted or issued when the granting thereof will increase the number of such licenses outstanding and in force at that time, to a greater number of such licenses outstanding and then in force than one (1) for each two thousand (2,000) inhabitants residing within the corporate limits of the City of Webster Groves, Missouri, and a major fraction of such two thousand (2,000) inhabitants as shown by the last decennial census of the United States; provided further, that nothing herein shall be construed as requiring the cancellation or invalidation of or as prohibiting the regular annual renewal of any such licenses now outstanding the present holders thereof, or to any other person who may subsequently acquire the business at the location now operated by the present holders of such licenses, if such purchase be approved by the City Council. (Ord. No. 8706 §5, 2-15-11)

Section 42.053. Regulation of Retail Package Sales; Exemptions.

The limitation of Sec. 42.052 shall not apply to licenses issued for the sale of malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) and not in excess of five percent (5%) of alcohol by weight for sale by bona fide grocers, drug stores, and delicatessens, in the original package, not for consumption on the premises where sold; nor to licenses issued under Section 42.054 hereof. (Ord. No. 7417, § 1, 1-6-87).

Section 42.054. Regulation of Sales by Drink.

1. Since the voters of Webster Groves have, in an election called for the purpose, approved the City's ability to issue licenses to sell intoxicating liquors by the drink at retail for consumption on the premises, such licenses are permitted pursuant to the terms of this Chapter.

2. No person may make such sales without a license to sell intoxicating liquor by the drink at retail for consumption on the premises.

3. Notwithstanding any provision to the contrary in this Chapter, a holder of a license permitted by this section that sells only beer with 5 percent or less alcohol or light wines of 14 percent or less alcohol for consumption on the premises may also sell any other liquor in the original package for consumption off the premises, provided that:

    a. No such original package sales for consumption off the premises shall be advertised or displayed on the premises;
    b. No such original package sales for consumption off the premises shall be sold to customers on the premises, but must be delivered off the premises; and
    c. The value of sales of original package sales for consumption off the premises shall not exceed the total value of sales of beer and wine.

(Ord. No. 8734 §1, 10-4-11)

Section 42.055. Temporary Licenses For the Sale of Liquors by The Drink.

Temporary licenses may, in the discretion of the City Council, be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization upon request provided that any such temporary license be limited for use on specific days, as approved by the Director of Finance, not to exceed more than seven (7) days during any twelve (12) month period, for the sale of intoxicating liquor of alcoholic content in excess of three and two-tenths percent (3.2%) by weight at retail for consumption on the premises where sold, whether the premises are public or private property, upon satisfactory proof to the City Council that the event at which said alcoholic liquor is to be served is a bona fide community, cultural or civic activity, including but not limited to picnics, bazaars, fairs or similar gatherings, and that the following conditions have been met:

a. Satisfactory evidence that food will be sold for consumption on the premises in connection with the activity; and

b. Applicant shall secure an appropriate license from the State of Missouri and provide a copy of such license to the Director of Finance within ten (10) business days after such license is received by applicant.

Such temporary license, when issued, shall be subject to compliance with all applicable provisions of this Chapter. The applicant for a temporary license shall pay a fee of Ten Dollars ($10.00) per day for a temporary license. The temporary license and fee as provided herein will permit the applicant to sell intoxicating liquor by the drink on Sunday without the need for an additional license required elsewhere in this Chapter. (Ord. No. 7339, § 1, 5-20-85)

Section 42.056. Temporary Location for Liquor by the Drink -- Permit and Fee Required -- Other Laws Applicable, Exception – Caterers.

a. Notwithstanding any provision to the contrary in this Chapter 42 of the Code of Webster Groves, the Director of Finance may issue a temporary permit to holders of a state license for caterers and other persons as specified in Mo.Rev.Stat. Section 311.485. This temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours, and shall authorize the service of alcoholic beverages at a function, occasion or event allowed by state law during the hours allowed by state law. For every permit issued pursuant to the provisions of this section, the permittee shall pay the sum of ten dollars ($10) for each calendar day or fraction thereof. This permit shall also allow for the sale of Missouri-produced wines in the original package for consumption off the premises only. (Ord. No. 8732 §1, 9-20-11)

b. Except as provided in subsection (c) of this section, all provisions of this Chapter still extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises.

c. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his catering business, in any city in the state which permits a caterer to provide

alcoholic beverages in such city. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city he delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

Section 42.057. Consumption of Intoxicating Liquor Supplied by Guests at Painting Salons or Parlors, or any Art, Craft, Music, Gallery, or Similar Business

1. It shall be unlawful for any person operating any painting salon or parlor, or any art, craft, music, gallery or similar business to permit the drinking or consumption of intoxicating liquor on the premises, without having a license as provided in this section.

2. A license allowing consumption of intoxicating liquor on the premises of a painting salon or parlor, or any art, craft, music, gallery or similar business only by guests who bring their own intoxicating liquor may be issued by the City Clerk, with the consent of the City Council, to the owner of such an establishment who complies with all other applicable provisions of this Chapter and Missouri law.

3. Application for such license shall be made to the City Clerk on forms to be prescribed by her, describing the premises to be licensed and giving all other reasonable information required on the form. The license shall be issued after City Council approval and upon the payment of the fee required in this section. A license shall be required for each separate premises and shall expire on the thirtieth day of June next succeeding the date of such license. The license fee shall be sixty dollars ($60) per year and the applicant shall pay five dollars for each month or part thereof remaining from the date of the license to the next succeeding first of July. Applications for renewals of licenses shall be filed on or before the first of May of each year.

4. The drinking or consumption of such intoxicating liquor shall not be permitted in or upon the licensed premises by any person under twenty-one years of age, or by any other person between the hours of 1:30 a.m. and 10:00 a.m. on any weekday, and between the hours of 1:30 a.m. Sunday and 10:00 a.m. Monday. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this section and applicable Missouri law.

5. Any premises operated in violation of the provisions of this section, or where intoxicating liquor is consumed in violation of this section, is hereby declared to be a public and common nuisance.

6. Any person operating any premises, or any employee, agent, representative, partner, or associate of such person, who shall knowingly violate any of the provisions of this section, or any of the laws or regulations herein made applicable to the conduct of such premises, is guilty of a civil infraction and subject to the general penalties provided for in this Chapter.

7. The City Clerk is hereby empowered to promulgate regulations necessary or reasonably designed to enforce or construe the provisions of this section, and is empowered to revoke or suspend any license issued hereunder for violation of this section or any of the laws or regulations herein made applicable to the conduct of premises licensed hereunder.

(Ord. No. 8846 §1, 6-17-14)

Section 42.060. Prohibition Against Sale or Manufacture Within One Hundred Twenty-Five Feet of Library, Church or School.

No license may be granted for the sale, brewing, distilling, rectifying, or other manufacture or distribution of any intoxicating liquor, excluding holders of licenses for light wines, microbreweries or full service restaurants as defined by this code, within one hundred twenty-five (125) feet of any public library, public or private school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the board of directors of the school or library, or the consent in writing of the majority of the managing board of the church or place of worship. When a school, library, church or place of worship shall hereafter be established within one hundred twenty-five (125) feet of any place of business licensed to sell, brew, distill, rectify or otherwise manufacture or distribute any intoxicating liquor, the license shall not be denied for lack of consent in writing as herein provided. The distance of one hundred twenty-five (125) feet shall be measured for purposes of this section by the nearest portion of a structure containing a public library, public or private school, church or other property commonly used as a place of religious worship to the nearest portion of a structure containing any facility that intends to or does sell, brew, distill, rectify, manufacture or distribute any intoxicating liquor, excluding holders of licenses for light wines, microbreweries or full service restaurants. (Ord. No. 8706 §7, 2-15-11)

Section 42.070. Sales Prohibited on Certain Days.

It shall be unlawful for any licensee hereunder to sell, give away, otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity on the first day of the week, commonly called Sunday except as hereinafter provided.

Section 42.071. Sales Prohibited During Certain Hours.

Notwithstanding any of the provisions found elsewhere in this Chapter, the following provisions shall govern the hours for the sale of alcoholic beverages within the City of Webster Groves. No person having a license under this article or his employees, shall sell, give away or otherwise dispose of any intoxicating liquor in any quantity or allow such actions to be done upon or about his premises:

a. Between the hours of 1:30 a.m. and 6:00 a.m. on weekdays;

b. Between the hours of 6:00 a.m. Sunday and 6:00 a.m. Monday unless so authorized pursuant to Section 42.072 or Section 42.073, except that when January 1, March 17, July 4, or December 31 falls on Sunday, and on the Sundays immediately prior to Memorial Day and Labor Day, and on the Sunday on which the championship game of the National Football League is played, commonly known as “Super Bowl Sunday”, any person having a license to sell

intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his license on that day from the time and until the time which would be lawful on any Tuesday through Saturday, notwithstanding any provisions of this section or any other provision of law to the contrary. (Ord. No. 7846, § 2, 11-15-94)

Section 42.072. Sunday Sales License, Restaurant-Bar.

Any licensee under the provisions of this Chapter, authorized to sell intoxicating liquor by the drink, shall be deemed to be a restaurant-bar as defined in Section 311.097 of the Revised Statutes of Missouri and, upon payment of an additional fee required by Section 42.023.j above, and approval of the City Council, shall be issued a license to serve intoxicating liquor by the drink on Sundays between 1:00 p.m. and 12:00 a.m. midnight.

Section 42.073. Sunday Sales License, Retail.

Any licensee under this Chapter, authorized to sell intoxicating liquor in the original package at retail, may do so between the hours of 9:00 a.m. Sunday and 12:00 a.m. midnight on Sunday provided that he or she has obtained a special license from the State of Missouri pursuant to Chapter 311 of the Revised Statutes of the State of Missouri and has applied for and received a license from this City permitting such Sunday sales and has paid the annual fee pursuant to Section 42.023.i above. (Ord. No. 8377, § 1, 11-4-03)

Section 42.080. Minors; Possession or Sale Prohibited.

a. Except as provided in subsections (d), (e), and (f), of this Section 42.080, no minor shall sell nor assist in the sale or dispensing of intoxicating liquors or non-intoxicating beer. No person nor his agent nor employee shall sell, give, or supply any intoxicating liquor or non-intoxicating beer to any minor, but this shall not apply to the sale of the beverages to a minor for medicinal purposes only, nor to administering of the beverages to a minor by a duly licensed physician, nor to the parent or guardian of the minor for medicinal purposes.

b. No minor shall purchase, attempt to purchase, or have in his or her possession any intoxicating liquor.

c. No person shall give, lend, sell, or otherwise provide any minor any falsified identification or the identification of another person for the purpose of establishing the age of the minor as being twenty-one (21) of age or older.

d. In any place of business licensed in accordance with Section 311.200 or Section 312.040 of the Revised Statutes of Missouri, where at least fifty percent (50%) of the gross sales made consists of goods, merchandise, or commodities other than intoxicating liquor or non-intoxicating beer in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for, and sack for carry out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be made by anyone under the age of twenty-one (21) years.

e. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor or non-intoxicating beer but does not sell intoxicating liquor or non-intoxicating beer at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor or non-intoxicating beer for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.

f. 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 or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consist of food; also no person under twenty-one (21) years of age shall mix or serve across the bar intoxicating beverages or non-intoxicating beer.

g. It shall be unlawful for any minor who is less than twenty-one years old to represent that he or she has reached the age of twenty-one (21) years for the purpose of purchasing, asking for, or in any way receiving any intoxicating liquor. Any such minor under the age of seventeen (17) years of may be considered a delinquent child and may be dealt with in accordance with the Revised Statutes of Missouri respecting children of such age.

Statutory Reference: Mo. Rev. Stat. Section 211, et seq.

Section 42.081. Liability for Failure to Supervise Minors.

a. **Definitions.**

For the purpose of this section, the following definitions shall apply:

1. "**Controlled Substance**" shall mean any drug, substance or immediate precursor defined or described as such in Section 195.010, Revised Statutes of Missouri (1986), as may be amended or revised from time to time.

2. "**Delivery of Alcoholic Beverages**" or "**Controlled Substances**" shall mean the gift or exchange of an alcoholic beverage or controlled substance from one person to another.

3. "**Minor**" shall mean any person under the age of twenty-one years.

4. "**Parent**" shall mean a natural or adoptive parent, or a guardian, or the adult designee of either of them.

5. "**Party**," "**Gathering**" or "**Event**" shall mean an assemblage or a group of persons for a social occasion or for a social activity.

6. "**Alcoholic Beverages**" shall mean any beverage constituting intoxicating liquor, light wines, malt liquor or nonintoxicating beer, as those terms are defined in Chapter 42 of the Code of Ordinances of the City of Webster Groves.

7. "**Person in Control of the Premises**" shall mean an adult who owns, leases, rents, or is otherwise the lawful occupant of any premises, or the adult designee thereof.

8. "**Practitioner**" shall mean any medical professional or other person, as defined or described in Section 195.010, Revised Statutes of Missouri (1986), as may be amended or revised from time to time.

b. **Use of Premises for Consumption of Alcoholic Beverages or Controlled Substances.**

It shall be unlawful for any person to knowingly or negligently permit, allow or host, on or in a premises under his or her control, the consumption of alcoholic beverages or controlled substances by a minor; except that this section shall not apply to the following:

1. The delivery of alcoholic beverages to a minor or the consumption of alcoholic beverages by a minor in connection with the performance of any bona fide religious service under the supervision of an adult, with the consent of the person in control of the premises.

2. The delivery of an alcoholic beverage to a minor, by that minor's parent, and under the direct supervision of the parent.

3. The possession or consumption of, or the delivery to a minor, of a controlled substance prescribed for that minor by a practitioner, when such delivery is by that minor's parent or by the person in control of the premises provided that he or she has obtained the prior consent of that minor's parent.

c. **Duty to Supervise.**

It shall be unlawful for any person in control of a premises, or his or her adult designee, to leave a premises when it is reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in the possession of or consumed by minors.

d. **Rental of a Premises.**

It shall be unlawful for any owner, or agent, employee or contractor thereof, to rent any room, rooms, apartment or any building or portion of a building to a minor or to any adult when it is reasonably foreseeable that said adult, or his or her adult designee, will leave the said premises or reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in possession of or consumed by minors except as otherwise provided in this Chapter.

e. **Duty to Disperse; Police Services; Fees for Police Services.**

Any person in control of a premises at which alcoholic beverages or controlled substances are in the possession of or are being consumed by minors, or his or her adult designee, shall cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after personally receiving an order to do so, issued by a peace officer.

When a party, gathering, or event occurs on private property and a police officer at the scene determines that there is a threat to the public peace, health, safety, or general welfare, the person or persons responsible for the party, gathering or event, will be held liable for the cost of providing police services during a second or follow up response by the police, after a first warning to the person or persons responsible for the party, gathering or event. The second or follow up response may also result in the arrest and/or citation of violators of the Revised Statutes of Missouri or other provisions of this Code.

The police services fee shall include the cost of personnel and equipment, but shall not exceed Five Hundred Dollars ($500.00) for a single incident provided, however, that the City does not waive its right to seek reimbursement for actual costs exceeding Five Hundred Dollars ($500.00) through other legal remedies. The amount of such fees shall be deemed a debt owed to the City by the person responsible for the party, gathering or event. If such persons are minors, their parents or guardians shall be responsible. Any person owing such fees to the City shall be liable in an action brought in the name of the City for recovery of such fees, including reasonable attorneys' fees.

f. **Penalty.**

Any person or persons convicted of violating the provisions of this Section 42.081 shall be fined an amount not to exceed One Thousand Dollars ($1,000.00) for each offense; except that for third and subsequent violations by the same person or persons, the fine shall be not less than One Thousand Dollars ($1,000.00) for each offense.

Section 42.082. Sales to Habitual Drunkards or Intoxicated Persons Prohibited.

No person may sell or supply intoxicating liquor or permit it to be sold or supplied, to a habitual drunkard or to any person who is under, or apparently under the influence of intoxicating liquor.

Section 42.083. Container to Be Destroyed.

No person may remove the contents of any container of intoxicating liquors without destroying the container, nor may any person refill any such container in whole or in part with any intoxicating liquor.

Section 42.084. Window Display of Intoxicating Liquors Prohibited.

No person may display in any street window or show window any intoxicating liquor, or any package, bottle or container bearing the label or brand of any intoxicating liquor.

Section 42.085. Revocation or Suspension of License.

Whenever it is shown to the City Council that a person licensed under this Article has at any time failed to keep an orderly place or house, or has violated any of the provisions of this Article, or of the Liquor Control Act of the State, or has no license from the State Supervisor of Liquor Control, or has made a false affidavit in applying for a license or has failed to furnish additional sureties on his bond after demand therefor by the City Council, or when other valid grounds are found to exist therefor, the City Council, after hearing, may suspend or revoke the license of such person, giving ten (10) days notice in writing prior to the hearing to the licensee or to any other person in charge of or employed in the premises licensed, stating the time, place, purpose and grounds of complaint. At the hearing, the licensee will be permitted to have counsel and to produce witnesses in his behalf.

In case of a violation of Section 42.080, the City Council may, in its sole discretion, consider the existence of server training in compliance with a state recommended or approved program or its equivalent as mitigation of any such offense.

Section 42.086. Additional Limitations and Restrictions.

In addition to the requirements and restrictions hereinabove imposed, the City Council may, as to any applicant for a license to sell intoxicating liquor, by the drink, to be consumed on the premises, require additional regulations and requirements which shall form a part of the applicant's license permit, and such permit shall be subject to all such additional requirements and regulations. The City Council may require any additional requirements or regulations deemed by the City Council to be necessary to preserve the public health, safety and morals including, without limitation, the following:

Screening from public view, prohibiting window display; prohibiting dancing or entertainment, or limiting the same, and the prohibiting or limiting of any other activities or circumstances likely to lead to offenses or actions against the public peace, safety, morals and welfare.

Section 42.090. Penalty for Violation.

Any person who violates any provision of this Article, except as provided in Section 42.081.f, will be subject, upon conviction, to a fine of not more than One Thousand Dollars ($1,000.00), and imprisonment not to exceed ninety (90) days for each violation.

Article II. Nonintoxicating Beer

Section 42.110. Definition.

The term "**nonintoxicating beer**" as used in this article includes all beer or malt liquors, or any combination thereof, having an alcoholic content of not less than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

Section 42.120. Sale of Nonintoxicating Beer Regulated; License Required.

Nonintoxicating beer may not be sold for consumption on the premises except upon a license granted by the City Council. No such license may be issued to any person unless he is at that time engaged in the conduct and operation of, and his principal business is that of, a drug store, cigar and tobacco store, grocery store, specialty food store, delicatessen, restaurant, or general merchandise store upon the premises where the license, if issued, is to be used, and the sale of malt liquor shall be merely incidental to the operation and conduct of the other line of business carried on in the premises. No license shall be granted to any automobile service station for the sale of nonintoxicating beer.

Section 42.121. Sale of Nonintoxicating Beer Regulated; License Application.

An application in writing shall be filed by the applicant with the Director of Finance, which application shall show the full name, address, age and occupation of the applicant; a description of the building and the exact location in which the license is to be used; the character or nature of the business carried on in the premises, and the amount of stock goods, wares or merchandise and fixtures situated therein and the length of time the applicant has been engaged in said business.

Section 42.122. Sale of Nonintoxicating Beer Regulated; Compliance with Article.

At the time of presenting said application, the applicant shall be furnished with a copy of this article and shall, on said application, signify his familiarity with the same and his readiness and willingness to comply with and abide by the rules and regulations contained herein, if such license is granted.

Section 42.123. Sale of Nonintoxicating Beer Regulated; Conditions of Issuance.

No license will be issued unless the applicant (or, in the case of a corporation, the manager of the proposed place of business):

a. Is at the time a resident of the County of St. Louis, the City of St. Louis or of any county contiguous to the County of St. Louis within the State of Missouri;

b. Is of good moral character;

c. Has never had a license revoked;

d. Has never been convicted since the ratification of the Twenty-first Amendment to the Constitution of the United States, of violation of any law applicable to the manufacture or sale of intoxicating liquor; and does not employ and has never employed in his business any person whose license has been revoked or who has been convicted of violating any such law since the date aforesaid; and

e. Has never been convicted of a felony or misdemeanor involving moral turpitude and employs no such person on the licensed premises.

Section 42.124. Sale of Nonintoxicating Beer Regulated; Fees.

The annual license fee for each license issued under this article shall be Thirty-Seven Dollars and Fifty Cents ($37.50). Each annual license shall be for the period July 1 through June 30 of the following year must and shall expire by June 30 of the year following its issue. For each license issued after the 31st day of September, there shall be paid three-fourths of said annual fee; for each license issued after the 30th day of December, there shall be paid one-half of said annual license fee. A separate license is required for each place of business. No license is transferable or assignable.

Section 42.125. Sale of Nonintoxicating Beer Regulated; License Renewal.

The license provided for in this section may be renewed by the Director of Finance. In the event the applicant for renewal has violated any provision of this Chapter or any provision of the Liquor Control Act of the State of Missouri in the previous license period, then the Director of Finance shall not renew said license but shall refer said application for renewal to the City Council, which shall consider same and determine to renew or not to renew said application.

Section 42.126. Temporary Licenses for Sale of Nonintoxicating Beer.

Temporary licenses may, in the discretion of the City Council, be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization upon request provided that any such temporary license be limited for use on specific days, as approved by the Director of Finance, not to exceed more than seven (7) days during any (12) month period, for the sale of nonintoxicating beer having an alcoholic content of not less than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight, at retail for consumption on the premises where sold, whether the premises are public or private property, upon satisfactory proof to the City Council that the event at which said nonintoxicating beer is to be served is a bona fide community, cultural, or civic activity, including but not limited to picnics, bazaars, fairs, or similar gatherings, and that the following conditions have been met:

a. That all provisions of Article II of this Chapter entitled "**Nonintoxicating Beer**" have been complied with.

b. Satisfactory evidence that food will be sold for consumption on the premises in connection with the activity, and payment of a fee of Five Dollars ($5.00) per day.

c. Applicant securing an appropriate license from the State of Missouri, if available.

Section 42.130. Sales Prohibited on Certain Days and Between Certain Hours.

It shall be unlawful to serve or dispense any nonintoxicating beer at any time when under existing laws and ordinances it is unlawful to sell or dispense intoxicating liquors. (Ord. No. 7339, § 3, 5-20-85).

Section 42.140. Intoxicating Liquor on Premises Prohibited.

No person licensed to sell non-intoxicating beer may sell, give away, or otherwise dispense, or permit to be sold, given away, or otherwise dispensed, upon the licensed premises any intoxicating liquor, or may sell, give away, lend, permit the use of or dispensing of, or otherwise dispose of any soda water, ginger ale, water, ice, glass, spoon, container or receptacle to any person with the intent or knowledge that the same will be consumed or used in connection with the drinking or consuming of any intoxicating liquor on the premises.

Section 42.150. Sales to Minors Prohibited.

No licensee, his agents, servants or employees, shall sell, give away, supply or furnish any non-intoxicating beer to any person under the age of twenty-one. Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his possession, any non-intoxicating beer as defined in this Article, shall be deemed guilty of a misdemeanor and subject to the penalties provided in this Article.

Section 42.160. Sales to Habitual Drunkards or Intoxicated Persons Prohibited.

No licensee, his agents, servants or employees, shall sell, give away, supply or furnish any non-intoxicating beer to an habitual drunkard, or to any person who is under or appears to be under the influence of alcoholic beverages.

Section 42.170. Revocation of License.

Any licensee violating any of the provisions of this Article, or who shall make any false or fraudulent statement in the application therefor, shall be subject to revocation of the license issued hereunder after being notified in writing of such charge and having had a hearing before the City Council. Revocation of the license shall not be construed as the sole remedy for such violations, but shall be in addition to other penalties herein provided.

Section 42.180. Penalty for Violation.

Any person violating any of the provisions of this Article shall, upon conviction thereof, be fined not more than Five Hundred Dollars ($500.00), and be imprisoned for not more than three (3) months for each such violation.

CHAPTER 43. SIDEWALK DINING

Section 43.010. Definition of a Restaurant.

To qualify as a restaurant for purposes of this Chapter, a restaurant shall be defined as follows:

> "**Restaurant**" shall mean restaurant, coffee shop, luncheonette, tavern, ice cream parlor and any other public eating or drinking establishment. (Ord. No. 7880, § 1, 9-5-95).

Section 43.020. Permit Required.

It shall be unlawful for any person to provide furniture, including but not limited to tables and chairs, or otherwise permit dining upon the public sidewalks of the City of Webster Groves who does not possess a valid permit issued by the City Manager or his designee. Only a person who complies with the requirements of this Chapter shall be entitled to receive and retain such a permit. Permits shall not be transferrable from one person to another person or place.

Before obtaining a permit the applicant must file a written application verified by the owner or owners of the restaurant and the owner or owners of the building in which the restaurant is located, which application shall state:

a. The owner or owners desire to permit sidewalk dining on a public sidewalk of the City;

b. The name and address of the owner or owners and whether the applicant is an individual, firm or corporation, and, if a partnership, the names of the partners, together with the address of each partner;

c. An accurately drawn site plan showing the location and type of proposed sidewalk dining, including the location of the building and its entrances, curb line, and other structures such as power poles; and

d. The inclusive dates and hours of the proposed operation.

(Ord. No. 7880, § 1, 9-5-95).

Section 43.030. Fees and Conditions for Permit.

For purposes of obtaining a permit, a restaurant wishing to operate a sidewalk dining facility shall pay a fee of One Hundred Dollars ($100.00) or Five Dollars ($5.00) per table, whichever is greater.

Such permits shall be applied for and issued annually upon the anniversary of the issuance of the original permit. The original permit and each annual permit thereafter shall be granted only after the applicant has met or continues to comply with the following conditions:

a. A bond or proof of liability insurance in the amount of one million dollars, to be approved by the City Manager or his designee. Such bond or liability insurance shall bind the obligors thereunder to make compensation for injuries to persons and loss of and damage to property resulting from the negligent operation of dining on the public sidewalk and shall provide adequate security for the prompt payment of any sum accruing to the City and for the performance of other obligations owing to the City.

The insurance herein required must be carried by a firm or corporation which has been duly licensed or permitted to do insurance business in the State of Missouri, and which is approved by the City Manager or his designee. Also, every applicant, before a permit is issued, must deposit an insurance policy with the City Clerk or furnish to the City Clerk a certificate from the insurance company that such insurance is in full force and effect, and must file in either event a certificate from the insurance company agreeing it will notify the City of Webster Groves in writing immediately upon the cancellation or expiration of the insurance.

Upon the cancellation or expiration of any such insurance the permit herein provided for will be deemed revoked and forfeited until proper certificates from the insurance company are filed with the City Clerk.

b. A plan that meets current ADA regulations for accessibility along the sidewalk taking into account all obstructions including, but not limited to, the proposed dining table locations; street furniture; street trees; tree grates and the sight distance triangle. (Ord. No. 8843, §1, 6-3-14)

c. All furniture must be placed, as much as reasonable possible, out of the public right-of-way at the close of each business day.

d. The restaurant owners and operators are responsible for the cleanliness of the sidewalk area at all times including washing down the sidewalk on a regular basis to remove grease and residue. (Ord. No. 8843, §2, 6-3-14)

e. There may be no outdoor speakers broadcasting live or recorded amplified music or sound.

f. The owner and/or proprietor of any restaurant operating a sidewalk dining facility is responsible for taking safety precautions for the pedestrian public using the sidewalk.

g. All permits are deemed revocable upon sixty (60) days notice if and when the City requires use of its public right-of-way for any purpose inconsistent with the use of the right-of-way as and for sidewalk dining.

h. Outdoor service of alcoholic beverages shall be governed under the same rules and procedures as applied to dining inside a restaurant.

i. Each restaurant providing sidewalk dining shall have sufficient toilet facilities for the increased number of customers made possible by the addition of sidewalk dining.

(Ord. No. 7880, § 1, 9-5-95).

Section 43.040. Suspension of Permits.

Permits may be suspended temporarily by the City Manager or his designee for failure of the holder to comply with the requirements of this Chapter.

Whenever a permit holder or operator has failed to comply with any of the provisions of this section, the permit holder and each owner shall be notified in writing at the address contained on the annual permit application that the permit is, upon service of the notice, immediately suspended and deemed to be invalid during the period of the suspension. The notice shall further state that an opportunity for hearing will be provided if a written request for a hearing is filed with the City Manager or his designee by the permit holder or any owner within ten (10) business days of the date of the mailing of the notice of suspension by the City.

Notwithstanding the other provisions of this Chapter, whenever the City Manager or his designee finds unsanitary, unsafe or other conditions on a public sidewalk where dining has been allowed by permit and which constitutes a substantial hazard to the public health, he may without warning notice or hearing issue a written notice to the permit holder or operator of the restaurant citing such condition, specifying the corrective action to be taken, and specifying the timetable within which such action shall be taken; and if deemed necessary, such order shall state that the permit is immediately suspended. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the City Manager or his designee, shall be afforded a hearing as soon as possible.

(Ord. No. 7880, § 1, 9-5-95).

Section 43.050. Reinstatement of Suspended Permits.

Any person whose permit has been suspended may, at any time, make application for reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the City Manager or his designee shall make a reinspection. If, upon reinspection, the applicant has corrected the offending conditions and is complying with the requirements of this Chapter, the permit shall be reinstated. (Ord. No. 7880, § 1, 9-5-95).

Section 43.060. Revocation of Permits.

For serious or repeated violations of any of the requirements of this Chapter, or for interference with the City Manager or his designee in performance of his duties, a permit may be permanently revoked after an opportunity for a hearing has been provided by the City Manager or his designee. Prior to such action, the City Manager or his designee shall notify the permit holder in writing stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) business days following service of such notice, unless a request for a hearing is filed with the City Manager or his designee, by the permit holder, within such five (5) day period. A permit may be suspended for cause pending its revocation or a hearing related to revocation. Upon final determination of revocation, all furniture shall be removed from

the public sidewalks forthwith and in no event later than three (3) business days after final revocation. (Ord. No. 7880, § 1, 9-5-95).

Section 43.070. Penalty for Violation.

Any person who causes or who permits dining upon a public sidewalk in the City of Webster Groves without a valid permit, or without fully complying with all provisions of this Chapter, and who in any other way violates any of the provisions of this Article, will be subject to a fine of not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) for each offense. Each day that such sidewalk dining is allowed to continue may be a separate offense (Ord. No. 7880, § 1, 9-5-95).

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CHAPTER 50. SUBDIVISION OF LAND

Article I. Subdivision Procedure

Section 50.010. Short Title.

This Chapter shall be known and may be cited as "**The Subdivision Regulations of the City of Webster Groves**."

Section 50.011. Purpose.

The purpose of this Chapter is to control the subdivision of land within the City in order to promote the public health, safety and general welfare by regulating the subdivision and re-subdivision of land in order to lessen congestion in the streets and highways; to further the orderly development and appropriate use of land; to establish accurate records of land subdivisions; to protect land title; to implement the Master Plan; to secure safety from fire and other dangers; to facilitate adequate and coordinated provisions for transportation, water, infrastructure, schools, parks, playgrounds and other public requirements; to permit the division of larger tracts into smaller parcels of land; to preserve natural features such as strands of trees, streams, significant rock formations, historical landmarks and historic districts; and, in general, to protect public and private property from erosion and other adverse effects of development; and to facilitate the orderly, coordinated, efficient and appropriate development of the City.

Section 50.012. Definitions.

As used in this Chapter, the following definitions apply:

"**Additional Definitions**" shall mean where not inconsistent with the language or intent herein, the additional definitions set froth in the Zoning Code are incorporated herein and shall apply.

"**Alley**" shall mean a secondary means of ingress or egress serving more than one (1) tract of land and used primarily for vehicular service, and which may be used for public utility purposes.

"**Block**" shall mean an area of land surrounded by public highways, streets, streams, railroad rights-of-way, parks, rural land, drainage channels or other similar areas or facilities.

"**Boundary Adjustment**" shall mean a sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots, and each resulting lot meets all of the zoning restrictions and regulations applicable to the zoning district in which each lot is located.

"**Building Line Setback**" shall mean a line or lines on a plat designating the area outside of which buildings may not be erected, except landings, open balconies, roof overhangs, and accessory buildings as permitted in the Zoning Regulations, set out in Chapter 53 of the Code of Webster Groves.

"**City**" shall mean the City of Webster Groves, Missouri, a constitutional charter city duly formed under the constitution and statutes of the State of Missouri.

"**Code**" shall mean the comprehensive codification of all the ordinances of the City, commonly known as the Code of Webster Groves, as amended from time to time.

"**Common Land**" shall mean that land set aside for open space or retention lakes (excluding storm water improvements, i.e. detention facilities) or recreational use for the owners of lots in a subdivision, which land is conveyed in trust for the benefit, use and enjoyment of the lot owners.

"**Condominium**" shall mean a form of property ownership under the Condominium Property Act, Chapter 448, Missouri Revised Statutes.

"**Consolidated Plat**" shall mean a plat where the pre-existing number of parcels or recorded lots is reduced.

"**Detention**" shall mean the temporary storage of the differential runoff of storm water by providing permanent facilities, such as dry reservoirs, ponds or other acceptable alternatives.

"**Developer**" shall mean that person, firm or corporation by whom a tract will be subdivided and improved pursuant to the requirements of this Chapter and that is the owner or an authorized agent of the owner of the property.

"**Director**" shall mean the Director of Planning and Development of the City.

"**Engineer**" shall mean a professional engineer registered in the State of Missouri.

"FEMA" shall mean Federal Emergency Management Agency.

"**Floodplain**" shall mean that area within the City subject to a one percent (1%), or greater, chance of flooding in any given year. This area is designated on the FEMA Flood Boundary and Floodway Maps.

"**Frontage**" shall mean that edge of a lot bordering a street.

"**Highway**" is the same as the definition of "**Street**" herein.

"**Historic District**" shall mean an area designated as a "historic district" by ordinance of the City Council that may include individual landmarks, as well as other properties or structures which, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the historic district.

"**Historic Landmark**" shall mean a lot, parcel or tract of land with buildings, structures or land improvements so designated by ordinance of the City Council due to its special historical, architectural, or aesthetic interest or value in illustrating or interpreting the heritage of the City.

"**Improvements**" shall mean the street pavement, turning lanes, traffic signals, bridges and culverts, sidewalk pavement, pedestrian-way pavement, water mains, fire hydrants, storm sewers and roadside drainage ditches, erosion, siltation control, sanitary sewers, signs, monuments, landscaping, street lights and other similar items.

"**Land Surveyor**" shall mean a land surveyor registered in the State of Missouri.

"**Lot**" shall mean a parcel of land created under the provision of this Chapter that complies with the area and frontage requirements of the Zoning code.

"**Lot, Corner**" shall mean a lot abutting upon two (2) or more streets at their intersection.

"**Lot of Record**" shall mean a lot which has been duly recorded in the Office of the Saint Louis County Recorder of Deeds in compliance with state statutes and City ordinances.

"**Lot Split**" shall mean the division of a single lot of record into two lots wherein each resulting lot meets all of the zoning restrictions and regulations applicable to the zoning district in which the lot is located and that does not require a Certificate of Appropriateness under the Historic Preservation regulations contained in Chapter 52 of the Code.

"**Master Plan**" shall mean the plan or any portion thereof for the coordinated development of the City and adopted by the Plan Commission.

"**Metes and Bounds**" shall mean the method used to describe a tract of urban land intended to be used for dwelling or other purposes so that it can be recorded in the St. Louis County Recorder's Office, as contrasted with the description of a part of a properly approved and recorded subdivision plat by lot and block number.

"**Monument**" shall mean a permanent marker to be made of materials and placed by a land surveyor at locations specified in Section 50.050.2 of this Chapter.

"**Parcel**" shall mean any amount of land, whether or not of sufficient size to be built upon.

"**Pedestrian Way**" shall mean an easement or right-of-way designated to facilitate pedestrian access to adjacent streets and properties.

"**Right-of-Way**" shall mean a strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use.

"**Road or Roadway**" *See* "**Street**".

"**Setback**" *See* "**Building Line Setback**".

"**Siltation Control**" shall mean the installation of such devices as sediment ponds, bales of straw, fencing, siltation webbing, sodding, seeding and mulching, or other devices to prevent silting of abutting and adjacent properties and roadways during the period of construction and up to and including such time as permanent ground cover is attained.

"**Slope**" shall mean the rate of deviation of the ground surface from the horizontal as expressed in percentages.

"**Street**" shall mean a general term denoting a public or private way which affords the principal means of vehicular access of abutting property. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court, but shall not include an alley or a pedestrian way.

"**Street, Private**" shall mean a private way that has not been dedicated to the public or accepted by the City as a public street and that affords the principal means of vehicular access to abutting property.

"**Subdivision**" shall mean a subdivision of land is any: (1) division of land except those that qualify as boundary adjustments or lot splits, as defined herein, and includes any subdivision into two or more lots, sites or parcels of three acres or less in area; (2) establishment of dedication of a road, highway, street, or alley through a tract of land regardless of area; and (3) re-subdivisions of land heretofore divided or platted into lots, sites, or parcels except those that qualify as boundary adjustments or lot splits, as defined herein.

Any sale or contract of sale or agreement to purchase any portion of any lot or division of land either by lot description or by metes and bounds as defined in the proceeding portion of this section shall constitute a subdivision of land and require, prior to any delivery of a deed, the submission of a plat in conformance with the regulations contained in this Chapter.

"**Tract**" shall mean one or more parcels or lots that the developer intends to subdivide and improve, or to cause to be subdivided and improved, pursuant to the requirements of this Chapter.

"**Zoning Code**" Chapter 53 of the Code, as from time to time amended, which controls and regulates zoning for the City.

Section 50.013. Approvals – General.

The process of approval of the division or consolidation of land within the City depends upon the nature of the division, and is, thus, segregated into three categories of division: (1) boundary adjustments (and consolidations), which are approved administratively by the Department; (2) lot splits, which are approved by the Department and City Council; and (3) subdivisions, which are approved by the Department, the Plan Commission and the City Council.

Every boundary adjustment, consolidation, lot split, subdivision or re-subdivision of land within the City shall be shown upon a plat and submitted to the Department for its approval or disapproval.

No plat shall be recorded in the Office of the Recorder of Deeds unless and until approved as provided for in this Chapter; and no lot shall be sold unless first established by provisions of this Chapter. No demolition, building, grading, land disturbance or other

development permit shall be issued for any subdivision, parcel or lot in violation of any standard or requirement of this Chapter.

Section 50.014. Approval of Boundary Adjustment Plats and Consolidation Plats.

Boundary adjustment plats and consolidation plats shall be approved by the Department through an application process to be set by Department policy, as approved from time to time by the City Council; provided, however, that if the Director determines that a Certificate of Appropriateness is required pursuant to Chapter 52, the owners of the lots seeking a boundary adjustment must first obtain the Certificate of Appropriateness before the Director may approve the Boundary Adjustment.

Section 50.015. Approval of Lot-splits.

The owner of a lot of record that meets all of the zoning restrictions and regulations applicable to the zoning district in which the lot is located and that does not require a Certificate of Appropriateness under the Historic Preservation regulations contained in Chapter 52 of the Code, may apply to the Director for approval of the lot split.

The Director shall investigate the situation, and if the Director determines that a Certificate of Appropriateness is required pursuant to Chapter 52, the owners of the lot seeking a lot split must first obtain the Certificate of Appropriateness before the Director may forward the request to the City Council. If the Director determines the request for the lot split does comply with the applicable regulations in this Chapter, Chapter 52 and Chapter 53 of the Code, then the Director shall forward the findings to the City Council, which may by motion grant the application. The City Council may only deny the application if it finds that the application does not comply with the applicable regulations of this Chapter, Chapter 52 and Chapter 53 of the Code.

Section 50.020. Approval of Subdivision Plats.

Before an application for a subdivision plat may be approved it must first be submitted as a preliminary plat that must be approved by the Department and submitted to the Plan Commission for review and, thereafter, submitted as a final plat for approval by the Department and the City Council. An applicant may also submit a sketch plan before filing a preliminary plat. If the Plan Commission disapproves the preliminary plat it shall transmit its reasons therefor to the City Council and the Council may then approve the plat only by a five-sevenths (5/7) vote of its membership.

1. **Sketch Plan.** In seeking to subdivide any tract or parcel of land, except a boundary adjustment or lot split, within the corporate limits of the City, the developer may:

    a. Prior to submitting a preliminary plat for the subdivision of land within the City, the developer may submit to the Department a sketch plan for the tract which should include the following information, all of which may be based on sources of information other than field survey data:

        1. The location of the tract in relation to the surrounding area.

2. The approximate location of all existing structures within the tract proposed to be retained and wooded areas within the tract and within one hundred (100) feet thereof.

3. The names of the owners of all property adjoining the tract as disclosed by the most recent Assessor's record.

4. All existing streets, roads, and approximate location of wet and dry weather watercourses, floodplain areas, sink holes and other significant physical features within the tract and within two hundred (200) feet thereof.

5. Approximate location of proposed streets, alleys, lots, building lines, easements, property lines and area of lots in square feet.

6. A rough sketch of the proposed site plan, including the most recently available aerial photograph at the appropriate scale for analysis purposes. This photograph shall not be older than two (2) years from the plan submittal.

7. A north arrow and scale and date.

8. Direction of and approximate distance to nearest existing major street intersection.

9. Approximate location of any historic district and historic landmark within the boundaries of the tract and within two hundred (200) feet thereof.

10. A table indicating the proposed size, average lot width, and lot width at the front building line for each proposed lot.

b. The Department shall review and evaluate the sketch plan as soon as practicable and shall report to the developer its opinion as to the merits and feasibility of the improvements contemplated by the sketch plan.

c. Any information listed in subsection (a) of this section that is not included as part of a sketch plan submittal shall be submitted on or with the preliminary plat.

2. **Preliminary Plat.** The developer shall prepare and submit to the Department such number of copies of a preliminary plat of the tract, together with such fees, as the Department shall, from time to time, determine are necessary and as approved, from time to time, by motion of the City Council.

a. Such Preliminary Plat shall be submitted after receipt of the Department's report on the sketch plan, if a sketch plan was submitted.

b. The preliminary plat shall be any scale from one (1) inch equals twenty (20) feet through one (1) inch equals two hundred (200) feet, so long as

the scale is an increment of ten (10) feet. The Preliminary Plat shall contain the following information:

1. Any information listed in Section 50.020(1) Sketch Plan above, if not submitted in conjunction with a sketch plan.

2. The location of the present property lines, section, Congressional Township Lines, U.S. Survey and lines of incorporated areas, streets, buildings, water courses, sink holes, tree masses and other similar and existing features within the area to be subdivided and similar facts regarding existing conditions on property immediately adjacent thereto.

3. A key map and the most recently available aerial photograph at an appropriate scale for analysis purposes showing the tract and its relation to the surrounding area. This photograph shall not be older than two (2) years from the plan submittal.

4. A north arrow and graphic scale.

5. The name proposed for the tract or such part thereof as is proposed to be subdivided, which shall be original and not a duplication of the name of any previously recorded subdivision or development in the City. The developer shall include a certification from the Recorder of Deeds Office of St. Louis County to this effect.

6. The date of plan submission to the Department and the following names and addresses:

    A. The record owner or owners of the tract;

    B. The party who prepared the plat;

    C. The party for whom the plat was prepared; and

    D. The engineer and land surveyor who will design improvements for and survey the tract or such part thereof as is proposed to be subdivided.

7. The approximate area of the tract stated in square feet and tenths (0.1) of an acre.

8. Sufficient existing and proposed contour data to indicate the slope and drainage of the tract and the high and low points thereof, showing intervals of five (5) or less feet for all subdivisions containing two (2) or more acres of land. Contour data shall extend five hundred (500) feet beyond the limits of the subdivision boundaries. U.S.G.S. data is required. Included with this information, the appropriate U.S.G.S. Quadrangle Map highlighting the site's location shall be submitted.

9. The location of existing and proposed property lines, watercourses, sink holes, areas within the tract subject to inundation by storm water, railroads, bridges, culverts, storm sewers, sanitary sewers, easements of record, existing buildings including use or other identified improvements that are to remain, and significant natural features such as wooded areas and rock formations.

10. The location of existing and proposed streets including additional right-of-way along existing streets as may be required in Chapter 10 of the Code.

11. The zoning designation.

12. Any proposed alteration, adjustment or change in the elevation or topography of any area in a floodplain zoning district or shown on the Federal Emergency Management Agency's (FEMA) Flood Boundary and Floodway Maps.

13. Approximate area in square feet of minimum and maximum size of lots, if less than one (1) acre in area, and in acres and tenths of acres if one (1) acre or more in area, into which the tract is proposed to be subdivided.

14. Indicate approximate location of existing and proposed sidewalks and pedestrian walkways.

15. Indicate proposed building lines and setback requirements.

16. Proposed type of treatment or method of sewage disposal to include name of trunk line, lateral or qualified sewage treatment system, where applicable.

17. The location and size of the nearest water main and sewer or outlet shall be indicated in a general way upon the plat.

18. The names and adjoining boundaries of all adjoining subdivisions and the names of the record owners of adjoining parcels of unsubdivided land.

c. The preliminary plan should determine the character and general details of the development and should be accompanied by plans and statements, regarding the details of improvements such as grading, paving, sewers and water mains. The approval of the preliminary plan by the Department and Plan Commission does not constitute an acceptance of the subdivision, but merely authorizes the developer to develop the final plan for submission to the City Council.

3. **Special Procedure Development.** If the developer intends to subdivide any portion of the parcel into a multiple-dwelling unit subdivision or a subdivision being developed under the Planned Commercial district regulations or Planned

Environmental Unit (PEU) regulations of Chapter 53, the Zoning Code, then the preliminary plat shall, in addition, include the following data:

a. Gross area of tract.

b. Area in street.

c. Net area of tract.

d. Maximum number of units allowed and total site coverage of units.

e. Maximum number of units proposed.

f. Parking ratio, including total spaces provided.

g. Distance between structures.

h. Height of all proposed structures.

4. **Certification.** A certificate by a Land Surveyor or Engineer who prepared the plat that the plat is a correct representation of all existing and proposed land divisions.

5. **Fire Department and Utility Comments.** The Department shall transmit a copy of the preliminary plat to the City's Fire Department for its review and comments. In addition, the applicant must obtain all applicable utility comments before preliminary plat approval.

6. **Flood Plain Study.** The applicant shall provide a flood plain study in accord with Chapter 20 of the Code where development of a parcel, excluding any structures, is within a flood plain.

7. **Historic Preservation Review.** The Department shall determine whether a Certificate of Appropriateness under Chapter 52 of the Code is necessary prior to preliminary plat approval. If a Certificate of Appropriateness is required, then the applicant shall secure such a certificate before the Plan Commission may approve a preliminary plat.

8. **Public Works Review.** The Department shall transmit a copy of the preliminary plat to the City's Department of Public Works for its review and comments.

9. **Department Review.** The Department shall review the preliminary plat with regard to requirements described in this Chapter as soon as practicable, and:

a. If the plat is satisfactory, the Director or an authorized representative shall thereupon affix a notation of approval, date of approval, and signature on the plat, denoting satisfactory compliance with the requirements of this Chapter, and the plat shall be forwarded to the Plan Commission for its review and action.

b. If the preliminary plat is unsatisfactory, the Department shall give notice to the submitting party in writing, setting forth the conditions causing the

disapproval, and the unsatisfactory conditions shall be remedied before further consideration by the Department or the Plan Commission.

c. Whenever a preliminary plat includes a proposed establishment of common land, and the Department finds that such land is not suitable for common land due to terrain, benefit to a small portion of the lot owners, difficulty of maintenance, or any similar reason, the Department may either refuse to approve such an establishment, or it may require the rearrangement of the lots in the proposed subdivision to include such land.

d. The approval by the Plan Commission of the preliminary plat shall be valid for a period of one (1) year from the date of approval or such longer period as the Plan Commission may determine to be advisable if such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds or other public requirements. If a record plat of a subdivision has not been recorded within the (1) year period, or such longer period as the Plan Commission shall permit, a resubmission and review thereof, in accordance with all provisions of this Chapter, may be required, or the Plan Commission may, for good cause shown, extend the period for an additional period of time not to exceed six (6) months.

Section 50.030. Minimum Design Standards.

All subdivision plats shall conform to the following minimum standards. All engineering work required herein shall be performed by a registered professional engineer.

1. **Relation to Adjoining Street System.** The subdivider may be required to continue certain adjoining streets through the area being subdivided when necessary to provide for local vehicular movement or to enable adjoining property to be properly subdivided.

2. **Street and Alley Widths.**

a. The width of major streets shall conform to the width designated on the major street plan as adopted by the City and any subsequent amendments thereto.

b. The minimum width of rights-of-way for two family or multiple dwelling developments shall be sixty (60) feet.

c. The minimum width of rights-of-way for single family developments shall be fifty (50) feet.

d. Whenever any subdivision or re-subdivision provides lots in the interior of existing blocks, such lots shall front upon, or have proper access to, a permanently dedicated street that connects with one of the streets bounding the block. All such dead ended streets shall make adequate provision for the turning of vehicles in the interior portions of the block.

Such turning area shall be a circular drive having an overall diameter of not less than one hundred (100) feet to the street lines.

e. Whenever there exists a dedicated or platted portion of a street adjacent to the tract to be subdivided, the other portion of the street shall be platted or dedicated to prove a minimum right-of-way of fifty (50) feet and twenty (20) feet for alleys.

f. Alleys and off-street parking space will be required adjacent to all business lots and alleys shall be at least twenty (20) feet wide. A ten (10) foot cut-off shall be made at all acute and right angle alley intersections. Off-street parking space shall be provided in all new business districts to conform to applicable provisions of the Zoning Ordinance.

g. Whenever the tract to be subdivided adjoins an existing public street which does not meet the standard specifications of the City for public streets as shown in the Master Plan the developers may be required to alter and repair the existing street in accordance with the said specifications.

h. All street intersections shall be rounded to a minimum radius of fifteen (15) feet.

3. **Blocks and Lots.**

a. No block shall be longer than fifteen hundred (1,500) feet between street lines.

b. Where blocks are over seven hundred fifty (750) feet in length, the Commission may require a crosswalk near the center of the block. The right-of-way for any such walks shall not be less than ten (10) feet in width that said right-of-way shall be dedicated to the public for walkway purposes. No part of said right-of-way shall constitute a portion of a platted lot. Such walk space, if required, shall be improved by the subdivider with a four (4) foot wide concrete walk.

c. Whenever a new subdivision is located at a considerable distance from property already platted, the width of blocks, except for special reasons, shall not be less than two hundred fifty (250) nor more than four hundred (400) feet.

d. All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan. Lots with double frontage shall be avoided.

e. The minimum width of lots shall be in conformity with the requirements of the zoning regulations of the City.

f. Corner lots shall have extra width to permit the maintenance of building lines on both front and side streets, as may be required by the zoning ordinance.

g. The minimum area of all lots shall conform to the area regulations of the zoning district in which the subdivision is located.

h. All lots shall front on a dedicated public or private street, except for the lots approved as part of a Planned Environmental Unit or a Final Development Plan for a Multiple-Family Residential Development.

4. **Easements.** Easements of not less than five (5) feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and drainage ditches. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.

5. **Streams and Surface Water Courses.** Detailed plans shall be submitted, showing the location of all streams and surface water courses affecting the proposed subdivision, together with such improvements of such streams and surface water courses, which may be necessary, such as widening, straightening, surfacing or other improvements of such channels.

6. **Sewers.** The subdivider shall install storm water and sanitary sewers and provide a sanitary sewer connection for each lot in accordance with the standards and specifications of the St. Louis Metropolitan Sewer District, and before the improvements are begun the plan therefor shall be approved by the Metropolitan St. Louis Sewer District. Evidence shall be submitted to the City that the Metropolitan St. Louis Sewer District has approved the plans for the storm water and sanitary sewer facilities. Whenever feasible, sanitary sewer facilities including house connections to each lot from the sewer to beyond the curb line shall be constructed prior to the installation of street improvements.

7. **Water Mains and Fire Hydrants.** The subdivider shall install water mains and fire hydrants in the subdivided areas. Such installations shall be in accordance with the standards and specifications.

8. **Street Names.** Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. Before the final plat for the subdivision shall be approved, the subdivided shall submit a statement from the St. Louis postmaster approving the names of the proposed streets.

Section 50.040. Final Plat.

The type and number of copies to be submitted of a final subdivision plat shall be as determined by the Director from time to time, together with such fees as may be approved in a schedule adopted from time to time by the City Council upon recommendation from the Director.

Copies of deed restrictions and certified plans showing the improvements that have been constructed within the subdivision, or bond assuring construction of said improvements in accordance with plans previously approved, shall be submitted to the Plan Commission.

The final plat is to be drawn at a scale of one hundred (100) feet or less to the inch from an accurate survey and on one or more sheets whose maximum dimensions are twenty-nine (29) inches by thirty-four (34) inches. In certain unusual instances where the subdivided area is of unusual size or shape, the City Council may permit a variation in the scale or size of the final plat.

The final plat shall show the following:

1. **Boundaries.** The boundaries of the property; the lines and extent of all proposed streets and alleys with their width and names and any other areas intended to be dedicated to public use.

2. **Adjoining Streets.** The lines of adjoining streets and alleys, with their width and names.

3. **Lot Lines and Easements.** All lot lines and easements with figures showing their dimensions.

4. **Dimensions.** All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, including lots, streets, alleys, easements and building line setbacks, and any other similar public or private areas. The linear dimensions shall be expressed in feet and decimals of a foot.

5. **Curves.** Radii, arcs, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.

6. **All Survey Monuments.**

7. **Additional Information Required.** Title and description of property subdivided, showing its location and extent, point of compass, scale of plan, and name of subdivider and certificate of Registered Land Surveyor that the plan represents a survey made by him and that the results of said survey are correctly showing thereof.

8. **Private Restrictions.** Any private restrictions shall be shown on the plat or reference made to them thereon, and plats shall contain proper acknowledgments of owners and holders of mortgages accepting said platting and restrictions.

9. **Certifications.** A certificate shall accompany the final plat showing that all taxes due shall have been previously paid and a certificate of title or photocopy thereof shall be submitted for inspection.

Section 50.050. Improvements.

1. **Streets.** Before the City Council will officially accept any street in a subdivision and become responsible for its maintenance, supervision and repair, such street shall be improved to the following standards and the Council shall have received a certificate from the City Engineer that the improvements conform to the following standards:

a. All streets shown on the plat shall be for the full width of the right-of-way to grades approved by the City Engineer, and such streets shall be paved to a minimum width of twenty-six (26) feet back-to-back of curbs, with a concrete pavement eight (8) inches thick with integral concrete curb over a six (6) inch thick base of compacted one (1) inch clean crushed limestone, and for collector and local (residential) streets of seven (7) inches thick with integral concrete curb over a six (6) inch thick base of compacted one (1) inch clean crushed limestone or, if approved by the City Engineer, a bituminous pavement with concrete curb and gutter for arterial streets of a two (2) inch thick course of Type "C" asphaltic concrete over a six (6) inch thick course of Type "X" asphaltic concrete over a six (6) inch thick base of compacted Type 3 aggregate, over a compacted subgrade and for collector and local (residential) streets bituminous pavement with concrete curb and gutter for a two (2) inch thick course of Type "C" asphaltic concrete over a four (4) inch thick course of Type "X" asphaltic concrete over a six (6) inch thick base of compacted Type 3 aggregate over a compacted subgrade.

2. **Monuments.** Monuments shall be placed at angle points, points of curves in streets, and at such points as shall be required by the City Engineer, or at related points approved by the City Engineer. Such monuments shall be either stone, or concrete not less than four (4) inches square at the top and six (6) inches square at the bottom and thirty (30) inches long. For all new lots, property corners shall be placed at all angle points and at such points as shall be required by the City Engineer. Such property markers shall be standard metal survey stakes with cap bearing the surveyor's name and license number and the cap shall be set flush with the surrounding finish grade.

3. **Water Mains and Hydrants.** Water mains and fire hydrants shall also be installed in conformity with the standards of the City's licensed or franchised water supplier and in accordance with the local practice of such installations.

4. **Sidewalks.** Sidewalks may be required by the City Council or the City Engineer. Such walks shall be of concrete with a minimum width of four (4) feet and a minimum thickness of four (4) inches over two (2) inches of compacted crushed limestone, except across driveways and driveway approaches, which shall have a minimum thickness of six (6) inches of concrete. Where sidewalks are to be constructed in a single-family residential neighborhood, a minimum two (2) foot wide tree lawn (between sidewalk and street curb) shall be provided. All sidewalks constructed at street intersections shall be provided with disabled access ramps for pedestrian street crossing in accordance with the requirements of the Americans with Disabilities Act.

5. **Bond or Escrow for Improvements.** Before the final plat of any subdivided area shall be approved and recorded, the subdivider shall make and install the improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may post a bond or escrow agreement, approved by the City Attorney and director of finance with the City which bond or escrow agreement will insure to the City that the improvements will be completed by the subdivider within two (2) years after the final approval of the plat. The amount of the bond shall not be less than the

estimated cost of the improvements and the City Manager or his assistants must approve the amount of the estimate. If the improvements are not completed within the specified time, the council may use the bond or any necessary portion thereof to complete the same.

6. **City Engineer Approval.** The design of all improvements, such as the grade and type of pavement, water mains, etc. shall be submitted to the City Engineer before any construction shall proceed. The City Engineer may approve, deny or request modification of the submittal. The developer's engineer shall prepare such plans and all work shall be carried out under the supervision of the City Engineer or other city official designated by the City Engineer. The developer's engineer shall maintain a competent inspector on the job when paving and sewer work is being done.

Section 50.055. Filing of Certain Names and Addresses Required.

All trustees, directors and other officers of subdivisions within the City shall, annually, on or before the 15th day of June of each year, submit to the City Manager, the subdivision indentures or agreements of such subdivisions, with all amendments thereto and names and addresses of all such trustees, officers, or directors, specifying the name of the director or officer to whom communications from the City should be referred.

In the event any such subdivision by and through such trustees, officers and directors, shall fail to file such indentures, or amendments thereto, and such listing and designation, the City shall, for all purposes, be entitled to presume that the last, or original indenture and the officers, directors or trustees last known, or listed by or with the City, shall be presumed conclusively to remain and continue to be in effect, in office, and shall be liable as such.

Section 50.057. Condominium Plats.

1. **Review Procedure.** Except as provided in subsection (2) below, the procedures for review of condominium plats shall be as follows:

   Any condominium plat required by Chapter 448 of the Revised Statutes of Missouri, as amended, shall be submitted by the developer of the property affected to the Plan Commission for review and approval. Upon approval by the plan commission, the recommendation of the plan commission and said plats shall be forwarded to the City Council for review and approval by the adoption of an appropriate ordinance. The condominium plat shall be processed under Section 50.020 of the Code and fees paid in accordance therewith.

   Approval by the Plan Commission and City Council of the condominium plat shall be conditioned upon compliance with Chapter 448 R.S.Mo., including but not limited to Section 448.040 thereof with reference to required contents of a condominium plat.

   In addition, condominium plats shall comply with all provisions of this Chapter not contrary to or inconsistent with the provisions of Chapter 448 R.S.Mo., Chapter 53 of the Code (Zoning) and Chapter 20 of the Code (Building).

2. **Approval Procedure.** In all instances where a condominium development plan has been approved by the City Council under the provisions of the Zoning Code, Section 7-A, Planned Multiple-Family Residence District, Section 7-B, Multiple-Family and Commercial District, or Section 7-C, Planned Environmental Unit, the subsequent condominium plat will not require Plan Commission review or City Council approval. Upon review and approval of the condominium plat by the director of public works, the City Clerk may certify approval of the plat by authority of the ordinance approving the development plan. If the director of public works determines that the condominium plat as submitted is not substantially in compliance with the approved development plan, the condominium plat must be reviewed and approved in accordance with the procedures of subsection (1), above.

3. **Recording.** A copy of all condominium plats and declarations filed with the St. Louis County Recorder of Deeds applicable to condominiums within the City must be filed with the City Clerk.

Section 50.060. Variations and Exceptions.

Whenever the strict enforcement of these regulations would entail unusual, real and substantial difficulties or hardships, the Plan Commission and the City Council may vary or modify them in such a way that the subdivider is allowed to plan and develop his property, record a plat of same and make necessary improvements without unjust difficulties and expense, if at the same time the public welfare and interests of the municipality are fully protected and the general intent and spirit of the regulations preserved.

Section 50.065. Appeals.

Any person aggrieved – by any order, requirement, decision or determination of the Director with respect to the lot split regulations contained in Section 50.015 et seq. or by any order, requirement, decision or determination of the City Engineer regarding the regulations contained in this Chapter – may appeal to the Board of Adjustment as provided in Section 53.304 of the Code.

Section 50.070. Enforcement; Penalties for Violation.

1. No lot split or any subdivision shall be entitled to be recorded in the county recorder's office or have any validity until it shall have been approved in the manner prescribed herein, and by ordinance of the City Council.

2. No building or repair permits shall be issued for any structure located on a lot in any subdivision the plat of which has been prepared after the date of the adoption of this article but which has not been approved in accordance with the provisions contained herein.

3. The City Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this article unless such subdivision or street has been approved in accordance with the provisions contained herein.

4. Any person who sells or attempts to sell a lot by metes and bounds in violation of this article shall be guilty of a municipal violation and shall be fined not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) for each and every sale or attempted sale.

5. Any person, firm or corporation who violates or fails to comply with, or who permits or causes any person in his or her or its employ to violate or fail to comply with any provision of this article shall upon conviction thereof be subject to a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) for each and every offense.

Section 50.080. Amendment of Regulations.

Any provisions of this Chapter may be changed and amended from time to time by the Council; provided, however, that such changes or amendments shall not become effective until after study and report by the Plan Commission.

CHAPTER 51. THE URBAN REDEVELOPMENT ORDINANCE

Article I. Redevelopment

Section 51.010. Title, Designation.

This Chapter shall be known and referred to as "**The Urban Redevelopment Ordinance**."

Section 51.020. Determination of Necessity for Legislation.

It is hereby determined and declared by the Council that in certain portions of the City obsolete, decadent, substandard, unsanitary or blighted areas exist occasioned by inadequate planning, excessive land coverage, lack of proper light, air or open space, defective design or arrangement of buildings, lack of proper sanitary facilities, or the existence of buildings, which by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration, have impaired the economic value of large areas, infecting them with blight, and that such areas are characterized by depreciated values, impaired investments, reduced or negligible income and consequent tax delinquencies; that such condition exists in areas where obsolete, decadent, substandard, unsanitary, outworn or outmoded industrial, commercial or residential buildings prevail, and the same are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, that such conditions occur chiefly in areas which are subdivided into small parcels with multiple ownership and frequently with confusion as to titles; that their assembly for purposes of clearance, replanning, rehabilitation reconstruction and redevelopment is difficult and costly; that the existence of such condition and the failure to clear, replan, rehabilitate, reconstruct or redevelop these areas results in progressive deterioration, in a loss of population by the areas, causes a wasteful expenditure of public funds for policing, and occasions large outlays for the creation of public facilities and services elsewhere; that it is impossible and uneconomical for individual owners to independently undertake to remedy such conditions; that such conditions require the employment of capital on an investment basis, allowing, however, the widest latitude in the amortization of any indebtedness created thereby; that such conditions further require the acquisition of adequate areas, at fair prices, the clearance of such areas through demolition of existing obsolete, decadent, inadequate unsafe or unsanitary buildings and the redevelopment of such areas under proper supervision with appropriate planning as to land use and construction policies; that the clearance, replanning, rehabilitation, reconstruction and redevelopment of such areas on a large scale basis are necessary for the public welfare and are public uses and purposes for which private property may be acquired by purchase of eminent domain; and that such obsolete, decadent, substandard, unsanitary and blighted areas constitute a menace to the health, safety, morals and welfare of the citizens of the City. Therefor, the necessity for the provisions herein enacted is hereby declared as a matter of legislative determination to be in the public interest.

Section 51.030. Acceptance of Application of State Enabling Act.

The provisions of the "**Urban Redevelopment Corporations Law**," found at Chapter 353, Revised Statutes of Missouri, are hereby accepted and shall apply to all persons and corporations operating under this Chapter, insofar as the same may be applicable thereto.

Section 51.040. Definitions.

The following terms, whenever used or referred to in this Chapter, shall, unless a different intent clearly appears from the context, be construed to have the following meanings:

"**Area**" shall mean that portion of the City which the City Council has found or shall find to be blighted, so that the clearance, replanning, rehabilitation or reconstruction thereof is necessary to effectuate the purposes of this Chapter. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part.

"**Blighted Area**" shall mean those portions of the City which the Council shall determine, that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities and that the conditions in such localities are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.

"**Commission**" shall mean the City Plan Commission.

"**Corporation**" shall mean an urban redevelopment corporation organized under and pursuant to the provisions of the "**Urban Redevelopment Corporations Law of Missouri**," and shall include any life insurance company organized under laws of, or admitted to do business in the state, which shall undertake a redevelopment project under the provisions of this Chapter.

"**Development Cost**" shall mean the amount determined by the Commission to be the actual cost of redevelopment, or of that part thereof for which such determination is made. The term shall include, among other costs, the reasonable expenses of planning the redevelopment, including preliminary studies and surveys, neighborhood planning and architectural and engineering services, the reasonable value of the services performed in connection with the development plan, interest during construction, the actual cost of the real property or any part thereof, the actual cost of demolition of existing structures, the actual cost of utilities, landscaping and roadways, the actual cost of construction, equipment and furnishing of buildings and improvements, including architectural, engineering and builder's fees, the actual cost of reconstruction, rehabilitation, redevelopment, remodeling, or initial repair of existing buildings and improvements, reasonable management and operation costs until the redevelopment is ready for use, and the actual cost of improving those portions of the area which are to remain open spaces together with such additions to development costs as shall equal the actual cost of additions to or changes in the redevelopment in accordance with the original development plan or after approved changes therein or amendments thereto.

"**Development Plan**" shall mean a plan, together with any amendments thereto, for the redevelopment of all or any part of a blighted area.

"**Mortgage**" shall mean a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them.

"**Person**" shall mean any individual, firm, partnership, joint venture, association, corporation (except an urban redevelopment corporation organized pursuant to the provisions of the "**Urban Redevelopment Corporations Law of Missouri**," and any life insurance company, organized under the laws of, or admitted to do business in the state, undertaking a redevelopment project under this Chapter), whether organized for profit or not, estate, trust, business trust, receiver or trustee appointed by any state or federal court, syndicate, or any other group or combination acting as a unit, and shall include the male as well as the female gender and the plural as well as the singular number.

"**Real Property**" shall include lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant, or otherwise, rights-of-way, and terms for years.

"**Redevelopment**" shall mean the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incident or appurtenant thereto.

"**Redevelopment Project**" shall mean a specific work or improvement to effectuate all or any part of a development plan.

"**Urban Redevelopment Corporations Law**" shall mean Chapter 353 of the Revised Statutes of Missouri and any amendments thereto.

Section 51.050. Application for Approval of Development Plan; Deposit Upon Filing Plan.

a. **Preliminary Approval of Application Form.** Any person or corporation proposing to file a development plan for approval by the City Plan Commission and the City Council must first submit the proposed plan and supporting information to the City Manager for a written determination by the Director of Public Works and the City Attorney that the submission contains all of the information and material required herein, and that the submission has been made by a duly formed corporation under the Urban Redevelopment Corporations Law. No development plan shall be accepted for filing by the City Clerk until such determination has been made by the Director of Public Works and the City Attorney.

b. **Filing with City Clerk.** Any person or corporation desiring approval of a development plan shall file an application for such approval with the City Clerk, but such plan shall not be acted upon by the Council until after a public hearing thereon has been held by the City Plan Commission and a report on such plan submitted by the Commission to the Council. No plan shall be accepted for filing unless it shall be accompanied by a minimum fee of One Thousand Dollars ($1,000.00) to be held by the Director of Finance, and to be applied to the reasonable cost of the examining, inspection and supervisory services required in connection with such plan as provided in Sections 51.120 and 51.130.

Section 51.055. Supporting Evidence of Blight.

Any application for approval of a development plan must be supported by factual evidence of blight.

a. Evidence must relate to area generally.

b. Evidence must relate to each specific property proposed to be acquired.

c. Evidence must be sufficient to show that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, the properties involved are either an economic or social liability; or are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.

d. The City Plan Commission shall analyze the evidence submitted and, to the extent necessary, conduct its own study in order to prepare a report to the City Council either confirming the conditions of blight or setting out such exceptions or modifications as may be appropriate.

e. Evidence must be sufficiently complete that City Council can make finding of blight as required by state statute.

Section 51.060. Hearing and Report on Proposed Development Plan by Commission.

a. **Notification by Corporation.** A development plan must be accompanied by evidence that each person or entity having a property interest of record in the project area has been given written notice of the filing of the development plan with the City Plan Commission by depositing such notice in the United States mails, postage prepaid, addressed to such person or entity at the property, if the property is improved, or if the property is unimproved, then at the address of the record owner of the property at his address as shown on the records of the assessor of St. Louis County, Missouri, and a certification that similar notification by mail will be given such persons or entities of any hearings before the Commission or City Council on such plan.

b. **Notification and Hearing by Commission.** The City Clerk shall promptly refer each development plan to the Commission. The Commission shall thereupon provide for a public hearing upon such redevelopment plan, and cause notice of the hearing thereon to be given by at least one publication in a newspaper having a general circulation in the City not less than ten (10) days before the date of the hearing. All interested parties may be heard at such hearing. No other development plan, however, which proposes the acquisition of all or any part of the real property in the area described in any development plan then on file with the City Clerk, or with the Commission, shall be considered by the Council or the Commission, unless notice of intent to file such a plan is given to the City Clerk within not more than twenty-one (21) days next following the date of the first hearing upon any previously filed plan provided further that the development plan is filed with the City Clerk not more than sixty (60) days from the date of the first hearing. In the event more than one development plan is filed with the City Clerk affecting all or any part of the same area, there shall be a public hearing on each plan. After each such hearing, the Commission may make such other

investigations as it deems proper, and thereafter submit a report on any such plans to the Council.

Section 51.070. Contents of Development Plan.

A development plan shall contain:

a. **Legal Description.** A legal description of the development area by metes and bounds or other definite designation;

b. **Stages of Project.** A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken, and the approximate time limit for the completion of each stage, together with a legal description of the real property to be included in each stage. This statement shall also show a time schedule clearly setting forth reasonable times for start and completion of:

1. Acquisition of properties;

2. Demolition of buildings;

3. Construction of new improvements.

The time schedule shall be accompanied by a certification that the corporation agrees, as a consideration for approval of the plan, that after approval of the plan it will in good faith attempt to purchase by negotiation any given property within the project area within one hundred eighty (180) days following a request, in writing, by the property owner to the corporation that he desires to proceed with the sale of the property, and that it will, if a sale of the property cannot be consummated within said period, proceed forthwith to file a proceeding in condemnation after the one hundred eighty (180) days have elapsed;

c. **Property To Be Demolished.** A statement of the existing buildings or improvements in the development area to be demolished immediately, if any;

d. **Property Not To Be Demolished.** A statement of existing buildings or improvements in the development area not to be demolished immediately, if any, and the approximate period of time during which the demolition, if any, of each such building or improvement is to take place;

e. **Building Renovation.** A statement of the proposed improvements if any, to each building not to be demolished immediately, any proposed repairs or alterations to such buildings, and the approximate period of time during which such improvements, repairs or alterations are to be made;

f. **New Construction.** A statement of the type, number and character of each new industrial, commercial, residential or other building or improvement to be erected or made;

g. **Open Space.** A statement of those portions, if any, of the blighted area which may be permitted or will be required to be left as open space, the use to which

each such open space is to be put, the period of time each such open space will be required to remain an open space and the manner in which it will be improved and maintained, if at all;

h. **Property for Public Agencies.** A statement of those portions, if any, of the blighted area which are proposed to be sold, donated, exchanged or leased to any public agency or political subdivision of the Federal, State or local government, and an outline of the terms of such proposed sale, donation, exchange or lease;

i. **Zoning Changes.** A statement of the proposed changes, if any, in rezoning ordinances or maps, necessary or desirable for the redevelopment, and its protection against blighted influences;

j. **Street Changes.** A statement of the proposed changes, if any, in streets or street levels, any proposed street closings, and any changes which would have to be made to streets adjoining or near the redevelopment project including a plan for financing these changes;

k. **Dwelling Accommodations.** A statement of the character of the existing dwelling accommodations, if any, in the blighted area, the approximate number of families residing therein, together with a schedule of the rentals being paid by them, and a schedule of the vacancies in such accommodations, if any, together with the rentals demanded therefor;

l. **Housing and Business Relocation.** A statement of the housing accommodations available in other locations in the City for those persons who will be displaced by the redevelopment project. The development plan shall set forth a feasible plan for the relocation of all residents and business displaced, including adequate reimbursement for reasonable relocation costs;

m. **Proposed Housing.** A statement of the character, type and quality of construction, approximate number of units, approximate rentals and approximate date of availability of the proposed dwelling accommodations, if any, to be furnished during construction and upon completion of the redevelopment;

n. **Changes Outside of Redevelopment Project Area.** A statement of any projects or relocations outside of the area of the redevelopment project which would be initiated due to the redevelopment project;

o. **Financing.** A detailed statement of the proposed method of financing the redevelopment; including evidence satisfactory to the City Council that sufficient funds or securities are immediately available and will be used for normal equity financing of the entire development proposed and will remain available until the particular development is started, and evidence satisfactory to the City Council that the amount necessary to acquire and clear the land involved is available from such equity and/or other funds;

1. Such evidence must be reconfirmed annually until completion of the project by a certificate filed with the Director of Finance.

2. Such evidence shall include any commitments for leases or purchases but, in any event, shall include evidence of marketability of the development proposed.

p. **Management.** A statement of the persons who it is proposed will be active in or associated with the management of the redevelopment project during a period of at least one (1) year from the date of the approval of the development plan;

q. **Public Property.** A statement listing any real property in public use and belonging to the City, County, State or any political subdivision thereof, together with the consent of such authority to the acquisition of such property;

r. **Eminent Domain.** A statement giving the legal description of the real property owned, or proposed to be purchased or to be acquired by eminent domain, and the reasons why acquisition by condemnation is proposed;

s. **Eminent Domain in Behalf of Proponents of Plan.** A statement giving the legal description of the real property, if any, proposed to be purchased or acquired by eminent domain by the City in behalf of the proponents of the development plan, and the reasons why the aid of the City is sought for this purpose;

t. **Assignment of Development Plan.** A statement providing for appropriate control over the right of assignment of a development plan to any other entity in order that the City Council will be assured that the intention and purpose of the redevelopment project will, in fact, be carried out;

u. **Other Information.** The development plan, and any application to the Commission for approval thereof, may also contain such other statements or exhibits as may be deemed relevant by the Commission or by the proposer thereof.

v. **Tax Agreements by Corporations.** In the course of considering any development plan for approval, the City Plan Commission and the City Council shall give particular recognition to any agreement, in writing, on behalf of the corporation presenting such plan that, notwithstanding the provisions of the Urban Redevelopment Corporations Law of Missouri, it will make payments in lieu of real property taxes to the appropriate taxing bodies in such amount which, together with the real property taxes to be paid on the land for the first ten (10) years, will equal the total real property taxes paid on the land and improvements during the tax years immediately preceding purchase of the property by the corporation. It may also give consideration to the amount of tax abatement necessary to permit the redevelopment to be accomplished at a net cost in appropriate relation to the fair market value of the land in the project area.

Section 51.080. Determinations Prior to Approval of Development Plan.

A development plan shall not be approved by the City Plan Commission until and unless the Commission shall determine:

a. **Necessity.** That the area within which the redevelopment is to be made is blighted, and that redevelopment in accordance with the development plan is necessary or advisable to effectuate the public purposes declared in Section 51.020;

b. **Compliance with Master Plan.** That the development plan is in accord with the master plan of the City;

c. **Size of Area.** That the area is of sufficient size to allow its redevelopment in an efficient and economically satisfactory manner;

d. **Stages of Plan.** That the various stages, if any, by which the redevelopment is proposed to be constructed or undertaken, as stated in the development plan, are practicable and in the public interest;

e. **Adequacy of Housing.** That housing accommodations are or will soon be elsewhere available for all persons who will be displaced by the redevelopment project, and that no undue hardship to such persons will be caused thereby;

f. **Adequacy of Public Facilities.** That public facilities, including but not limited to school, fire, water, sewer, police, transportation, park, playground and recreation, are presently adequate, or will be adequate at the time that the redevelopment is ready for use, to service the area;

g. **Public Improvements.** All public improvements contemplated in the development plan including but not limited to streets, sidewalks, sewers, water mains and fire hydrants shall be constructed according to the specifications of the City and shall be completed before the development plan is approved by the City Council. In lieu of final completion of the said improvements before the plan is finally approved, the redevelopment corporation may post a bond or escrow agreement, approved by the City Attorney and Director of Finance, with the City which bond or escrow agreement will insure to the City that the improvements will be completed by the redevelopment corporation within two (2) years after the final approval of the plan. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the City Manager or his assistants. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete the same;

h. **Zoning, Street Changes.** That the proposed changes, if any, in zoning ordinances or maps and in streets and street levels, or any proposed street closings, are necessary or desirable for the redevelopment and its protection against blighting influences, and for the City as a whole;

i. **Costs of Condemnation.** The estimated cost of acquisition of real property which it is proposed the City will acquire for the proponents of the development plan, by exercise of the power of eminent domain.

Section 51.090. Conclusiveness Report of Determination by Commission; Factors in Making Determination.

Any determination by the Commission as described in Section 51.080 shall be conclusive evidence of the facts so determined except upon proof of fraud or willful misfeasance. In arriving at such determination, the Commission shall consider only those elements of the development plan relevant to such determination under subsections (a) through (i) of Section 51.080 and relevant to the type of redevelopment which is physically desirable for the area concerned from a City planning viewpoint. After fully considering each development plan, the Commission shall forthwith transmit its report thereon to the Council.

Section 51.100. Prerequisites to Amendment of Plan.

The City Plan Commission may report to the City Council for its approval an amendment to the development plan, but no such amendment to a development plan shall be approved, unless and until an application therefor has been filed with the Commission by the proponents thereof containing those portions of the statements and information required by Section 51.070, relevant to the proposed amendment, and unless and until the Commission shall make the determinations required by Section 51.080.

Section 51.110. Commission to Check Compliance, Make Reports, Adopt Rules and Regulations.

a. **Investigation.** It shall be the duty of the Commission, after a development plan has been approved by the City Council to investigate and determine from time to time during construction of the redevelopment project whether the corporation undertaking such development plan is fully complying with the provisions thereof, in the manner and at the times fixed therein for the performance of the various stages thereof.

b. **Reports.** It shall also be the duty of the Commission to make reports from time to time during the construction of the redevelopment project, and at least every six (6) months, to the City Council regarding each redevelopment project and the performance or compliance with each development plan, and also as to compliance with the provisions of this Chapter by any corporation operating thereunder.

c. **Time Extension.** The City Council may, upon the recommendation of the Commission and for good cause shown, grant to a corporation operating under an approved development plan an extension of time in which to complete the redevelopment project, or any step or portion thereof.

d. **Recommendation of Certification.** When a corporation operating under an approved development plan shall have completed the redevelopment project in accordance with the provisions of the development plan, in the manner and at the time fixed therein for the performance of the various stages thereof, the Commission, upon the written request of such corporation, shall conduct an investigation, and if the Commission determines that the project has been so completed it shall recommend to the City Council that a certificate of full compliance be issued to such corporation, and the City Council may authorize

the Commission to issue a certificate of compliance which shall be conclusive evidence of such compliance, except upon proof of fraud.

The investigation and reports of the Commission required by subsections (a) and (b) of this section shall not be required or made subsequent to the date of issuance of such certificate; provided, however, that every such corporation shall render annually to the Director of Finance, during the existence of the tax relief period provided in Section 51.230, three (3) copies of its financial report for the preceding year, which report shall disclose the earnings of the corporation and the disposition of any net earnings in excess of those provided for under Section 51.190, and the interest rate on income debentures, bonds, notes or other evidences of debt of the corporation; thereupon, the Director of Finance shall review the financial report of the corporation and thereafter he shall file with the City Council and the Commission the said financial report, accompanied by his opinion, as to compliance by the corporation with Section 51.190.

e. **Rules and Regulations.** The Commission shall also have power to make and adopt such rules and regulations necessary and proper to effectuate the purposes of this Chapter.

Section 51.120. Schedule of Fees.

a. The schedule of fees contained herein shall be paid by the proponents of any development plan upon the filing of its report to the Council upon each development plan, amendments thereto and other instruments in connection therewith. Fees shall be paid into the City treasury by crediting the amount thereof against the One Thousand Dollar ($1,000.00) minimum fee described in Section 51.050. If the total of such fees exceeds One Thousand Dollars ($1,000.00), the excess amount shall be charged to and paid by the proponents of the development plan.

b. The schedule of fees shall be as follows:

1. For field examination of site, examination of original plans and minor recommended changes:

A. For residential projects Thirty-Five Dollar ($35.00) per dwelling unit, minimum of One Thousand Dollars ($1,000.00).

B. For non-residential projects Two Hundred Dollars ($200.00) per acre, minimum One Thousand Dollars ($1,000.00).

2. Appraisal of value of property involved in project:

A. At cost.

3. Major revisions and changes in original plans to be based on an hourly charge ranging from Twenty-Five Dollars ($25.00) to Forty Dollars ($40.00) per hour depending upon qualifications of staff member required for the work:

A. Provided that for a residential project this would not exceed Fifteen Dollars ($15.00) per dwelling unit, and

B. Provided that for a non-residential project this would not exceed Fifty Dollars ($50.00) per acre.

4. Original supervision and inspection costs based on the hourly rates in subsection (3) above but not to exceed Two Hundred Dollars ($200.00) per inspection with an average of not more than one inspection per ten (10) working days during active construction periods.

5. Regular supervision and inspection costs in connection with reports by the Commission at intervals of not more than six (6) months, based on the hourly rates in subsection (3) above, Five Hundred Dollars ($500.00) per inspection.

6. Minimum fee for any redevelopment project submitted for approval by the City Plan Commission, One Thousand Dollars ($1,000.00).

Section 51.130. Filing Commission Report; Council Action.

a. The report of the Commission upon each development plan shall be filed with the City Clerk, accompanied by an ordinance providing for the approval, disapproval or other action on such plan. If such ordinance provides for the approval of the plan, the Council may, if it deems desirable, authorize the City Manager to enter into a contract on behalf of the City with the proposer or proposers of the plan, such contract to contain the provisions as embodied in the plan, the approving ordinance, a provision that the applicable provisions of this Chapter shall be incorporated by reference into such contract, and a provision that the terms, conditions or provisions of the contract can be neither modified nor eliminated except by mutual agreement between the City and the proposer or proposers of the plan; provided, however, that no such contract shall be construed as an enlargement of the authority conferred upon the City by the "**Urban Redevelopment Corporations Law**." The City Manager shall submit such ordinance, together with such report and plan, to the Council at its next regular meeting thereafter. At such meeting a date shall be set for a public hearing on the ordinance and the development plan in accordance with the Charter and the rules of the Council relative to City ordinances.

b. After public hearings have been held upon development plans, if more than one development plan shall have been filed with the City Clerk, together with the report of the Commission thereon, the Council shall:

1. Unconditionally approve the plan and may, if it deems desirable, authorize the City Manager on behalf of the City to enter into a contract with the proposers thereof, or disapprove the plan;

2. Approve the plan subject to such conditions, exceptions or restrictions as the Council may deem to be in the public interest; or

3. Refer such plan to the Commission with recommendations as to changes or amendments to be made therein.

Section 51.140. Findings and Declarations of Council.

In any ordinance approving a development plan, the Council shall make the following findings and declarations:

a. That the area included within a development plan is a blighted area, and that the clearance, redevelopment, replanning, rehabilitation or reconstruction thereof is necessary for the public convenience and necessity.

b. That if a corporation seeks to acquire all or any part of the real property within a blighted area by exercise of the power of eminent domain, such acquisition by the exercise of the power of eminent domain is for the public convenience and necessity.

c. That approval of the development plan and construction of the redevelopment project are necessary for the preservation of the public peace, property, health, safety, morals and welfare.

Section 51.150. Certificate of Public Convenience and Necessity for Corporation to Acquire Property by Eminent Domain.

If the corporation proposing a development plan seeks to acquire by eminent domain in its own name all or any part of the real property described in the development plan, the Council shall, by the ordinance approving such plan, determine that the public convenience and necessity will be served by the development plan and redevelopment project, and shall grant to such corporation a certificate of public convenience and necessity authorizing and empowering such corporation to acquire by the exercise of eminent domain such real property in fee simple or other estate; provided that such real property shall be devoted to the purposes and used subject to the conditions described in the development plan. Such corporation may thereafter exercise the power of eminent domain in the manner provided for corporations in Revised Statutes of Missouri, or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provision. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the City or to the State or any political subdivision thereof may be acquired without its consent.

Section 51.160. Deposit When City Acquires Property for Corporation.

a. **Amount.** If the corporation proposing a development plan seeks to have the City acquire by eminent domain or otherwise and thereafter clear all or any part of the real property described in the development plan, such corporation shall, at the time hereinafter provided, deposit in escrow with the Director of Finance, subject to the provisions of this Chapter, a sum of money in cash or negotiable federal or municipal securities of a cash market value equal to the cost estimated by the Commission to be incurred by the City in acquiring, or if the clearance thereof is also sought, in acquiring and clearing such real property. When such deposit is represented by securities, the City, when it becomes necessary to convert said deposit to cash, shall immediately sell the same at the current market price

thereof at private sale for cash and apply the proceeds to the cost of such real property. Sale of such securities may be made only upon order of the Council by resolution or ordinance.

b. **"Cost" Defined.** By the term "**cost**" as used in this Section and Section 51.170 is meant all expenditures by the City, including what is paid for such real property and the clearance thereof, appraisal, abstract, title and recording fees, court costs, witness fees, fees of the City Plan Commission, the cost of legal services by the City Law Department and all other expenses of acquiring and clearing such property.

c. **Custody of Securities.** All securities deposited in escrow with the Director of Finance shall be promptly placed by him in a safety deposit box under the joint control of the Director of Finance and City Clerk.

Section 51.170. Acquisition, Resale of Property by City.

a. Within ten days after the Council shall have approved any development plan, calling for the acquisition by the City by the exercise of the power of eminent domain or otherwise of all or any part of the real property described therein, the corporation submitting such plan shall deposit in escrow with the Director of Finance the cash amounts or securities required by Section 51.160. Thereafter the Council shall determine by ordinance whether the real property described in such plan constitutes a blighted area as defined in this Chapter and should in the public interest be redeveloped, and the Council may provide that the City acquire such property and procure the fee simple title thereto by purchase, by the exercise of the power of eminent domain or by other means. The payment therefor by the City, in whole or in part, may be made out of the deposit required under Section 51.160 or out of the general funds of the City or out of the proceeds of general obligation bonds. The City shall then proceed to acquire such real property in accordance with such ordinance. Whenever any real property, land, easement, right-of-way, use or right of any character is taken or damaged by the City for such purpose, just compensation shall be paid to the owner thereof in accordance with the laws of the State of Missouri.

b. After acquiring the title to such real property, the City shall sell such real property and all interest therein for the purpose of redevelopment, as hereinafter provided, subject to such restrictions, exceptions and conditions as may be recommended by the Commission or which the Council deems to be in the public interest.

c. Each sale shall be approved by the Council. The deposit under Section 51.160 shall be applied against the cost defined under Section 51.160(c) and the City shall give due credit therefor.

1. If such deposit is less than the said cost when such cost is determined after purchase, or by action of a condemnation jury, or otherwise, as the case may be, then said corporations shall make an additional deposit with the Director of Finance, upon ten (10) days written notice from the Director of Finance, of a sum of money in cash equal to such additional acquisition cost as so determined, and failing to make such additional deposit, the City may, at its option, thereupon repeal the ordinance

providing for the acquisition of such real property and dismiss the pending condemnation proceedings, if any. In such last event, the expenses of such uncompleted acquisition and condemnation proceedings, if any, including the cost of legal services by the City Law Department, shall be charged to and paid by the corporation so making such deposit and the amount thereof shall be withheld by the Director of Finance from the funds or securities deposited in escrow, and applied by him to the payment of such expenses. The balance of such funds and securities so deposited in escrow shall then be returned to the owner thereof.

2. If such deposit exceeds such cost, said excess shall be refunded to said corporation.

Section 51.180. Financial Restrictions on Corporation.

a. **Obligations, Interest Thereon.** No corporation whose development plan has been approved by the Council shall:

1. Issue income debentures, bonds, notes or other evidences of debt bearing or paying an interest rate in excess of that permitted by State Statute.

2. Pay any interest on its income debentures or dividends on its stock, regardless of class or preference, during any dividend year unless there shall exist at the time of such payment no default under any amortization requirements with respect to its indebtedness, nor unless all accrued interest, taxes and other public charges shall have been duly paid or reserves set up for the payment thereof, and adequate reserves provided for depreciation, obsolescence and other proper reserves.

b. **Net Earnings.** The net earnings of a corporation whose development plan has been approved by the Council shall be limited to an amount not to exceed eight percent (8%) per annum of the cost to such corporation of the redevelopment project including the cost of the land or the balance of such total cost of the project as reduced by amortization payments; provided that the net earnings derived from any redevelopment project shall in no event exceed a sum equal to eight percent (8%) per annum upon the entire cost thereof. Such net earnings shall be computed after deducting from gross earnings the following:

1. All reasonable costs and expenses of maintenance and operation.

2. Amounts paid for taxes, assessing, insurance premiums and other similar charges.

3. An annual amount sufficient to amortize the cost of the entire project at the end of the period, which shall be not less than twenty (20) years nor more than sixty (60) years from the date of completion of the project.

Section 51.190. Disposition of Surplus Earnings of Corporation.

The development plan may, upon approval of the Council, contain provisions that the surplus earnings provided under Section 51.180:

a. May be held by the corporation as a reserve for maintenance of such rate of return in the future and may be used by the corporation to offset any deficiency in such rate of return which may have occurred in prior years; or

b. May be used to accelerate the amortization payments; or

c. May be used for the enlargement of the project; or

d. May be used for reduction in rentals therein;

provided that, at the termination of the tax relief granted pursuant to Section 51.230, the urban development corporation shall make a strict accounting of surplus earnings and shall turn over to the City any excess of surplus earnings not previously used as provided in subsections (a), (b), (c) or (d) of this section.

Section 51.200. Insurance Companies as Redevelopment Corporations.

Any life insurance company operating under this Chapter shall be limited in its near earnings derived exclusively from the ownership and operation of any redevelopment project, constructed pursuant to a development plan, to an amount not to exceed eight percent (8%) per annum upon any sums actually invested in or devoted to such redevelopment project after setting aside the reserves required by Section 51.210; provided however, that any surplus earnings in excess of such rate shall in the discretion of the Council be held either;

a. As a reserve for future eight percent (8%) per annum returns upon its investments;

b. For use in the maintenance or enlargement of the redevelopment project; or

c. For reduction in rentals charged tenants thereof.

In each case, such net earnings shall be computed according to standard accounting practices.

Section 51.210. Accounting Practices.

Every corporation operating under this Chapter shall establish and maintain depreciation, obsolescence and other reserves, also surplus and other accounts, including a reserve for the payment of taxes, according to recognized standard accounting practices.

Section 51.220. Powers of Redevelopment Corporations.

a. **Acquisition of Property.** An urban redevelopment corporation may acquire real property or secure options in its own name, or in the name of nominees, and it may acquire real property by gift, grant, lease, purchase or otherwise.

b. **Encumbrance of Property.** An urban redevelopment corporation may borrow funds and secure the repayment thereof by mortgage, which shall contain reasonable amortization provisions and shall be a lien upon no other real property except that forming the whole or a part of a single development area. Any mortgage on the real property in a development area, or any part thereof, may create a first lien, or a second or junior lien, upon such real property.

c. **Disposal of Property.** An urban redevelopment corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purpose of a redevelopment project. The ordinance approving any development plan, and any contract entered into pursuant thereto, may provide that in the event of the sale or other disposition of real property of any urban redevelopment corporation by reason of the foreclosure of any mortgage or other lien through insolvency or bankruptcy proceedings, or by order of any court of competent jurisdiction, or by voluntary transfer or otherwise, the partial tax relief provided under Section 51.230 of this Chapter shall inure to any purchaser of such real property so long as such purchaser shall continue to use, operate and maintain such real property in accordance with the provisions of the development plan. If such ordinance and contract do not so provide and the purchaser of such real property shall continue to use, operate and maintain such real property in accordance with the provisions of the redevelopment plan, the Council may grant the partial tax relief provided in Section 51.230. If such real property shall be used for a purpose different than that described in the redevelopment plan, or if the purchaser does not desire the property to continue under the redevelopment plan, or if the ordinance approving the plan does not provide for continuing tax relief and the City Council shall refuse to grant the purchaser continuing tax relief, the real property shall be assessed for ad valorem taxes upon the full true value of the real property and may be owned and operated free from any of the conditions, restrictions or provisions of this Chapter.

Section 51.230. Tax Relief for Redevelopment Corporations.

a. **Full Exemption.** The real property of a corporation acquired pursuant to this Chapter shall not be subject to assessment of payment of general ad valorem taxes imposed by the City or by the State or any political subdivision thereof for a period of ten (10) years after the date upon which such corporation became owner of such real property, except to such extent and in such amount as may be imposed upon such real property during such period measured solely by the amount of the assessed valuation of the land, exclusive of improvements, acquired pursuant to this Chapter and owned by such corporation, as was determined by the assessor of St. Louis County, for taxes due and payable thereon during the calendar year during which the corporation acquired title to such real property; and the amounts of such tax assessments shall not be increased by the assessor during such ten (10) year period so long as the real property is owned by a corporation and used in accordance with a development plan authorized by the Council.

b. **Property Already Exempt.** In the event, however, that any such real property was tax exempt immediately prior to ownership by any such corporation, the Council shall immediately request such county assessor to promptly assess such land, exclusive of improvements, in accordance with the provisions of Section 10

of the "**Urban Redevelopment Corporations Law**."[1] The amount of such assessed valuation so fixed by the county assessor shall not be increased during the ten (10) year period next following the date upon which such corporation acquired ownership thereof, so long as such real property is owned by such corporation and used in accordance with the development plan authorized and approved by the Council.

c. **Partial Exemption.** For the next ensuing period of fifteen (15) years, general ad valorem taxes imposed by the City or by the State or any political subdivision thereof upon such real property shall be measured by the assessed valuation thereof as determined by the county assessor upon the basis of not to exceed fifty percent (50%) of the true value of such real property, including any improvements thereon, nor shall such valuations be increased over fifty percent (50%) of the true value of such real property from year to year during the period of fifteen (15) years, so long as such real property is owned by a corporation and used in accordance with an authorized development plan.

d. **Full Assessment.** After such periods, totaling twenty-five (25) years, such real property shall be subject to assessment and payment of all ad valorem taxes based on the full true value of the real property, and shall be owned and operated by the urban redevelopment corporation free from the conditions, restrictions and provisions of this Chapter, the approving ordinance and any rule or regulation adopted pursuant to this Chapter; provided that at any time after the completion of the redevelopment project, as authorized by ordinance, the urban redevelopment corporation may elect to pay a sum equivalent to the amount of the general ad valorem taxes, not including interest or penalties, which would have been levied on the full value of the property from the date of the completion of the project, and from that date such real property shall be owned and operated by the urban redevelopment corporation free from the conditions, restrictions and provisions of this Chapter, the approving ordinance and any rule or regulation adopted pursuant to this Chapter.

Section 51.240. Remedies for Failure to Follow Plan.

a. **Proceedings.** Whenever any person or corporation operating under an approved development plan does not substantially comply with the development plan within the time limits and in the manner for the completion of each stage thereof as therein stated, reasonable delays caused by unforeseen circumstances beyond their control alone excepted, or shall do, permit to be done, or fail, or omit to do anything contrary to or required of it by this Chapter, or shall be about so to do, permit to be done, or fail or omit to have done, then any such fact may be certified by the City Plan Commission to the City Attorney who may and is hereby authorized to commence a proceeding in the circuit court in the name of the City to have such action, failure or omission or threatened action or omission stopped, prevented or rectified by injunction or otherwise, or in the name of the City to bring an action for damages against the urban redevelopment corporation for breach of any of the provisions of the urban redevelopment plan; provided that in the event the City Plan Commission shall determine that a corporation has abandoned construction before completion of the project in

1 State law reference R.S.Mo. 353.110.

accordance with the terms of an approved development plan, the real property included in such plan shall from that date be subject to assessment and payment of all ad valorem taxes based on the true full value of such real property.

b. **Exception.** If any person or corporation shall propose more than one plan and such plans are approved as provided in this Chapter, the failure to comply with one or more of such plans within the time limits and in the manner for the completion of each stage thereof as therein stated, shall not give the City any right of action with respect to the plans which have been fully complied with within the time limits and in the manner for the completion of each stage thereof as therein stated, and the real property included in such plans which have been fully complied with shall be entitled to the tax relief provided for in this Chapter.

Section 51.250. Power of City to Acquire, Clear, Develop, Sell Sites.

The City may:

a. Acquire by the exercise of the power of eminent domain, or otherwise, an area designated on any master plan of the City as a redevelopment area;

b. Clear any such real property and install, construct and reconstruct streets, utilities and any and all other City improvements necessary for the preparation of such area for use in accordance with the provisions of this Chapter; and

c. Sell such real property for use in accordance with the provisions of this Chapter.

Section 51.260. Grants, Loans From United States Government.

The City or corporation may accept grants or loans of money from the government of the United States or any department or agency thereof, to effectuate the purposes of this Chapter.

CHAPTER 52. HISTORIC PRESERVATION COMMISSION[2]

Section 52.010 Purpose.

The purpose of this article is to promote the educational, cultural, economic, and general welfare of the community by:

a. Providing a mechanism to identify and preserve the distinctive historic, archeological and architectural characteristics of the City of Webster Groves which represents elements of the City's cultural, social, economic, political, and architectural history;

b. Fostering civic pride in the beauty and noble accomplishments of the past as represented in the City's landmarks and historic districts;

c. Conserving and improving the value of property designated as landmarks or within historic districts;

d. Providing for economic benefits to encourage business and residential owners to locate and invest in historically significant properties;

e. Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce and industry, and providing economic benefit to the City; Fostering and encouraging preservation, restoration, rehabilitation of the historic structures, areas and neighborhoods, and thereby preventing future urban blight;

f. Promoting the use of landmarks and historic districts for the education, pleasure, and welfare of the people of the City;

g. Promoting the identification, evaluation, protection and interpretation of the prehistoric and historic archeological resources within the incorporated limits of the City.

Section 52.020 Definitions.

Unless specifically defined below, words or phrases in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

a. "**Alteration**" shall mean any act or process that changes one or more historic, architectural or physical features of an area, site, landscape, place and/or

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2 **Editor's note** – Ord. No. 8198, adopted November 6, 2001 repealed Ord. No. 7313, adopted Aug. 21, 1984, which repealed Ord. No. 7249, 1-12, adopted Dec. 21, 1982, which had comprised Ch. 52, historic preservation, and enacted in lieu thereof a new Ch. 52, "Historic Preservation Commission" comprised of Sections 52.010-52.370, to read as herein set out.

Cross references - Old Orchard Special Business District, 4.910 et seq.; Old Webster Store Town Special Business District, 4.960 et seq.; public ways and places, Ch. 10; architectural review board, Ch. 56.

structure, including, but not limited to, the erection, construction, reconstruction, or removal of a structure; the expansion or significant modification of agricultural activities; and clearing, grading or other modification of an area, site, or landscape that changes its current condition. For the purpose of this Chapter, alteration shall not include restoration. *See* "**Restoration**".

b. "**ARB**" shall mean the Architectural Review Board and/or its members.

c. "**Architectural Review Board (ARB)**" shall mean the board established pursuant to Section 4.710 and Section 56 of the Code of Webster Groves.

d. "**Area**" shall mean a specific geographic division of the City of Webster Groves.

e. "**Board of Adjustment (BOA)**" shall mean the board established pursuant to Section 4.150 of the Code of Webster Groves and Section 4.3 of the Webster Groves Charter.

f. "**BOA**" shall mean the Board of Adjustment and/or its members.

g. "**Certificate of Appropriateness**" shall mean a certificate issued by the Historic Preservation Commission (HPC) and/or the Architectural Review Board (ARB) indicating its approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within a historic district.

h. "**City Council**" shall mean the City Council of the City of Webster Groves as established by charter.

i. "**City Plan Commission (PZ)**" shall mean the commission established pursuant to Section 4.110 of the Code of Webster Groves and Chapter 89 of the Missouri Revised Statutes, as amended.

j. "**Construction**" shall mean the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

k. "**Cultural Resources**" shall mean districts, sites, structures, objects and evidence or parts thereof of some importance to a culture, a subculture, or a community for scientific, engineering, art tradition, religious or other reasons, significant in providing resource and environmental data necessary for the study and interpretation of past ways of life and for interpreting human behavior.

l. "**Date of Initiation of Designation**" shall mean the date of the meeting of the Historic Preservation Commission where the landmark or historic district is nominated by a member of the HPC, the owner of record of the structure or the City Council.

m. "**Demolition**" shall mean any act or process which destroys in part or in whole a landmark or a structure within a historic district, or which threatens to destroy a landmark or a structure within a historic district, or which destroys or threatens to destroy a potentially significant property or structure by failure to maintain it in a condition of good repair and maintenance.

n. "**Design Guideline**" shall mean a standard of appropriate activity that will preserve the historic, architectural, scenic or aesthetic character of a landmark or historic district.

o. "**Exterior Architectural Appearance**" shall mean the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material; the type of roofline, dormers and overhangs; the size, location and design of porches, steps and handrails and the type, size, location, spacing design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

p. "**Historic District**" shall mean an area designated as a "historic district" by ordinance of the City Council which may include individual landmarks, as well as other properties or structures which, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the historic district.

q. "**HPC**" shall mean the Historic Preservation Commission and/or its members.

r. "**Historic Preservation Commission (HPC)**" shall mean the commission established pursuant to Chapter 52 of the Code of Webster Groves.

s. "**Historic Significance**" shall mean character, interest or value as part of the development, heritage, or culture of the community, county, state or country; as the location of an important local, county, state or national event; or through identification with a person or persons who made an important contribution to the development of the community, county, state or country.

t. "**Landmark**" shall mean a property or structure designated as a "**landmark**" by ordinance of the City Council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, interpretation and preservation because of its historic, architectural or archaeological significance to the City of Webster Groves.

u. "**Minimum Maintenance**" shall mean the minimum regulations governing the conditions and maintenance of all existing structures, as set out in the BOCA Basic Existing Structures Code, First Edition (1984) as amended from time to time and other legally adopted codes of the City of Webster Groves.

v. "**Ordinary Maintenance**" shall mean any work for which a building permit is not required by ordinance, where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a structure or any part thereof and to restore the same, as nearly as practical, to its condition prior to the occurrence of such deterioration, decay or damage and does not involve change of materials nor of form.

w. "**Owner of Record**" shall mean the person, corporation or other legal entity listed as owner in the records of the St. Louis County Recorder of Deeds.

x. "**PZ**" shall mean the City Plan Commission and/or its members.

y. "**Removal**" shall mean any relocation of a structure, object or artifact on its site or to another site.

z. "**Repair**" shall mean any change that is not construction, alteration, demolition or removal and is necessary or useful for continuing normal maintenance and upkeep.

aa. "**Restoration**" shall mean the process or product of returning, as nearly as possible, an existing site, building, structure or object to its condition at a particular time in history, using the same construction materials and methods as the original where possible. Typically the period of greatest historical significance or aesthetic integrity is chosen. This may include removing the later additions, making hidden repairs and replacing missing period work.

bb. "**Site**" shall mean the traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, groups, or tribe, or any place with evidence of past human activity. Sites include, but are not limited to, cemeteries, burial grounds, occupation and work areas, evidence of farming or hunting and gathering, battlefields, settlements, estates, gardens, groves, river crossings, springs, wells, routes and trails, caves, quarries, mines or significant trees or other plant life.

cc. "**Stop Work Order**" shall mean an order directing an owner, occupant, contractor or subcontractor to halt an action for which a certificate of appropriateness is required, and notifying the owner, occupant, contractor, subcontractor or other responsible person of the application process for a certificate of appropriateness.

dd. "**Structure**" shall mean anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools.

ee. "**Survey**" shall mean the systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings. Sites, structures, areas, or landscapes, through visual assessment in the field and historical research for the purpose of identifying Landmarks or districts worthy of preservation.

Section 52.030 Membership.

The Historic Preservation Commission (HPC) shall consist of a total of twelve (12) regular and ex-officio members and two (2) alternate members.

The twelve (12) regular members shall consist of seven (7) appointed citizens and five (5) ex-officio members which shall be the City Manager, Building Commissioner (or other designated staff member), a Council member selected by the City Council, the chairperson of the ARB, and the chairperson of the PZ.

All regular appointed members shall be voting members. The chairpersons of the ARB and PZ shall also be voting members. The City Manager, the Building Commissioner (or

staff member designated to sit for the Building Commissioner) and the Council Member shall serve but have no vote.

Alternate members shall attend meetings and vote only when called upon to act for a regular, appointed, citizen member – in accordance with Section 52.070 of this Chapter.

Section 52.040 Appointment.

The seven (7) regular, citizen members and two (2) alternate members shall be appointed by the City Council.

Section 52.050 Terms.

All regular members and alternate members shall serve three (3) year terms, unless appointed to an unexpired term. A regular member or alternate member may serve, at the maximum, two (2) consecutive three (3) year terms. The terms of all ex-officio members shall be coincident with their terms in office with their respective bodies.

Section 52.060 Qualifications.

Regular members and alternate members should have been residents of the City of Webster Groves for at least one (1) year preceding their appointment. Regular members and alternate members should be persons with demonstrated interest or expertise in historic preservation. Representatives of historical societies and residents and owners of property in historic districts should be encouraged to serve as regular members and alternate members. In addition, at least two (2) regular members and two (2) alternate members should have the following additional qualifications:

a. One (1) member and one (1) alternate member should be a homeowner in a historic district or a proposed historic district.

b. One (1) member and one (1) alternate member should be a merchant in a historic district or a proposed historic district.

To the extent available in the community the HPC shall include professional members representing such disciplines as architecture, law, real estate brokerage, banking, history or other fields related to historic preservation.

Section 52.070 Rotation of Alternate Members.

Insofar as practical, alternate members shall be called upon to serve in the absence of, or the disqualification of, the members on a rotation basis.

Section 52.080 Officers.

Officers shall consist of a Chairperson, a Vice-Chairperson and a Secretary elected by the HPC, each of whom shall serve a term of one (1) year and be eligible for re-election. The Chairperson shall preside over meetings. In the absence or disqualification of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. In the absence of the Chairperson and the Vice-Chairperson, the acting Chairperson shall be elected from those members present by those members present.

No member shall serve as chairperson for more than two (2) consecutive years.

The Chairperson of the ARB and the chairperson of the PZ shall not hold office on the HPC.

The chairperson of the Historic Preservation Commission shall have the following duties:

a. Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the HPC;

b. Give notice as provided herein by law for all public hearings conducted by the HPC;

c. Advise the Mayor of vacancies on the HPC and expiring terms of members;

d. To forward a register of all properties and structures which have been designated as landmarks or historic districts annually to the City Clerk; and

e. Prepare to submit to the City Council a complete record of the proceedings before the HPC on any matter requiring council action.

The Vice-Chairperson shall have the duties of the Chairperson. But only during such times as the Vice-Chairperson serves as acting Chairperson in the absence, recusal or disqualification of the Chairperson.

The Secretary of the HPC may be a member of the HPC or a staff member appointed by the City Manager. The secretary of the HPC shall keep minutes of the HPC meetings and perform such other duties as assigned by the HPC.

Section 52.090 Vacancies and Removal.

Vacancies of members and alternate members shall be filled for the unexpired term only. Regular members and alternate members serve at the pleasure of the City Council and may be removed by the Mayor and the City Council without cause.

Action to fill vacancies shall be initiated within sixty (60) days.

Any member of the HPC who fails to attend at least fifty percent (50%) of all meetings, regular and special, in any calendar year, as shown in the approved minutes of the HPC shall be automatically deemed to have been removed by the City Council, which shall promptly fill the vacancy of that member.

Section 52.100 Meetings.

A quorum shall consist of five (5) of the members. All decisions or actions of the HPC shall be made by an affirmative vote of at least five (5) members. In the event of a tie vote, the issue shall be considered as deadlocked and shall be tabled until the next regular or special meeting.

Meetings shall be held at regularly scheduled times or at any time upon the call of the chairperson, but no less than once each quarter (four (4) meetings per year).

All meetings shall be held, and agendas posted, in accordance with the laws of the State of Missouri.

Section 52.110 Conflict of Interest.

Members of the HPC shall be governed by Sections 2.070 and 2.080 of the Code of Webster Groves.

Section 52.120 Action by the Commission.

No action shall be taken by the HPC that could in any manner deprive or restrict the owner of a property in its use, modification, maintenance, disposition, or demolition until such owner shall have had the opportunity to be heard at a public hearing.

The chairperson, and in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

Section 52.130 Records and Minutes.

The HPC shall keep minutes of its proceedings, showing the vote, and shall keep records of its examinations and other official actions, all of which shall be filed as public record.

All HPC rules of procedure, designation criteria, design guidelines and forms shall be available as public record.

Section 52.140 Funding.

The HPC may, with the consent of the City Council, apply for, receive, or expend any federal, state or private grant, grant-in-aid, gift, or bequest, in furtherance of the general purposes of this ordinance.

Section 52.150 Compensation.

The members shall serve without compensation.

Section 52.160 Powers and Duties.

The HPC shall have the following powers and duties:

a. To adopt its own by-laws and procedural regulations for the purpose of conducting meetings, provided that such regulations are consistent with this Chapter, the City Charter and the Missouri Revised Statutes as amended;

b. To conduct an ongoing survey for the identification of historically, archeologically and architecturally significant properties, structures, sites, and areas that exemplify the cultural, social, economic, political or architectural history of the nation, state or City; and to maintain the research information in an inventory accessible to the public;

c. To investigate, and recommend to the City Council the adoption of ordinances designating areas as having special cultural, historic, archeological, community or architectural value as "**landmarks**";

d. To investigate, and recommend to the City Council the adoption of ordinances designating areas as having special cultural, historic, archeological, community or architectural value as "**historic districts**";

e. To keep a register of all properties and structures which have been designated as landmarks or historic districts, including all information required for each designation;

f. To confer recognition upon the owners of landmarks and property or structures within historic districts by means of certificates, plaques, or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;

g. To advise and assist owners of landmarks and property of structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the national register of historic places;

h. To nominate landmarks and historic districts to the historic register of the City of Webster Groves and to the national register of historic places, and to review and comment on any nominations to the national register of historic places;

i. To inform and educate the citizens of the City of Webster Groves concerning the historic, archaeological and architectural heritage of the City through City Council approved expenditures for publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the City, the HPC or other appropriate parties;

j. To hold public hearings and to review each application for removal, demolition, subdivision, boundary adjustment, or a lot split affecting proposed or designated landmarks or structures within historic districts and to issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;

k. To hold public hearings on each proposed nomination of a landmark and of a historic district and on the guidelines developed for each nomination;

l. To request that the Building Commissioner issue stop work orders for any construction, alteration, removal or demolition undertaken without a certificate of appropriateness or to stop work that violates the conditions of a certificate;

m. To review all applications for demolition permits pertaining to structures one hundred (100) years of age or older and within the corporate limits of the City, including those not yet nominated as landmarks and those not yet designated as part of a historic district for the following purposes and for no other purpose: (1) to determine the impact to significant cultural resources, if any; and (2) to advise,

instruct and educate the owner(s) of such structures regarding the options and incentives available to preserve such structures as historic properties. All such interaction with applicants for demolition of structures that are one hundred (100) years old or older shall occur within fifteen (15) business days of the receipt of a copy of the application for a demolition permit by the chair person of the HPC. No City official shall issue a demolition permit until the earlier to occur of: (1) conclusion of all HPC interaction with applicant and/or owner of (2) the expiration of fifteen (15) business days from the receipt by the chair person of the HPC of a copy of the subject application for a demolition permit. (Ord. No. 8652, § 1, 10-8-09)

n. To call upon available City staff members as well as other experts for technical advice;

o. Upon approval of City Council, to retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time;

p. To testify before all boards and commissions, including the City Council, the PZ, the BOA and the ARB, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas;

q. To make recommendations to the City Council concerning budgetary appropriations to further the general purposes of this Chapter; and

r. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this Chapter.

Section 52.170 Surveys and Research.

The HPC shall undertake an ongoing survey and research effort on the City of Webster Groves to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, archaeological, architectural or aesthetic importance, interest or value. As part of the survey, the Historic Preservation Commission (HPC) shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs. The HPC shall systematically identify potential landmarks and historic districts and adopt procedures to nominate them based upon the following criteria:

a. The potential landmarks and historic districts in one identifiable neighborhood or distinct geographical area of the City of Webster Groves;

b. The potential landmarks and historic districts associated with a particular person, event or historical period;

c. The potential landmarks and historic districts in a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman;

d. The potential landmarks and historic districts contain historic and prehistoric archaeological resources with the potential to contribute to the understanding of historic and prehistoric cultures;

e. Such other criteria as may be adopted by the HPC to assure systematic survey and nomination of all potential landmarks and historic districts within the City of Webster Groves.

Section 52.180 Nomination of Landmarks and Historic Districts.

Nominations shall be made to the HPC on a form prepared by it and may be submitted by an owner of record of the nominated property or structure, by motion of the HPC acting as a body, or by motion of the City Council acting as a body. Nominations shall be submitted to the office of the Building Commissioner, who shall, within seven (7) days of receipt, mail a notification of the intent to nominate to the owner of record of the nominated property. Forms and criteria for nomination will be available at the office of the Building Commissioner.

Section 52.190 Criteria for Consideration of Nomination:

The HPC shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area or district meets one or more of the following criteria, based on the criteria for evaluation for the national register of historic places:

a. Its character, interest, or value as a part of the development, heritage, or cultural characteristics of the community, county, state or country;

b. Its overall setting and harmony as a collection of buildings, structures, objects where the overall collection forms a unit;

c. Its potential to be returned to an accurate historic appearance regardless of alterations or insensitive treatment that can be demonstrated to be reversible;

d. Its location as a site of a significant local, county, state or national event;

e. Its identification with a person or persons who significantly contributed to the development of the community, county, state or country;

f. Its embodiment of distinguished characteristics of an architectural type valuable for the study of a period type, method of construction, or use of indigenous materials;

g. Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, county, state or country;

h. Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant;

i. Its embodiment of design elements that make it structurally or architecturally innovative;

j. Its unique location or singular physical characteristic that make it an established or familiar visual feature of the neighborhood, community or City;

k. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations or other commercial structures, with a high level of integrity of architectural significance;

l. Its suitability for preservation or restoration; and

m. Its potential to yield information important to history and prehistory.

Any structure, property or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation and restoration.

Section 52.200 Public Hearing on Landmarks and Historic Districts.

The HPC shall conduct a public hearing on each proposed designation of a landmark or historic district in order to obtain the viewpoints of affected property owners, residents and other interested parties.

Section 52.210 Notification of Property Owners of Proposed Designation.

Notice of a proposed designation shall be hand delivered or sent by first class mail to the owners, as listed in the real estate index of St. Louis County, of property proposed for landmark or historic district designation, describing the property proposed and announcing, at least seven (7) days in advance, a public hearing by the HPC to consider said designation. The notice shall briefly describe the proposed designation and state the time and place of the public hearing.

The notice shall be posted on the bulletin board at the City Hall at least twenty-four (24) hours before the hearing.

The notice shall be posted on the property at least seven (7) days in advance of the hearing.

Section 52.220 Timely Determination.

The HPC shall make a determination with respect to the proposed designation in writing within fifteen (15) days after the initial hearing date and shall forthwith hand deliver or send by first class mail a copy or copies thereof to the owner or owners as listed in the real estate index of St. Louis County, to the City Council, as well as to such other interested parties as may request a copy thereof, setting forth those findings of fact which constitute the basis for its recommendation. The determination shall be in the form of a finding of fact. The following information shall be included in the determination:

a. Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for consideration of nomination (Section 52.190); and

b. Explanation of the integrity or lack of integrity of the nominated landmark or historic district.

In the case of a nominated landmark found to meet the criteria for designation:

c. The significant exterior architectural features of the nominated landmark that should be protected;

d. The types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of this Chapter; and

e. Archaeological significance and recommendations for interpretation and protection.

In the case of a nominated historic district found to meet the criteria for designation:

f. The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;

g. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of this Chapter;

h. The type and significance of historic and prehistoric archeological sites within the nominated historic district;

i. Proposals for the design guidelines of HPC review of certificates of appropriateness within the nominated landmark or historic district;

j. The relationship of the nominated landmark or historic district to the ongoing effort of the HPC to identify and nominate all potential cultural resources that meet the criteria for designation;

k. Recommendations as to appropriate permitted uses, conditional uses, height and area regulations, minimum dwelling size, floor area, sign regulations, lot size and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district, including recommendations for buffer zones to protect and preserve visual integrity; and

l. A map showing the location of the nominated landmark and/or the boundaries of the nominated historic district.

Section 52.230 City Council Approval.

Upon receipt of the recommendations of the HPC, the City Council shall schedule a public hearing. Following the public hearing, the City Council may approve or disapprove the HPC's recommendations which shall not be binding on the City Council. The City Council shall cause notice of the time and place of its public hearing to be published at least two (2) times in a newspaper having a general circulation within the City of Webster Groves. The first publication shall be at least fifteen (15) days prior the day of the hearing. The City Council may provide by ordinance for additional notice of any such hearing to interested persons and citizens of the City. Not withstanding the foregoing, the City Council may disapprove the recommendation of the HPC, without a public hearing, upon compliance with the Missouri Open Meeting Statute, and by an affirmative

vote of not less than five Council members who determine that there is a compelling reason for such disapproval.

Section 52.240 Notification of Designation.

Within fifteen (15) days after approval by the City Council of the ordinance designating property as a landmark or historic district, the City Clerk shall send to the owner, as listed in the real estate index of St. Louis County, of each property within the designated district, by hand delivery or first class mail, a copy of the ordinance and a letter outlining the basis for such designation and the obligations and restrictions which result from such designation. The City Clerk shall send copies of this material to the Department of Public Works and the Building Commissioner.

Section 52.250 Moratorium on Applications for Alteration or Demolition While Designation Pending.

No application for a permit to construct, alter or demolish any structure or other feature on a proposed landmark or in a historic district, filed after the day that notice of a proposed designation has been first given to initiate designation of the said landmark or historic district, shall be approved by the HPC or the Building Commissioner while proceedings are pending on such designation; provided, however, that after one hundred eighty (180) calendar days have elapsed from the date of initiation of said designation, if final action on such designation has not been completed, the permit application may be approved.

If an appeal of a decision is made, the one hundred eighty (180) day moratorium is stayed until the appeal is resolved.

Section 52.260 Support of Listing of Properties on the National Register.

The HPC may support the nomination to the national register of historic places of local landmarks and historic districts that the HPC deems to have contributed to the history, architecture and culture of the City of Webster Groves.

Section 52.270 Certificate of Appropriateness.

Each owner of a building, feature, structure or property that has been designated as a landmark or that is located within a City-designated historic district in Webster Groves, must first obtain a certificate of appropriateness from the HPC, or on appeal from the City Council, before any of the following actions may be taken to a landmark property or building or to a building, feature or structure located in a historic district:

1. Demolition of any part of a building or structure; or

2. Relocation of any part of a building or structure; or

3. Subdivision of any such property; or

4. A lot split of any such property; or

5. A boundary adjustment of any such property.

The HPC may delegate the authority to implement previously approved applications for certificates of appropriateness to the building commissioner for changes not visible for the street frontage, excluding changes to the primary structure or subdivision of a property subject to this section.

In determining whether or not to grant a certificate of appropriateness, the HPC, and the City Council on any appeal, shall consider the following factors, which are not intended to be exclusive or limiting, in arriving at a decision:

1. Whether the subject property can be put to any reasonably beneficial or economic use without relocating or demolishing any party of the subject property;

2. Whether the owner will incur a substantial decrease in the fair market value of the property as a result of the denial of a certificate of appropriateness;

3. Whether the owner will incur a substantial decrease in the pretax or after-tax return to owners of record or other investors in the property as a result of the denial of a certificate of appropriateness;

4. The cost of the proposed relocation or demolition, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a certificate of appropriateness;

5. The structural soundness of any structures on the property and their suitability for rehabilitation;

6. The economic feasibility of rehabilitation or reuse of the existing structure or improvement on the property in the case of a proposed demolition or relocation; and

7. The owner/applicant's purchase of the subject property after the enactment of the relevant provisions of Chapter 52 without making the purchase contingent upon the owner/applicant first obtaining necessary Board and/or Commission approvals under Chapter 52 shall be deemed to be conclusive evidence that the applicant is responsible for his or her own economic hardship, if any; and

8. Evidence of deterioration due to willful neglect of routine maintenance and/or commencement of demolition by intentional or reckless disregard of the City's requirement for a certificate of appropriateness shall create a presumption against the owner and/or applicant that must be overcome by clear and convincing evidence before a certificate of appropriateness may be issued.

The applicant may be required to submit evidence at the hearing to support any of the factors, including those listed above, which the applicant believes to have contributed to the economic hardship that the applicant alleges he or she would suffer if the City does not grant a certificate of appropriateness. Specific information and documentation that

should be presented by the applicant as competent evidence at the hearing shall include, but not be limited to, the following:

1. The amount paid for the property, the date of purchase and the party from whom purchased (including description of the relationship, if any, between the owner and the person from whom the property was purchased);

2. The assed value of the land and improvements thereon according to the two (2) most recent assessments;

3. Real estate taxes for the previous two (2) years;

4. Annual debt service, if any, for the previous two (2) years;

5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;

6. Any listing of the property for sale or rent, price asked and offers received, if any;

7. Any consideration by the owner as to profitable adaptive uses for the property;

8. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow, if any, during the same period;

9. Executed construction agreements or proposals;

10. Reports signed and sealed by a registered professional on the structural integrity of the building or structure upon which work is being proposed;

11. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall provide to the commission a statement of the information which cannot be obtained and describe the reasons why such information cannot be obtained.

The Commission and Council may solicit expert testimony.

An executed copy of the written decision shall be sent to the applicant and property owner and the Director of Planning and Development within five (5) working days after the decision.

(Ord. No. 8652, § 2, 10-8-09)

Section 52.271 Issuance of Certificate of Appropriateness.

The secretary of the interior's "**standards for rehabilitation and guidelines for rehabilitating historic buildings**" shall be the HPC's general guide concerning landmarks and buildings in historic districts. For proposed subdivisions, boundary adjustments, and lot splits, the HPC shall consider how the existing primary structure on the lot, subject to division or lot adjustment, as well as the immediately adjacent lots in the case of historic districts, will be affected by the reduction in surrounding open space.

Section 52.272 Variety of Styles in New Construction.

The ARB shall consider the following in passing upon the appropriateness of architectural features on new buildings: the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, placement and use of a new building or structure in relationship to existing buildings and structures and to the setting thereof.

Section 52.273 Submission of Plans to the HPC.

An applicant for a certificate of appropriateness must submit proposed plans to the HPC in sufficient detail for the HPC to have full knowledge of the requested demolition, moved structure, subdivision, boundary adjustment, or lot split, particularly as to how the proposed actions will affect the appearance, materials and architectural design of the landmark, or the buildings, structure or land within a historic district.

Section 52.274 Public Hearings on Applications for Certificates of Appropriateness.

The HPC shall schedule a public hearing to consider an application for a certificate of appropriateness within fifteen (15) days of receipt of the application and supporting documents from the Building Commissioner. A notice which states that an application is pending and also states the date of the HPC hearing at which such application will be considered shall be mailed to the applicant by first class mail and posted conspicuously on the property at least seven (7) days in advance of the hearing. In addition, notice of the applications to be considered at the HPC meeting will be posted, twenty-four (24) hours before of the hearing, on the bulletin board at City Hall.

At the HPC hearing at which his/her application is considered, an applicant shall have the opportunity to examine any witnesses who may testify at the hearing. In addition, the applicant shall have the opportunity to discuss the application with the members of the HPC.

Section 52.275 Acceptable HPC Actions.

The HPC may approve, deny or approve in amended form the proposed plan subject to the acceptance of the amendment by the applicant. If an applicant chooses not to accept a proposed amendment, the application is considered denied.

Section 52.276 Report on Determination.

A written report of action taken or determination by the HPC shall be forwarded to the applicant, the City Council, the PZ and the Department of Public Works not later than forty-five (45) days after receipt of the application by the HPC. The report must state reasons why an application is denied or amended. If action is not taken within forty-five (45) days after receipt of the application, the application shall be deemed approved.

Section 52.277 Conformance to Certificate of Appropriateness.

All work performed pursuant to the issuance of certificate of appropriateness shall conform to the requirements of such certificate. It shall be the duty of the Building Commissioner to inspect from time to time any work performed pursuant to such certificate to assure such compliance. In the event work is performed not in accordance with such certificate, the building commissioner or his/her designated representative shall issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such project as long as such stop work order shall continue in effect.

Section 52.278 Intentionally Left Unused.

Section 52.279 Intentionally Left Unused.

Section 52.280 Applications for Alterations or New Construction Involving Historic Districts, Landmarks or Structures.

The HPC shall be notified of any additions or alterations involving the outward appearance of buildings. Notification shall be by forwarding a copy of the ARB agenda to the members of the HPC.

Section 52.290 Sign Applications.

Applications for sign permits involving landmarks or historic districts are reviewed under the standard procedures of the sign ordinance administered by the ARB. The HPC may make recommendations to the ARB concerning conformance of a sign with the character of a landmark or historic district. The HPC may review sign applications for a certificate of appropriateness only if the sign is on a structure in a historic district whose written standards are more strict concerning signs than those of the sign ordinance.

Cross-reference – comprehensive sign ordinance, Section 54.020, et seq.

Section 52.300 Development Plans.

The HPC may review development plans involving landmarks or historic districts and forward recommendations to the PZ. Development plans adopted by the City Council concerning landmarks or historic districts shall be amendments to the ordinance establishing individual landmarks or historic districts.

Section 52.310 Ordinary Maintenance Exclusion.

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior element of any building or structure.

Section 52.320 Public Safety Exclusion.

This Chapter shall not be construed to prevent the construction, reconstruction, alteration or demolition of any such elements that the authorized municipal officers shall certify as required by public safety.

Section 52.330 Review of Applications for Zoning Amendments, Conditional Use Permits and Variances.

Applications for zoning amendments, conditional use permits or variances for a landmark or structures within a historic district may be referred to the HPC by the Director of Planning and Development or that Director's designate prior to the date of the public hearing set by the PZ or the BOA. The HPC may review these applications using any format which it deems appropriate provided, however that the applicant shall be notified of the time and place of such review and shall be given the opportunity to appear and be heard. Within fifteen (15) days after receipt of said application or at the next regularly scheduled meeting, the HPC shall forward its comments to the Director of Planning and Development for presentation to the PZ for its consideration in reviewing the application.

Section 52.340 Appeal Provision.

Any person aggrieved by a decision of the HPC, the City or any proper person acting on behalf of the City may, within thirty (30) days thereafter, apply to the City Council for review of the decision. Written requests for City Council review of a decision shall be filed with the City Manager. The City Council shall review appeals within sixty (60) days of the written request for review of the decision. The City Council may, after a public hearing as provided for in Section 52.230, reverse or modify the decision of the HPC, but only if it finds that:

a. Every reasonable effort has been made by the applicant to agree to the requirements of the HPC, or

b. Owing to special conditions pertaining to the specific piece of property, denial of the certificate of appropriateness will cause undue and unnecessary hardship.

c. Such reversal or modification is in the public interest.

Appeals from decisions of the City Council will be as provided by state law.

Section 52.350 Enforcement.

The Building Commissioner shall give written notification of any violation of this ordinance to the owner or lessor of or the trustee or other legally responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this Chapter. The notification shall contain a description or

explanation of the violation(s). The property owner, trustee, lessor or legally responsible party shall have thirty (30) days in which to correct such violation or to give satisfactory evidence that steps have been taken that will lead to correcting such violation within a stated period of time. The time shall be agreeable to the department of planning and development as being fair and reasonable. If after the thirty (30) day period an agreement is not reached, the City or any proper person may institute an appropriate action or proceeding to prevent or correct such unlawful action. The imposition of any penalty hereunder shall not preclude the City or any proper person from instituting any proper action or proceeding to require compliance with the provisions of this Chapter and with the administrative orders and determination made hereunder.

Section 52.360 Fees and Penalties.

The owner of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist or the owner, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than 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 such fine and imprisonment in the discretion of the court.

Section 52.370 Validity.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

CHAPTER 53. ZONING[3]

ARTICLE I: General Provisions

Section 53.010. Short Title.

This Chapter shall be known, referred to and recited as the Zoning Code of the City of Webster Groves.

Section 53.020. Definitions.

For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; and the word "shall" is mandatory and not directory. The definitions follow in alphabetical order:

"**Accessory Buildings**" shall mean a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises.

"Accessory equipment" shall mean any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

"**Accessory Use**" shall mean a use permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use when such accessory use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use.

"**Adult Day Care Center**" shall mean an Adult Day Care program providing care to more than eight (8) functionally impaired adults.

"**Adult Day Care Home**" shall mean in residential and commercial zoning districts, a building or dwelling maintained (the "premises") by a person who provides or attempts to provide an Adult Day Care program, providing care to eight (8) or fewer functionally impaired adults; additionally, in residential districts, the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Adult Day Care Home premises as his or her permanent residence and shall physically occupy the premises at all times that a premises is used to provide an Adult Day Care program. Furthermore, at no time shall any such program in a residential district provide medical care, therapy, or other services which require the presence on site of an additional care provider or specialist, even if the state license allows the provision of such services.

"**Adult Day Care Program**" shall mean a group program, licensed by the State of Missouri Department of Social Services-Division of Aging, designed to provide care and

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3 Ordinance 5906, as amended, the Zoning Ordinance of the City of Webster Groves is incorporated in this Code as Chapter 53.

supervision to meet the needs of functionally impaired adults for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult's own home.

"**Accessory Utility Facility**" shall mean such facilities, including pedestals, boxes, vaults, cabinets, or other ground-mounted or below-ground facilities that directly serve the property or local area in which the facility is placed, are not primarily for transmission or distribution to other locations, do not materially alter the character of the neighborhood or area, and otherwise are customarily found in such areas. Unless otherwise required by law, accessory utility facilities shall not include fire hydrants, street lighting facilities, traffic signals, mail depositories or other approved facilities owned by the City, state, or federal government.

"**Alley**" shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

"Ancillary use" shall mean a use which is to serve the occupants and patrons of the principal permitted uses within the building. No separate access from the exterior building shall be permitted with respect to this use.

"**Antenna**" shall mean communications equipment that transmits or receives electromagnetic radio signals used in the provisions of any type of wireless communications services, excluding amateur antennas.

"**Apartment**" shall mean a room or suite of rooms in a two-family or multiple dwelling, or where more than one living unit is established above non-residential uses, used, intended or designed for use as a residence by a single family including bath and culinary accommodations.

"Applicant" shall mean any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application.

"Application" shall mean a request submitted by an applicant to the City to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure.

"**Appurtenance**" shall mean an antenna or other piece of related equipment affixed to a transmission tower, building, silo, smokestack, light or utility pole, or an alternative support structure.

"**Banquet Facility**" shall mean a facility for hire, providing food service and /or entertainment.

"**Basement**" shall mean a story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulation, if subdivided, and used for dwelling purposes other than by a janitor employed on the premises.

"**Bed and Breakfast Facility**" shall mean a single family residence, a portion of which may be used for temporary guest accommodations upon its owner being granted a conditional use permit under the provisions of Section 53.170 et seq. and a business license as provided in the Code.

"**Boarding House**" shall mean a building other than a hotel, where for compensation pursuant to previous arrangement, meals, or lodging and meals, are provided for three (3) or more persons.

"Body Piercing" shall mean any method of piercing the skin or mucosa, other than the ear, in order to place an object including but not limited to rings, studs, bars or other forms of jewelry through the skin or mucosa.

"**Building**" shall mean any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property.

"**Building, Height Of**" shall mean the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

"Building permit" shall mean a permit issued by the City prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant satisfies the applicable building code.

"**Cellar**" shall mean a story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

"**Child Day Care**" shall mean the care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Child Day Care is a voluntary supplement to parent responsibility for the child's protection, development, and supervision. Child Day Care may be given in a Child Day Care Home or a Child Day Care Center.

"**Child Day Care Center**" is a facility other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children for any part of the twenty-four (24) hour day.

"**Child Day Care Facility**" is a Child Day Care Home or a Child Day Care Center, whether known or incorporated under another title or name.

"**Child Day Care Home**" or "**Child Day Nursery**" shall mean in residential and commercial zoning districts, a building or dwelling maintained (the "premises") by a person who provides or attempts to provide care for more than four (4) but not more than ten (10) children, who are not related to the Day Care provider, at any one time during the daytime for compensation or otherwise; additionally, in residential districts, the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Day Care Home premises as his or her permanent residence and shall physically

occupy the premises at all times that a premises is used to provide any day care service for unrelated children.

"Collocation" shall mean the placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

"**Convenience store (with gasoline)**" shall mean a small store or shop (minimum 1,000 sq ft) that typically has long hours and sells a mix of items such as candy, ice-cream, soft drinks, lottery tickets, cigarettes and other tobacco products, newspapers and magazines, along with a selection of processed food and perhaps some groceries as well as gasoline for use in motor vehicles, but which is neither as large nor sells the broad scope of items commonly sold by grocery stores.

"**Convenience store (without gasoline)**" shall mean a small store or shop (minimum 1,000 sq ft) that typically has long hours and sells a mix of items, excluding gasoline, such as candy, ice-cream, soft drinks, lottery tickets, cigarettes and other tobacco products, newspapers and magazines, along with a selection of processed food and perhaps some groceries, but which is neither as large nor sells the broad scope of items commonly sold by grocery stores.

"Director" shall mean the Director of Planning and Development of the City of Webster Groves, Missouri, or his/her designee.

"Disguised Support Structure" shall mean any freestanding, manmade structure designed for the support of wireless facilities, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include but are not limited to clock towers, campaniles, observation towers, pylon sign structures, water towers, artificial trees, flag poles and light standards.

"**District**" shall mean a section or sections of the City of Webster Groves for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

"**Dwelling**" shall mean any building or portion thereof which is designed for or used exclusively for residential purposes.

"**Dwelling, One-Family**" shall mean a detached building designed for or occupied exclusively by one family.

"**Dwelling, One-Family Attached**" shall mean two (2) or more one-family dwellings sharing common wall areas, each on its own individual lot.

"**Dwelling, Two-Family**" shall mean a detached or semi-detached building designed for or occupied exclusively by two families living independently of each other.

"**Dwelling, Multiple**" shall mean a building or portion thereof used or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartments and apartment hotels.

"Educational Facility, Colleges and Universities" shall mean an institution other than a trade school that provides full-time or part-time education beyond high school.

"Educational Facility, Elementary or Secondary" shall mean Public Schools, elementary and high, or private schools having a curriculum equivalent to a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.

"Electrical transmission tower" shall mean an electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

"Equipment compound" shall mean an area surrounding or near a wireless support structure within which are located wireless facilities.

"Existing structure" shall mean a structure that exists at the time a request to place wireless facilities on a structure is filed with an authority. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with applicable building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.

"FAA" shall mean the Federal Aviation Administration.

"**Family**" shall mean one or more persons occupying a dwelling and living as a single housekeeping unit, all of whom, or all but two of whom, are related to each other by birth, adoption, or marriage, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

"FCC" shall mean the Federal Communications Commission.

"**Fence**" shall mean a barrier made of posts, wire, boards or other permanent, durable material, erected to mark a boundary or to serve as a means of protection or privacy and, constructed in conformance with the building code of the City of Webster Groves.

"**Filling Station**" *See* "**Service Station**".

"**Floor Area**" shall mean the horizontal area of a floor of a building measured from the interior face of the exterior walls of building, without deduction for hallways, closets, thickness of walls, columns or other features. For the purposes of computing floor area for half story, any portion of the floor area measuring less than five (5) feet from the finished floor to the finished ceiling shall not be included in the computation of floor area.

"**Floor Area, Adjusted Gross**" shall mean the gross floor area of a structure, as defined herein, adjusted as follows:

a. All living space with ceiling heights of sixteen (16) feet or greater shall be counted at two hundred percent (200%).

b. Basements and cellars as defined herein, including garages located below the first floor of a single-family home, shall not be counted.

c. The floor area of all other attached garages shall be counted at fifty percent (50%).

"**Floor Area, Gross**" shall mean the sum of the floor areas for all stories of a building as defined herein.

"**Floor Area Ratio (FAR)**" shall mean the ratio of the adjusted gross floor area of a primary structure to the total area of the site.

"**Frontage**"

a. "**Street Frontage**" shall mean all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

b. "**Lot Frontage**" shall mean the distance for which the front boundary of a lot and the street line coincide.

"**Functionally Impaired Adult**" shall mean an individual aged eighteen (18) or older who, by reason of age or infirmity, requires care and supervision.

"**Garage, Private**" shall mean an accessory building housing motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one (1) of the vehicles may be a commercial vehicle of not more than one and one-half (1 1/2) tons capacity.

"**Garage, Public**" shall mean any building or premises used for equipping, repairing, hiring, selling or storing motor driven vehicles.

"**Golf Course**" shall mean an area or course for playing golf, consisting of at least nine (9) holes, except miniature golf, within which the playing area, including any practice driving range area, is not artificially illuminated.

"**Grade**"

a. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

b. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

"Height" shall mean the vertical distance measured from the base of a structure at ground level to its highest point, including the main structure and all attachments thereto.

"**Home Occupation**" shall mean any occupation, business, profession, or commercial activity carried on by a member of the immediate family, residing on the premises, in connection with which there is kept no stock in trade; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except that which is normally used for purely domestic or household purposes; and in connection with which there is no display or activity whatever that will indicate from the exterior that any building in a residential zone is being used, in any manner, for any purpose other than that of a dwelling, except that the indoor tutoring of up to two students at a time is a permissible home occupation; and upon which premises no commercial vehicle shall be parked or stored except within a closed garage, and in compliance with the applicable zoning District.

"**Household**" or "**Householder**" shall mean a person or persons who lives or live in a single-family residence, one-half of a two-family residence or in an apartment, condominium or townhouse.

"**Hotel**" shall mean a building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.

"**Institution**" shall mean a building occupied by a non profit corporation or a non profit establishment for public use.

"**Loading Space**" shall mean a space within the main building or on the same lot providing for the standing, loading or unloading of trucks and having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of fourteen (14) feet.

"**Lodging House**" shall mean a building or place where lodging is provided (or which is equipped to provide lodging) by prearrangement for a definite period, and for compensation, for more than three (3) persons, but for not more than twenty (20) persons, in contradistinction to hotels open to transients.

"**Lot**" shall mean a parcel of land occupied or intended for occupancy by a use permitted in this Code, including one (1) main building together with its accessory buildings, or uses, the open spaces and parking spaces required by this Code, and having its principal frontage upon a street.

"**Lot, Corner**" shall mean a lot abutting upon two (2) or more streets at their intersection.

"**Lot, Depth Of**" shall mean the mean horizontal distance between the front and rear lot lines.

"**Lot, Double Frontage**" shall mean an interior lot having frontage on two (2) streets.

"**Lot, Reversed Corner**" shall mean a lot having its real lot line abutting the side lot line of another lot.

"**Lot of Record**" shall mean a lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds prior to April 26, 1937.

"**Lot Lines**" shall mean the lines bounding a lot as defined herein.

"**Major Thoroughfare**" shall mean a street or highway being a part of the system of principal streets shown upon the Major Street plan of The City of Webster Groves.

"**Maneuvering Space**" shall mean the unobstructed area needed for a truck to back in a single movement directly from the access street into a loading space, the depth of which is measured perpendicular to and from the front of the loading space to the curb side of the most remote traffic lane in the access street.

"**Nonconforming Use**" shall mean any building or land lawfully occupied by a use at the time of Passage of Ordinance 5906 or amendment thereto, which does not conform after the passage of Ordinance 5906 or amendment thereto with the use regulations of the district in which it is situated, provided that types of uses contained in Section 53.170 et seq. of this Code existing at the time of the passage of Ordinance 5906 shall be considered as nonconforming until such time as a permit under Section 53.170 et seq. has been issued.

"**Nursery School**" shall mean a school operated by a person or organization which is conducted primarily for education of preschool-age children for no more than four (4) hours per child per day and which provides no custodial care.

"**Parking Space**" shall mean an area surfaced with concrete, bituminous or similar materials, comprising not less than one hundred eighty (180) square feet, exclusive of a durably surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.

"Pawn Shop" shall mean an establishment engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.

"**Planned Environment Unit Lot**" shall mean a parcel of land utilized for a Planned Environment Unit, utilized, occupied or intended for any occupancy or use permitted in this Zoning Code including the use of one or more main buildings together with accessory buildings, or uses, and the open spaces and parking spaces required by this Zoning Code.

"**Recyclables**" shall mean all plastic containers and Styrofoam material from households; aluminum containers and material; clear, green and brown/amber glass containers; steel containers used in a household; newsprint and paper from households; fiberboard and corrugated cardboard from households; non-leaking batteries and tires from households; white goods from the households, such as washers, dryers, stoves, ranges, trash compactors, and water heaters.

"**Recycling Facility**" shall mean any building or premises operated primarily for the benefit of the general public which accepts some or all of the materials defined herein as recyclables.

"Replacement" shall mean includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the preexisting wireless facilities or wireless support structure.

"**Rooming House**" *See* "**Lodging House**".

"**Service Station**" shall mean any building or premises used primarily for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage

"**Set Back**" shall mean the minimum horizontal distance between the front line of a building including steps and unenclosed porches and the center line of the street.

"**Sexually Oriented Business**" shall mean an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, escort agency, semi-nude model studio, or sexual encounter center, as defined in Chapter 41 of the City Code, Licensing and Regulation of Particular Businesses.

"**Shopping Centers**" shall mean a group of retail stores, planned and developed for the site upon which they are built and owned or managed as a unit and designated as such by filing in the office of the City Clerk a declaration showing the legal boundaries of such center and listing the name and address of the owner and manager thereof, provided, however, that the site may not be less than five (5) acres.

"**Shopping District**" shall mean a retail center consisting of twenty (20) or more retail stores, being either under single management or in an association, having common identity as to location and designated as such by filing with the City Clerk a declaration signed by such manager of the association showing the boundaries of the district and listing the name and address of the members of the association and the manager thereof.

"**Signs**" *See* Comprehensive Sign Ordinance and Building Code requirements, classification, regulation and size.

"Small Loan Businesses" Establishments which (a) engage in the business of providing money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck or car title, or (b) are registered as lenders under state or federal law. The classification does not include a state or federally chartered bank, savings association, credit union, or industrial land company. Further, this classification does not include establishments selling consumer goods, including consumables, where the cashing of checks or money orders is incidental to the main purpose of the business. This classification does include, but is not limited to check cashing stores, payday loan stores, and car title loan stores.

"Standard Outdoor Advertising Structures" shall mean All signs which advertise products, services or businesses which are not located on the same premises as the

sign, including billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground.

"**Storage Area**" shall mean all areas within a building used for the storage of goods or materials that are not open to the public, but not including work areas, office space, or the temporary storage of customers' goods.

"**Story**" shall mean that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

"**Story, Half**" shall mean a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level. A half story may be used for occupancy only in conjunction with and by the occupants of the floor immediately below. For purposes of determining the aforementioned space under a sloping roof, for gambrel, mansard, and similar roof styles, the break line of the roof shall not be more than three (3) feet above the top floor level.

"**Street**" shall mean all property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to public or private easement therefor.

"**Street Line**" shall mean a dividing line between a lot, tract or parcel of land and a contiguous street.

"**Structure**" shall mean anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, bill boards, back stops for tennis courts and pergolas.

"**Structural Alterations**" shall mean any change in the supporting, members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls, excepting such alterations as may be required for the safety or appearance of the building.

"Substantial modification" shall mean the mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed.

a. Increases the existing vertical height of the structure by:

1. More than ten percent; or

2. The height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or

b. Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather

or to connect the antenna to the tower via cable);

c. Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or

d. Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty square feet.

"Tattooing" shall mean any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or colors, by the aid of needles or instruments.

"Tattoo or Body Piercing Establishments" shall mean any establishment or facility, other than the office of a licensed medical doctor, where the art of tattooing or body piercing is performed.

"**Trailer**" shall mean any vehicle or container without motive power designed for carrying, disposal, or storage of property or for carrying passengers on its own structure and for being drawn by or attached to a self propelled vehicle; and any semi trailer or vehicle of the trailer type so designed and used in conjunction with a self propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle; and any vehicle, whether moving under its own power or attached to and drawn by another motor vehicle, designed and constructed to permit occupancy for use as a temporary or permanent camping, dwelling or sleeping quarter for one or more persons.

"Utility" shall mean any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services.

"Utility pole" shall mean a structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

"**Wireless Communications Service**" shall mean to include the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the communications Act of 1934, 47 U.S.C.§ 301

"**Wireless Facility**" shall mean the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services.

"**Wireless Support Structure**" shall mean a structure, such as a monopole, tower or building capable of supporting wireless facilities. This definition does not include utility poles.

"**Yard**" shall mean an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

"**Yard, Front**" shall mean a yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projection of the usual steps, entrance-way, unenclosed balconies, or open porch.

"**Yard, Rear**" shall mean a yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or, unclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lots has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

"**Yard, Side**" shall mean a yard between the main building and the side line of the lot, and extending from the front lot line to the rear line.

ARTICLE II: Establishment of Districts

Section 53.030. Districts.

In order to regulate and restrict the location of trades, industries and residences and the location of buildings erected, or altered for specified uses, and to regulate and limit the height of buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of population, the City of Webster Groves is hereby divided into districts of which there shall be twelve (12), known as:

"**A1**" Twenty Thousand Square Foot Residence District

"**A2**" Fifteen Thousand Square Foot Residence District

"**A3**" Ten Thousand Square Foot Residence District

"**A4**" Seventy five Hundred Square Foot Residence District

"**B1**" Planned Multiple Family Residence District

"**B2**" Multiple Family and Commercial District

"**C**" Commercial District

"**C1**" Commercial District

"**PC**" Planned Commercial District

"**D**" Commercial District

"**E**" Industrial District

"**MEC**" Major Educational Campus District

Section 53.031. District Map.

The boundaries of the districts are shown upon the map which is made a part of this Code, which map is designated as the "District Map." The district map and all the notations, references and other information shown thereon are a part of this Code and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which district map is properly attested and is on file with the City Clerk of the City of Webster Groves, Missouri. The District map shall be considered as automatically amended each time there is any change of zoning and such change in zoning shall be considered as appearing on the district map from and after any such change.

Section 53.032. Annexation.

All territory which may hereafter be annexed to the City of Webster Groves, Missouri, shall be considered as being in the "A3" Ten Thousand Square Foot Residence District until otherwise changed by ordinance.

Section 53.033. Vacation of Street, Alley, Public Way.

Whenever any street, alley or other public way is vacated by official action of the City Council of the City of Webster Groves, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.

Section 53.034. General Requirements in all Districts.

Except as hereinafter provided:

a. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the land is located.

b. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the land is located.

c. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area, parking and loading regulations of the district in which the land is located.

d. The minimum yards and other open spaces, including lot area per family, required by this Zoning Code for each and every building existing at the time of passage of Ordinance 5906 or for any building thereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced below the district requirements of this Zoning Code.

e. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Zoning Code.

ARTICLE III: Residential Districts

Section 53.040 "A1" Twenty Thousand Square Foot Residence District Regulations.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the "A1" Twenty Thousand Square Foot Residence District.

Section 53.041. "A1" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses.

a. Single-family dwellings.

b. Parks, playgrounds, and community buildings owned, or operated by a public agency.

c. Public libraries.

d. Educational facility, elementary or secondary

e. Golf Courses, except miniature courses and driving tees.

Conditional Uses. The following uses are permitted under requirements specified in Section 53.170. et seq.

a. Any public building erected and used by any department of the City, County, State or Federal Government.

b. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.045 for development standards for this use.)

c. Cemetery.

d. Churches.

e. Educational facility, colleges and universities. (*See section 53.045 for development standards for this use.)

f. Community building or recreation field.

g. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.

h. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

i. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.

j. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See Section 53.046 for development standards for this use.)

k. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.

l. Accessory Use parking areas. (*See Section 53.047 for development standards for this use.)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

b. Residential structures and garages (*See Section 53.048 for development standards for this use.)

Section 53.042. "A1" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.043. "A1" Dimensional Regulations.

a. **Height**

1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.

2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.

3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.

4. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional

building height above the height limit otherwise provided in the district in which the building is located.

b. **Front Yard.**

1. There shall be a front yard having a depth of not less than thirty (30) feet except as provided in the Alternate Front Yard below.

2. Where lots have a double frontage, the required front yard shall be provided on both streets.

3. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet. No accessory building shall project beyond the front yard line on either street.

4. A dwelling that existed as of the date of this amendment may be enlarged, provided the proposed addition does not extend into any required front yard(s) a distance greater than the original dwelling structure.

5. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.

c. **Alternate Front Yard.** When, on or after September 20, 1956, forty percent (40%) or more of a street frontage including the lot or lots in issue, on the same side of the street in the same block, we occupied by two or more buildings, then the minimum depth of the front yard hereto fore established shall be adjusted in the following manner:

1. When the building farthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such street frontage shall be the minimum depth of front yard for new buildings in such block, except as set forth in subsection h. below.

2. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, then the depth of the front yard for that vacant lot shall be the average of the depth from the street line to the closest front corners of these two adjacent buildings, except as set forth in subsection h. below.

3. When neither paragraphs (1.) or (2.) is the case and a vacant lot is within one hundred (100) feet of an existing building on one side only, then the depth of the front yard is the same for that vacant lot as that of the existing adjacent building, except as set forth in subsection h. (Uses allowed by Conditional Use Permit) below.

4. For lots or tracts with existing primary structures, paragraph (2.) or (3.) shall apply to building additions.

d. **Side Yard.** There shall be a side yard on each side of the building having a width of not less than twelve (12) feet except as provided in the Alternate Side Yard below for lots having existing structures upon them as of the date of adoption of this paragraph.

e. **Alternate Side Yard.** Residential structures existing as of the date of this amendment which are closer to the side property line than otherwise allowed in the single-family residential district in which they are situated may be enlarged, provided any addition is no closer to the side property line than the following:

1. Twelve (12%) percent of lot width at the front building line; and

2. Notwithstanding the foregoing, no person may place an addition closer to any side property line than would have been permitted before the effective date of the enactment of this subsection.

f. **Rear Yard.** Except as hereinafter provided in Section 53.170 et seq., there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot provided such rear yard need not exceed forty (40) feet but it shall not be less than thirty (30) feet.

g. **Intensity of Use.** Every lot or tract of land shall have an area of not less than twenty thousand (20,000) square feet, a width at the front yard setback line of not less than one hundred (100) feet, and an average width of not less than one hundred (100) feet, except that if a lot or tract of record has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of Ordinance 5906, such lot or tract of land may be used for a single family dwelling. Provided, however, that any lot of record of less area or width than herein required which does not fall within the exception hereinabove provided in this paragraph, but which conforms in both area and width with at least seventy-five percent (75%) of all the lots, including the lot or lots in issue, on both sides of the street in the same block, may be used for a single family dwelling. In determining the, applicability of this exception, the following rules shall govern the calculation of the area, width and number of lots:

1. All contiguous lots or portions of lots under the same ownership shall be deemed one lot and contiguous lots or portions thereof held by any combination of husband and/or wife shall be deemed the same ownership.

2. Where the distance between street crossings or street intersections is greater on one side of a street than on the other side, the distance on the short side shall be deemed a block.

h. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in Section 53.170. et seq.

i. **Lot Coverage.**

1. A maximum Floor Area Ratio (FAR) of thirty-five percent (35%) is permitted. Notwithstanding, primary structures with an adjusted gross floor area up to two thousand eight hundred (2,800) square feet are permitted for any buildable lot up to seven thousand four hundred ninety-nine (7,499) square feet in size, and three thousand (3,000) square feet for any buildable lot at least seven thousand five hundred (7,500) square feet in size, provided all other height and area regulations are met without variance.

2. Total ground area covered by all buildings, including accessory buildings, shall not exceed forty percent (40%) of the lot size.

3. The Architectural Review Board (ARB) may approve construction of a new detached single-family dwelling, or addition to an existing detached single-family dwelling resulting in a floor area ratio (FAR) of up to forty percent (40%) if the ARB concludes that the construction will not result in a dwelling with excessive and unreasonable dissimilarity or inappropriateness in relation to any other single-family dwelling existing or for which a permit has been issued, facing upon the same street and within two hundred fifty (250) feet of the proposed site in respect to one or more of the following features:

   A. Gross Floor Area

   B. Height of building or height of roof

   C. Front elevation building width or percentage of lot width occupied by the building

   D. Other significant design features such as roof lines, massing, elevation articulation, and material or quality of architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt an adverse affect on the stability and value of surrounding property, and that finding is not based on personal preferences as to taste or choice of architectural style

j. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

k. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

l. **Open Space**

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.044. Development Standards for Bed and Breakfast Facilities

Bed and Breakfast facilities, shall be permitted upon meeting the conditions below, and upon compliance with the provisions of Section 53.170. et seq. and the issuance of a business license as provided in the Code. In making their determination whether or not approval of the application will have a detrimental effect upon the character of the neighborhood, the Plan Commission and City Council shall specifically consider the proximity of other Bed and Breakfast facilities to the applicant's proposed location and the detrimental effect two or more such facilities in close proximity to each other could have upon the residential character of the neighborhood. To protect these residential districts, the conditional use permit shall be revocable upon failure to abide by the conditions of the permit.

a. No less than fifty percent (50%) of the habitable space of the residence shall be for the exclusive use of the resident owner.

b. The owner of the residence to whom an occupancy permit has been issued shall maintain the B&B facility as his permanent residence and shall reside on the premises at all times that a B&B guest is registered.

c. The maximum number of guests at any one time may not exceed eight (8) but in no event may be residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.

d. A B&B facility may not permit a guest to remain longer than fourteen (14) consecutive days, nor may it permit the same guest to reside within the facility more than a total of thirty (30) days per calendar year.

e. The B&B facility shall provide off street parking in the rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/manager. While the ratios may be adjusted at the time the conditional use is issued, the B&B facility must comply with the design and performance standards found in Section 53.170 et seq., particularly as they relate to parking.

f. The B&B facility may provide meals only to its guests and under no circumstances to members of the general public. No food storage or preparation capabilities shall be provided in the guest rooms.

g. The B&B facility shall appear at all times as a single family residence and no identification signage of any kind shall be permitted on the premises.

h. The B&B facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code, and shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.

i. A Bed and Breakfast may place one, and only one, identification sign on its premises so long as it meets the following conditions:

1. The sign area shall not exceed three (3) square feet;

2. If illuminated, the light source must be external and provided by a light no greater in intensity than provided by one standard 50-watt electric light bulb;

3. The top of the sign may be no more than three (3) feet above grade, except if attached to the front of the Bed and Breakfast;

4. The sign must be designed and constructed of materials consistent with the design and materials of the house;

5. The owner of the Bed and Breakfast must obtain a permit in accordance with the provisions of Section 54.040 of the Code, as amended; and

6. The definitions contained in Chapter 54 of the Code as amended, shall govern all applications for a Bed and Breakfast identification sign.

Section 53.045. Development Standards for Educational Facilities, Colleges and Universities; Hospitals; Clinics and Institutions

a. Educational Facilities, Colleges and Universities

1. Reserved

b. Hospitals, Clinics and Institutions

1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;

2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;

3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and

4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.046. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located.

b. No new adult or child day care home or center shall be established within a residential district if it is within one thousand two hundred (1,200) feet of an existing child or adult day care home or center that is also located within a residential district.

c. No signage is permitted for property within a residential district.

d. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

e. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. for property within a residential district.

Section 53.047. Development Standards for Accessory Parking Lots

a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area

in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.

b. Permit no parking within six (6) feet of the rear or side lot line(s);

c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;

d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;

e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and

f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.048. Development Standards for Accessory Structures

a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.

c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.

d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.

e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.

f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an “accessory use,” as defined in Section 53.020, shall be subject to all the provisions of Section 53.047

g. One detached Private Garage with a ground floor area of up to forty percent (40%) of the gross floor area of the primary structure is allowed. Notwithstanding the size of the primary structure, the ground floor area of a garage may be up to four hundred eighty (480) square feet, but shall not exceed nine hundred sixty (960) square feet. The height of a private garage to its ridge line may not be greater than the ridge line of the primary structure or one and one-half (1 1/2) stories, whichever is less. The floor area of any half story may not exceed fifty percent (50%) of the private garage ground floor area. One Private Garage attached to, and part of, the primary structure, not exceeding one thousand (1,000) square feet as measured by interior dimensions, is allowed subject to all building and setback requirements of the primary structure.

h. In addition to one detached private garage, one additional detached accessory building may be built in the rear yard with a ground floor area of up to twelve percent (12%) of the gross floor area of the primary structure. Notwithstanding the size of the primary structure, the ground floor area of such an accessory building may be up to one hundred forty-four (144) square feet, but shall not exceed two hundred eighty-eight (288) square feet. The height of the accessory building to its ridge line may not be greater than the ridge line of the primary structure or one (1) story, whichever is less.

i. The total gross floor area of all detached accessory buildings shall not exceed one thousand (1,000) gross square feet, and the total ground square footage of all accessory structures shall not exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller. In determining “rear yard area” for the accessory buildings, the area shall be the yard that falls between the side yard lot lines between the rear of the primary structure and the rear yard lot line.

j. Any detached accessory building with a gross floor area exceeding six hundred seventy-two (672) square feet or with a building height, as defined in Section 53.020 of the Zoning Code, exceeding twelve (12) feet shall comply with the minimum side yard setback requirements of the district as applied to the primary structure.

k. No accessory building in excess of one hundred forty-four (144) square feet may have metal exterior walls, with the exception of siding that matches that of the primary structure.

l. Lots exceeding an average width of one hundred (100) feet may be granted an additional twenty-five percent (25%) increase to what is otherwise allowed herein, but in no case shall the total ground square footage of all accessory structures exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller.

m. All metered utility services for any accessory building shall be provided from the primary structure and shall not be separately metered.

n. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.049. Reserved

Section 53.050. "A2" Fifteen Thousand Square Foot Residence District Regulations.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the "A2" Fifteen Thousand Square Foot Residence District.

Section 53.051. "A2" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses.

a. Single-family dwellings.

b. Parks, playgrounds, and community buildings owned, or operated by a public agency.

c. Public libraries.

d. Educational facility, elementary or secondary

e. Golf Courses, except miniature courses and driving tees.

Conditional Uses. The following uses are permitted under requirements specified in Section 53.170. et seq.

a. Any public building erected and used by any department of the City, County, State or Federal Government.

b. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.055 for development standards for this use.)

c. Cemetery.

d. Churches.

e. Educational facility, colleges and universities. (*See section 53.055 for development standards for this use.)

f. Community building or recreation field.

g. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.

h. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

i. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.

j. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See section 53.056 for development standards for this use.)

k. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.

l. Accessory Use parking areas. (*See Section 53.057 for development standards for this use.)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

b. Residential structures and garages (*See Section 53.058 for development standards for this use.)

Section 53.052. "A2" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.053. "A2" Dimensional Regulations.

a. **Height**

1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.

2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.

3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.

4. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

b. **Front Yard.**

1. There shall be a front yard having a depth of not less than thirty (30) feet except as provided in the Alternate Front Yard below.

2. Where lots have a double frontage, the required front yard shall be provided on both streets.

3. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet. No accessory building shall project beyond the front yard line on either street.

4. A dwelling that existed as of the date of this amendment may be enlarged, provided the proposed addition does not extend into any required front yard(s) a distance greater than the original dwelling structure.

5. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.

c. **Alternate Front Yard.** When, on or after September 20, 1956, forty percent (40%) or more of a street frontage including the lot or lots in issue, on the same side of the street in the same block, we occupied by two or more buildings, then the minimum depth of the front yard hereto fore established shall be adjusted in the following manner:

1. When the building farthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such street frontage shall be the minimum depth of front yard for new buildings in such block, except as set forth in subsection h. below.

2. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, then the depth of the front yard for that vacant lot shall be the average of the depth from the street line to

the closest front corners of these two adjacent buildings, except as set forth in subsection h. below.

3. When neither paragraphs (1.) or (2.) is the case and a vacant lot is within one hundred (100) feet of an existing building on one side only, then the depth of the front yard is the same for that vacant lot as that of the existing adjacent building, except as set forth in subsection h. (Uses allowed by Conditional Use Permit) below.

4. For lots or tracts with existing primary structures, paragraph (2.) or (3.) shall apply to building additions.

d. **Side Yard.** There shall be a side yard on each side of the building having a width of not less than ten (10) feet for residential structures and twelve (12) feet for nonresidential structures except as provided in the Alternate Side Yard below for lots having existing structures upon them as of the date of adoption of this paragraph.

e. **Alternate Side Yard.** Residential structures existing as of the date of this amendment which are closer to the side property line than otherwise allowed in the single-family residential district in which they are situated may be enlarged, provided any addition is no closer to the side property line than the following:

1. Twelve (12%) percent of lot width at the front building line; and

2. Notwithstanding the foregoing, no person may place an addition closer to any side property line than would have been permitted before the effective date of the enactment of this subsection.

f. **Rear Yard.** Except as hereinafter provided in Section 53.170 et seq., there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot provided such rear yard need not exceed forty (40) feet but it shall not be less than thirty (30) feet.

g. **Intensity of Use.** Every lot or tract of land shall have an area of not less than fifteen thousand (15,000) square feet, a width at the front yard setback line of not less than eighty (80) feet, and an average width of not less than eighty (80) feet, except that if a lot or tract of record has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of Ordinance 5906, such lot or tract of land may be used for a single family dwelling. Provided, however, that any lot of record of less area or width than herein required which does not fall within the exception hereinabove provided in this paragraph, but which conforms in both area and width with at least seventy-five percent (75%) of all the lots, including the lot or lots in issue, on both sides of the street in the same block, may be used for a single family dwelling. In determining the, applicability of this exception, the following rules shall govern the calculation of the area, width and number of lots:

1. All contiguous lots or portions of lots under the same ownership shall be deemed one lot and contiguous lots or portions thereof held by any

combination of husband and/or wife shall be deemed the same ownership.

2. Where the distance between street crossings or street intersections is greater on one side of a street than on the other side, the distance on the short side shall be deemed a block.

h. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in 53.170.

i. **Lot Coverage.**

1. A maximum Floor Area Ratio (FAR) of thirty-five percent (35%) is permitted. Notwithstanding, primary structures with an adjusted gross floor area up to two thousand eight hundred (2,800) square feet are permitted for any buildable lot up to seven thousand four hundred ninety-nine (7,499) square feet in size, and three thousand (3,000) square feet for any buildable lot at least seven thousand five hundred (7,500) square feet in size, provided all other height and area regulations are met without variance.

2. Total ground area covered by all buildings, including accessory buildings, shall not exceed forty percent (40%) of the lot size.

3. The Architectural Review Board (ARB) may approve construction of a new detached single-family dwelling, or addition to an existing detached single-family dwelling resulting in a floor area ratio (FAR) of up to forty percent (40%) if the ARB concludes that the construction will not result in a dwelling with excessive and unreasonable dissimilarity or inappropriateness in relation to any other single-family dwelling existing or for which a permit has been issued, facing upon the same street and within two hundred fifty (250) feet of the proposed site in respect to one or more of the following features:

A. Gross Floor Area

B. Height of building or height of roof

C. Front elevation building width or percentage of lot width occupied by the building

D. Other significant design features such as roof lines, massing, elevation articulation, and material or quality of architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt an adverse affect on the stability and value of surrounding property, and that finding is not based on personal preferences as to taste or choice of architectural style

j. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

k. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

l. **Open Space**

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.054. Development Standards for Bed and Breakfast Facilities

Bed and Breakfast facilities, shall be permitted upon meeting the conditions below, and upon compliance with the provisions of Section 53.170. et seq. and the issuance of a business license as provided in the Code. In making their determination whether or not approval of the application will have a detrimental effect upon the character of the neighborhood, the Plan Commission and City Council shall specifically consider the proximity of other Bed and Breakfast facilities to the applicant's proposed location and the detrimental effect two or more such facilities in close proximity to each other could have upon the residential character of the neighborhood. To protect these residential

districts, the conditional use permit shall be revocable upon failure to abide by the conditions of the permit.

a. No less than fifty percent (50%) of the habitable space of the residence shall be for the exclusive use of the resident owner.

b. The owner of the residence to whom an occupancy permit has been issued shall maintain the B&B facility as his permanent residence and shall reside on the premises at all times that a B&B guest is registered.

c. The maximum number of guests at any one time may not exceed eight (8) but in no event may be residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.

d. A B&B facility may not permit a guest to remain longer than fourteen (14) consecutive days, nor may it permit the same guest to reside within the facility more than a total of thirty (30) days per calendar year.

e. The B&B facility shall provide off street parking in the rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/manager. While the ratios may be adjusted at the time the conditional use is issued, the B&B facility must comply with the design and performance standards found in Section 53.170 et seq., particularly as they relate to parking.

f. The B&B facility may provide meals only to its guests and under no circumstances to members of the general public. No food storage or preparation capabilities shall be provided in the guest rooms.

g. The B&B facility shall appear at all times as a single family residence and no identification signage of any kind shall be permitted on the premises.

h. The B&B facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code, and shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.

i. A Bed and Breakfast may place one, and only one, identification sign on its premises so long as it meets the following conditions:

1. The sign area shall not exceed three (3) square feet;

2. If illuminated, the light source must be external and provided by a light no greater in intensity than provided by one standard 50-watt electric light bulb;

3. The top of the sign may be no more than three (3) feet above grade, except if attached to the front of the Bed and Breakfast;

4. The sign must be designed and constructed of materials consistent with the design and materials of the house;

5. The owner of the Bed and Breakfast must obtain a permit in accordance with the provisions of Section 54.040 of the Code, as amended; and

6. The definitions contained in Chapter 54 of the Code as amended, shall govern all applications for a Bed and Breakfast identification sign.

Section 53.055. Development Standards for Educational Facilities, Colleges and Universities; Hospitals; Clinics and Institutions

a. Educational Facilities, Colleges and Universities

1. Reserved

b. Hospitals, Clinics and Institutions

1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;

2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;

3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and

4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.056. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located.

b. No new adult or child day care home or center shall be established within a residential district if it is within one thousand two hundred (1,200) feet of an existing child or adult day care home or center that is also located within a residential district.

c. No signage is permitted for property within a residential district.

d. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

e. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. for property within a residential district.

Section 53.057. Development Standards for Accessory Parking Lots

a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.

b. Permit no parking within six (6) feet of the rear or side lot line(s);

c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;

d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;

e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and

f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.058. Development Standards for Accessory Structures

a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.

c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.

d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.

e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.

f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an “accessory use,” as defined in Section 53.020, shall be subject to all the provisions of Section 53.057

g. One detached Private Garage with a ground floor area of up to forty percent (40%) of the gross floor area of the primary structure is allowed. Notwithstanding the size of the primary structure, the ground floor area of a garage may be up to four hundred eighty (480) square feet, but shall not exceed nine hundred sixty (960) square feet. The height of a private garage to its ridge line may not be greater than the ridge line of the primary structure or one and one-half (1 1/2) stories, whichever is less. The floor area of any half story may not exceed fifty percent (50%) of the private garage ground floor area. One Private Garage attached to, and part of, the primary structure, not exceeding one thousand (1,000) square feet as measured by interior dimensions, is allowed subject to all building and setback requirements of the primary structure.

h. In addition to one detached private garage, one additional detached accessory building may be built in the rear yard with a ground floor area of up to twelve percent (12%) of the gross floor area of the primary structure. Notwithstanding the size of the primary structure, the ground floor area of such an accessory building may be up to one hundred forty-four (144) square feet, but shall not exceed two hundred eighty-eight (288) square feet. The height of the accessory building to its ridge line may not be greater than the ridge line of the primary structure or one (1) story, whichever is less.

i. The total gross floor area of all detached accessory buildings shall not exceed one thousand (1,000) gross square feet, and the total ground square footage of all accessory structures shall not exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller. In determining “rear yard area” for the accessory buildings, the area shall be the yard that falls between the side yard lot lines between the rear of the primary structure and the rear yard lot line.

j. Any detached accessory building with a gross floor area exceeding six hundred seventy-two (672) square feet or with a building height, as defined in Section 53.020 of the Zoning Code, exceeding twelve (12) feet shall comply with the minimum side yard setback requirements of the district as applied to the primary structure.

k. No accessory building in excess of one hundred forty-four (144) square feet may have metal exterior walls, with the exception of siding that matches that of the primary structure.

l. Lots exceeding an average width of one hundred (100) feet may be granted an additional twenty-five percent (25%) increase to what is otherwise allowed

herein, but in no case shall the total ground square footage of all accessory structures exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller.

m. All metered utility services for any accessory building shall be provided from the primary structure and shall not be separately metered.

n. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.059. Reserved

53.060. <u>"A3" Ten Thousand Square Foot Residence District Regulations.</u>

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the "A3" Ten Thousand Square Foot Residence District.

Section 53.061. "A3" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

<u>Permitted Uses.</u>

a. Single-family dwellings.

b. Parks, playgrounds, and community buildings owned, or operated by a public agency.

c. Public libraries.

d. Educational facility, elementary or secondary

e. Golf Courses, except miniature courses and driving tees.

<u>Conditional Uses.</u> The following uses are permitted under requirements specified in Section 53.170. et seq.

a. Any public building erected and used by any department of the City, County, State or Federal Government.

b. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.065 for development standards for this use.)

c. Cemetery.

d. Churches.

e. Educational facility, colleges and universities. (*See section 53.065 for development standards for this use.)

f. Community building or recreation field.

g. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.

h. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

i. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.

j. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See section 53.066 for development standards for this use.)

k. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.

l. Accessory Use parking areas. (*See Section 53.067 for development standards for this use.)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

b. Residential structures and garages (*See Section 53.068 for development standards for this use.)

Section 53.062. "A3" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.063. "A3" Dimensional Regulations.

a. **Height**

1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.

2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.

3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.

4. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

b. **Front Yard.**

1. There shall be a front yard having a depth of not less than thirty (30) feet except as provided in the Alternate Front Yard below.

2. Where lots have a double frontage, the required front yard shall be provided on both streets.

3. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet. No accessory building shall project beyond the front yard line on either street.

4. A dwelling that existed as of the date of this amendment may be enlarged, provided the proposed addition does not extend into any required front yard(s) a distance greater than the original dwelling structure.

5. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.

c. **Alternate Front Yard.** When, on or after September 20, 1956, forty percent (40%) or more of a street frontage including the lot or lots in issue, on the same side of the street in the same block, we occupied by two or more buildings, then the minimum depth of the front yard hereto fore established shall be adjusted in the following manner:

1. When the building farthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such street frontage shall be the minimum depth of front yard for new buildings in such block, except as set forth in subsection h. below.

2. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, then the depth of the front yard for that vacant lot shall be the average of the depth from the street line to

the closest front corners of these two adjacent buildings, except as set forth in subsection h. below.

3. When neither paragraphs (1.) or (2.) is the case and a vacant lot is within one hundred (100) feet of an existing building on one side only, then the depth of the front yard is the same for that vacant lot as that of the existing adjacent building, except as set forth in subsection h. (Uses allowed by Conditional Use Permit) below.

4. For lots or tracts with existing primary structures, paragraph (2.) or (3.) shall apply to building additions.

d. **Side Yard.** There shall be a side yard on each side of the building having a width of not less than eight (8) feet for residential structures and ten (10) feet for nonresidential structures except as provided in the Alternate Side Yard below for lots having existing structures upon them as of the date of adoption of this paragraph.

e. **Alternate Side Yard.** Residential structures existing as of the date of this amendment which are closer to the side property line than otherwise allowed in the single-family residential district in which they are situated may be enlarged, provided any addition is no closer to the side property line than the following:

1. Twelve (12%) percent of lot width at the front building line; and

2. Notwithstanding the foregoing, no person may place an addition closer to any side property line than would have been permitted before the effective date of the enactment of this subsection.

f. **Rear Yard.** Except as hereinafter provided in Section 53.170 et seq., there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot provided such rear yard need not exceed forty (40) feet but it shall not be less than thirty (30) feet.

g. **Intensity of Use.** Every lot shall have an area of not less than ten thousand (10,000) square feet, a width at the front yard setback line of not less than seventy (70) feet, and an average width of not less than seventy (70) feet, except that if a lot or tract of record has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of Ordinance 5906, such lot or tract of land may be used for a single family dwelling. Provided, however, that any lot of record of less area or width than herein required which does not fall within the exception hereinabove provided in this paragraph, but which conforms in both area and width with at least seventy-five percent (75%) of all the lots, including the lot or lots in issue, on both sides of the street in the same block, may be used for a single family dwelling. In determining the, applicability of this exception, the following rules shall govern the calculation of the area, width and number of lots:

1. All contiguous lots or portions of lots under the same ownership shall be deemed one lot and contiguous lots or portions thereof held by any

combination of husband and/or wife shall be deemed the same ownership.

2. Where the distance between street crossings or street intersections is greater on one side of a street than on the other side, the distance on the short side shall be deemed a block.

h. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in Section 53.170.

i. **Lot Coverage.**

1. A maximum Floor Area Ratio (FAR) of thirty-five percent (35%) is permitted. Notwithstanding, primary structures with an adjusted gross floor area up to two thousand eight hundred (2,800) square feet are permitted for any buildable lot up to seven thousand four hundred ninety-nine (7,499) square feet in size, and three thousand (3,000) square feet for any buildable lot at least seven thousand five hundred (7,500) square feet in size, provided all other height and area regulations are met without variance.

2. Total ground area covered by all buildings, including accessory buildings, shall not exceed forty percent (40%) of the lot size.

3. The Architectural Review Board (ARB) may approve construction of a new detached single-family dwelling, or addition to an existing detached single-family dwelling resulting in a floor area ratio (FAR) of up to forty percent (40%) if the ARB concludes that the construction will not result in a dwelling with excessive and unreasonable dissimilarity or inappropriateness in relation to any other single-family dwelling existing or for which a permit has been issued, facing upon the same street and within two hundred fifty (250) feet of the proposed site in respect to one or more of the following features:

A. Gross Floor Area

B. Height of building or height of roof

C. Front elevation building width or percentage of lot width occupied by the building

D. Other significant design features such as roof lines, massing, elevation articulation, and material or quality of architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt an adverse affect on the stability and value of surrounding property, and that finding is not based on personal preferences as to taste or choice of architectural style

j. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

k. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

l. **Open Space**

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.064. Development Standards for Bed and Breakfast Facilities

Bed and Breakfast facilities, shall be permitted upon meeting the conditions below, and upon compliance with the provisions of Section 53.170 and the issuance of a business license as provided in the Code. In making their determination whether or not approval of the application will have a detrimental effect upon the character of the neighborhood, the Plan Commission and City Council shall specifically consider the proximity of other Bed and Breakfast facilities to the applicant's proposed location and the detrimental effect two or more such facilities in close proximity to each other could have upon the residential character of the neighborhood. To protect these residential districts, the

conditional use permit shall be revocable upon failure to abide by the conditions of the permit.

a. No less than fifty percent (50%) of the habitable space of the residence shall be for the exclusive use of the resident owner.

b. The owner of the residence to whom an occupancy permit has been issued shall maintain the B&B facility as his permanent residence and shall reside on the premises at all times that a B&B guest is registered.

c. The maximum number of guests at any one time may not exceed eight (8) but in no event may be residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.

d. A B&B facility may not permit a guest to remain longer than fourteen (14) consecutive days, nor may it permit the same guest to reside within the facility more than a total of thirty (30) days per calendar year.

e. The B&B facility shall provide off street parking in the rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/manager. While the ratios may be adjusted at the time the conditional use is issued, the B&B facility must comply with the design and performance standards found in Section 53.170 et seq., particularly as they relate to parking.

f. The B&B facility may provide meals only to its guests and under no circumstances to members of the general public. No food storage or preparation capabilities shall be provided in the guest rooms.

g. The B&B facility shall appear at all times as a single family residence and no identification signage of any kind shall be permitted on the premises.

h. The B&B facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code, and shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.

i. A Bed and Breakfast may place one, and only one, identification sign on its premises so long as it meets the following conditions:

1. The sign area shall not exceed three (3) square feet;

2. If illuminated, the light source must be external and provided by a light no greater in intensity than provided by one standard 50-watt electric light bulb;

3. The top of the sign may be no more than three (3) feet above grade, except if attached to the front of the Bed and Breakfast;

4. The sign must be designed and constructed of materials consistent with the design and materials of the house;

5. The owner of the Bed and Breakfast must obtain a permit in accordance with the provisions of Section 54.040 of the Code, as amended; and

6. The definitions contained in Chapter 54 of the Code as amended, shall govern all applications for a Bed and Breakfast identification sign.

Section 53.065. Development Standards for Educational Facilities, Colleges and Universities; Hospitals; Clinics and Institutions

a. Educational Facilities, Colleges and Universities

1. Reserved

b. Hospitals, Clinics and Institutions

1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;

2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;

3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and

4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.066. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located.

b. No new adult or child day care home or center shall be established within a residential district if it is within one thousand two hundred (1,200) feet of an existing child or adult day care home or center that is also located within a residential district.

c. No signage is permitted for property within a residential district.

d. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

e. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. for property within a residential district.

Section 53.067. Development Standards for Accessory Parking Lots

a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.

b. Permit no parking within six (6) feet of the rear or side lot line(s);

c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;

d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;

e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and

f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.068. Development Standards for Accessory Structures

a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.

c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.

d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.

e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.

f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an “accessory use,” as defined in Section 53.020, shall be subject to all the provisions of Section 53.067

g. One detached Private Garage with a ground floor area of up to forty percent (40%) of the gross floor area of the primary structure is allowed. Notwithstanding the size of the primary structure, the ground floor area of a garage may be up to four hundred eighty (480) square feet, but shall not exceed nine hundred sixty (960) square feet. The height of a private garage to its ridge line may not be greater than the ridge line of the primary structure or one and one-half (1 1/2) stories, whichever is less. The floor area of any half story may not exceed fifty percent (50%) of the private garage ground floor area. One Private Garage attached to, and part of, the primary structure, not exceeding one thousand (1,000) square feet as measured by interior dimensions, is allowed subject to all building and setback requirements of the primary structure.

h. In addition to one detached private garage, one additional detached accessory building may be built in the rear yard with a ground floor area of up to twelve percent (12%) of the gross floor area of the primary structure. Notwithstanding the size of the primary structure, the ground floor area of such an accessory building may be up to one hundred forty-four (144) square feet, but shall not exceed two hundred eighty-eight (288) square feet. The height of the accessory building to its ridge line may not be greater than the ridge line of the primary structure or one (1) story, whichever is less.

i. The total gross floor area of all detached accessory buildings shall not exceed one thousand (1,000) gross square feet, and the total ground square footage of all accessory structures shall not exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller. In determining “rear yard area” for the accessory buildings, the area shall be the yard that falls between the side yard lot lines between the rear of the primary structure and the rear yard lot line.

j. Any detached accessory building with a gross floor area exceeding six hundred seventy-two (672) square feet or with a building height, as defined in Section 53.020 of the Zoning Code, exceeding twelve (12) feet shall comply with the minimum side yard setback requirements of the district as applied to the primary structure.

k. No accessory building in excess of one hundred forty-four (144) square feet may have metal exterior walls, with the exception of siding that matches that of the primary structure.

l. Lots exceeding an average width of one hundred (100) feet may be granted an additional twenty-five percent (25%) increase to what is otherwise allowed

herein, but in no case shall the total ground square footage of all accessory structures exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller.

m. All metered utility services for any accessory building shall be provided from the primary structure and shall not be separately metered.

n. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.069. Reserved

Section 53.070. <u>"A4" Seventy Five Hundred Square Foot Residence District Regulations.</u>

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the "A4" Seventy Five Hundred Square Foot Residence District.

Section 53.071. "A4" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

<u>Permitted Uses.</u>

a. Single-family dwellings.

b. Parks, playgrounds, and community buildings owned, or operated by a public agency.

c. Public libraries.

d. Educational facility, elementary or secondary

e. Golf Courses, except miniature courses and driving tees.

f. Two family dwellings which comply with the minimum lot area per family, yard and parking regulations of the "A4" Seventy-Five Hundred Square Foot Residence District where forty percent (40%) or more of the frontage on the same side of the street between two (2) intersecting streets is occupied by either two-family or multiple dwellings.

<u>Conditional Uses.</u> The following uses are permitted under requirements specified in Section 53.170. et seq.

a. Any public building erected and used by any department of the City, County, State or Federal Government.

b. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.075 for development standards for this use.)

c. Cemetery.

d. Churches.

e. Educational facility, colleges and universities. (*See section 53.075 for development standards for this use.)

f. Community building or recreation field.

g. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.

h. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

i. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.

j. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See section 53.076 for development standards for this use.)

k. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.

l. Accessory Use parking areas. (*See Section 53.077 for development standards for this use.)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

b. Residential structures and garages (*See Section 53.078 for development standards for this use.)

Section 53.072. "A4" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.073. "A4" Dimensional Regulations.

a. **Height.**

1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.

2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.

3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.

4. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

b. **Front Yard.**

1. There shall be a front yard having a depth of not less than thirty (30) feet except as provided in the Alternate Front Yard below.

2. Where lots have a double frontage, the required front yard shall be provided on both streets.

3. Where a lot is located at the intersection of two (2) or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record need not be reduced to less than twenty-eight (28) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet. No accessory building shall project beyond the front yard line on either street.

4. A dwelling that existed as of the date of this amendment may be enlarged, provided the proposed addition does not extend into any required front yard(s) a distance greater than the original dwelling structure.

5. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.

c. **Alternate Front Yard.** When, on or after September 20, 1956, forty percent (40%) or more of a street frontage including the lot or lots in issue, on the same side of the street in the same block, we occupied by two or more buildings, then the minimum depth of the front yard hereto fore established shall be adjusted in the following manner:

1. When the building farthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such street frontage shall be the minimum depth of front yard for new buildings in such block, except as set forth in subsection h. below.

2. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, then the depth of the front yard for that vacant lot shall be the average of the depth from the street line to the closest front corners of these two adjacent buildings, except as set forth in subsection h. below.

3. When neither paragraphs (1.) or (2.) is the case and a vacant lot is within one hundred (100) feet of an existing building on one side only, then the depth of the front yard is the same for that vacant lot as that of the existing adjacent building, except as set forth in subsection h. (Uses allowed by Conditional Use Permit) below.

4. For lots or tracts with existing primary structures, paragraph (2.) or (3.) shall apply to building additions.

d. **Side Yard.**

1. There shall be a side yard on each side of the building having a width of not less than six (6) feet for residential structures and ten (10) feet for nonresidential structures except as provided in the Alternate Side Yard below for lots having existing structures upon them as of the date of adoption of this paragraph.

2. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one (1) building occupying one (1) lot**.**

e. **Alternate Side Yard.** Residential structures existing as of the date of this amendment which are closer to the side property line than otherwise allowed in the single-family residential district in which they are situated may be enlarged, provided any addition is no closer to the side property line than the following:

1. Ten (10%) percent of lot width at the front building line; and

2. Notwithstanding the foregoing, no person may place an addition closer to any side property line than would have been permitted before the effective date of the enactment of this subsection.

f. **Rear Yard.** Except as hereinafter provided in Section 53.170 et seq., there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot provided such rear yard need not exceed thirty-five (35) feet, but shall not be less than twenty-five (25) feet.

g. **Intensity of Use.** Every lot or tract of land shall have an area of not less than seven thousand five hundred (7,500) square feet, a width at the front yard

setback line of not less than sixty (60) feet, and an average width of not less than sixty (60) feet, and contain the following areas:

1. Seven thousand five hundred (7,500) square feet for a single-family dwelling.

2. Three thousand seven hundred fifty (3,750) square feet per family for a two family dwelling.

3. Where the lot or tract of record has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of Ordinance 5906, such lot or tract of land may be used for a single family dwelling. Provided, however, that any lot of record of less area or width than required which does not fall within the exception hereinabove provided in this paragraph, but which conforms in both area and width with at least seventy-five percent (75%) of all the lots, including the lot or lots in issue, on both sides of the street in the same block, may be used for a single family dwelling. In determining the applicability of this exception, the following rules shall govern the calculation of the area, width and number of lots.

   A. All contiguous lots or portions of lots under the same ownership shall be deemed one lot and contiguous lots or portions thereof held by any combination of husband and/or wife shall be deemed the same ownership.

   B. Where the distance between street crossings or street intersections is greater on one side of a street than on the other side, the distance on the short side shall be deemed a block.

h. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in Section 53.170.

i. **Lot Coverage.**

1. A maximum Floor Area Ratio (FAR) of thirty-five percent (35%) is permitted. Notwithstanding, primary structures with an adjusted gross floor area up to two thousand eight hundred (2,800) square feet are permitted for any buildable lot up to seven thousand four hundred ninety-nine (7,499) square feet in size, and three thousand (3,000) square feet for any buildable lot at least seven thousand five hundred (7,500) square feet in size, provided all other height and area regulations are met without variance.

2. Total ground area covered by all buildings, including accessory buildings, shall not exceed forty percent (40%) of the lot size.

3. The Architectural Review Board (ARB) may approve construction of a new detached single-family dwelling, or addition to an existing detached single-family dwelling resulting in a floor area ratio (FAR) of up to forty

percent (40%) if the ARB concludes that the construction will not result in a dwelling with excessive and unreasonable dissimilarity or inappropriateness in relation to any other single-family dwelling existing or for which a permit has been issued, facing upon the same street and within two hundred fifty (250) feet of the proposed site in respect to one or more of the following features:

A. Gross Floor Area

B. Height of building or height of roof

C. Front elevation building width or percentage of lot width occupied by the building

D. Other significant design features such as roof lines, massing, elevation articulation, and material or quality of architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt an adverse affect on the stability and value of surrounding property, and that finding is not based on personal preferences as to taste or choice of architectural style

j. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

k. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a

neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

l. **Open Space**

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.074. Development Standards for Bed and Breakfast Facilities

Bed and Breakfast facilities, shall be permitted upon meeting the conditions below, and upon compliance with the provisions of Section 53.170. et seq. and the issuance of a business license as provided in the Code. In making their determination whether or not approval of the application will have a detrimental effect upon the character of the neighborhood, the Plan Commission and City Council shall specifically consider the proximity of other Bed and Breakfast facilities to the applicant's proposed location and the detrimental effect two or more such facilities in close proximity to each other could have upon the residential character of the neighborhood. To protect these residential districts, the conditional use permit shall be revocable upon failure to abide by the conditions of the permit.

a. No less than fifty percent (50%) of the habitable space of the residence shall be for the exclusive use of the resident owner.

b. The owner of the residence to whom an occupancy permit has been issued shall maintain the B&B facility as his permanent residence and shall reside on the premises at all times that a B&B guest is registered.

c. The maximum number of guests at any one time may not exceed eight (8) but in no event may be residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.

d. A B&B facility may not permit a guest to remain longer than fourteen (14) consecutive days, nor may it permit the same guest to reside within the facility more than a total of thirty (30) days per calendar year.

e. The B&B facility shall provide off street parking in the rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/manager. While the ratios may be adjusted at the time the conditional use is issued, the B&B facility must comply with the design and performance standards found in Section 53.170 et seq., particularly as they relate to parking.

f. The B&B facility may provide meals only to its guests and under no circumstances to members of the general public. No food storage or preparation capabilities shall be provided in the guest rooms.

g. The B&B facility shall appear at all times as a single family residence and no identification signage of any kind shall be permitted on the premises.

h. The B&B facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code, and shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.

i. A Bed and Breakfast may place one, and only one, identification sign on its premises so long as it meets the following conditions:

1. The sign area shall not exceed three (3) square feet;

2. If illuminated, the light source must be external and provided by a light no greater in intensity than provided by one standard 50-watt electric light bulb;

3. The top of the sign may be no more than three (3) feet above grade, except if attached to the front of the Bed and Breakfast;

4. The sign must be designed and constructed of materials consistent with the design and materials of the house;

5. The owner of the Bed and Breakfast must obtain a permit in accordance with the provisions of Section 54.040 of the Code, as amended; and

6. The definitions contained in Chapter 54 of the Code as amended, shall govern all applications for a Bed and Breakfast identification sign.

Section 53.075. Development Standards for Educational Facilities, Colleges and Universities; Hospitals; Clinics and Institutions

a. Educational Facilities, Colleges and Universities

1. Reserved

b. Hospitals, Clinics and Institutions

1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;

2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;

3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and

4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.076. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located.

b. No new adult or child day care home or center shall be established within a residential district if it is within one thousand two hundred (1,200) feet of an existing child or adult day care home or center that is also located within a residential district.

c. No signage is permitted for property within a residential district.

d. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

e. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. for property within a residential district.

Section 53.077. Development Standards for Accessory Parking Lots

a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.

b. Permit no parking within six (6) feet of the rear or side lot line(s);

c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;

d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;

e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and

f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.078. Development Standards for Accessory Structures

a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.

c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.

d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.

e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.

f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an “accessory use,” as defined in Section 53.020, shall be subject to all the provisions of Section 53.077

g. One detached Private Garage with a ground floor area of up to forty percent (40%) of the gross floor area of the primary structure is allowed. Notwithstanding the size of the primary structure, the ground floor area of a garage may be up to four hundred eighty (480) square feet, but shall not exceed nine hundred sixty (960) square feet. The height of a private garage to its ridge line may not be greater than the ridge line of the primary structure or one and one-half (1 1/2) stories, whichever is less. The floor area of any half story may not exceed fifty percent (50%) of the private garage ground floor area. One Private Garage attached to, and part of, the primary structure, not exceeding one thousand (1,000) square feet as measured by interior dimensions, is allowed subject to all building and setback requirements of the primary structure.

h. In addition to one detached private garage, one additional detached accessory building may be built in the rear yard with a ground floor area of up to twelve percent (12%) of the gross floor area of the primary structure. Notwithstanding the size of the primary structure, the ground floor area of such an accessory building may be up to one hundred forty-four (144) square feet, but shall not exceed two hundred eighty-eight (288) square feet. The height of the accessory building to its ridge line may not be greater than the ridge line of the primary structure or one (1) story, whichever is less.

i. The total gross floor area of all detached accessory buildings shall not exceed one thousand (1,000) gross square feet, and the total ground square footage of all accessory structures shall not exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller. In determining "rear yard area" for the accessory buildings, the area shall be the yard that falls between the side yard lot lines between the rear of the primary structure and the rear yard lot line.

j. Any detached accessory building with a gross floor area exceeding six hundred seventy-two (672) square feet or with a building height, as defined in Section 53.020 of the Zoning Code, exceeding twelve (12) feet shall comply with the minimum side yard setback requirements of the district as applied to the primary structure.

k. No accessory building in excess of one hundred forty-four (144) square feet may have metal exterior walls, with the exception of siding that matches that of the primary structure.

l. Lots exceeding an average width of one hundred (100) feet may be granted an additional twenty-five percent (25%) increase to what is otherwise allowed herein, but in no case shall the total ground square footage of all accessory structures exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller.

m. All metered utility services for any accessory building shall be provided from the primary structure and shall not be separately metered.

n. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.079. Reserved.

ARTICLE IV: Commercial & Industrial Districts

Section 53.110. "C" Commercial District Regulations.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code when referred to in this section, are the regulations in the "C" Commercial District.

Section 53.111. "C" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses.

a. Any use permitted in the "A4" Seventy Five Hundred Square Foot Residence District. (*See section 53.070 et seq. for development standards for these uses.)

b. Amusement Place.

c. Bakery, whose products are sold only at retail on the premises.

d. Bank.

e. Barber Shop.

f. Battery service station.

g. Bicycle sales and repair shop.

h. Boarding and lodging house.

i. Business and commercial school.

j. Catering establishment.

k. Dancing academy.

l. Dressmaking establishment (employing not more than five (5) persons).

m. Dyeing and dry cleaning works having a boiler with a steam generating capacity no greater than two thousand five hundred (2,500) pounds of steam per hour.

n. Electric radio and television repair shops.

o. Food storage lockers.

p. Hospital and clinic.

q. Key Shop.

r. Laundry having a boiler with a steam generating capacity no greater than two thousand five hundred (2,500) pounds of steam per hour.

s. Locksmith shop.

t. Lodge hall.

u. Messenger or telegraph service station.

v. Millinery shop.

w. Office for the conduct of any lawful business or professional pursuit.

x. Painting and decorating shop.

y. Photograph Gallery.

z. Plumbing shop employing not more than five (5) persons on the premises.

aa. Post Office.

bb. Recreation building or structure.

cc. Restaurant.

dd. Sales or showroom.

ee. Sexually Oriented Businesses in compliance with provisions of Section 53.191

ff. Store or shop for the conduct of a retail business.

gg. Shoe repair shop.

hh. Sheet metal shop.

ii. Studio parlor.

jj. Tailor shop.

kk. Tire repair shop.

ll. Undertaking establishment.

mm. Upholstering shop, not employing more than five (5) persons on the premises, and not involving any furniture manufacturing.

Conditional Uses. The following uses are permitted under requirements specified in Section 53.170. et seq.

a. Any public building erected and used by any department of the City, County, State or Federal Government.

b. Cemetery.

c. Churches.

d. Community building or recreation field.

e. Convenience store with gasoline.

f. Drive-in establishments, such as drive-in confectioners, restaurants, theaters and retail establishments.

g. Educational facility, colleges and universities. (*See Section 53.114 for development standards for this use.)

h. Fruit stands.

i. Gasoline and oil filling stations.

j. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.115 for development standards for this use.)

k. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.

l. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See section 53.116 for development standards for this use.)

m. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.

n. Pawn Shops (*See section 53.192 for development standards for this use.)

o. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

p. Public garages.

q. Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions. (see Sections 53.221 et seq for the requirements for this use)

r. Residential or outpatient facilities for the treatment of alcohol and other drug abuse.

s. Small Loan Business (*See section 53.192 for development standards for this use.)

t. Tattoo or Body Piercing Establishments (*See section 53.192 for development standards for this use.)

u. Used car lots.

v. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.

w. Accessory Use parking areas. (*See Section 53.117 for development standards for this use.)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

Any building used primarily for any of the above enumerated purposes may not have more than forty percent (40%) of the floor area devoted to industry or storage purposes incidental to such primary use; provided that no more than five (5) employees shall be engaged at any time on the premises in any such incidental use.

Section 53.112. "C" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.113. "C" Dimensional Regulations.

a. **Height**

1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.

2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.

3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.

4. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

b. **Front Yard.**

1. There shall be a front yard having a depth of not less than twenty-five (25) feet except as provided in the Alternate Front Yard below.

2. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.

3. Where lots have a double frontage, the required front yard shall be provided on both streets.

4. Where a lot is located at the intersection of two streets, the front yard on the side street side of the lot shall be not less than ten (10) feet.

c. **Alternate Front Yard.** When, on or after September 20, 1956, forty percent (40%) or more of a street frontage including the lot or lots in issue, on the same side of the street in the same block, we occupied by two or more buildings, then the minimum depth of the front yard hereto fore established shall be adjusted in the following manner:

1. When the building farthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such street frontage shall be the minimum depth of front yard for new buildings in such block, except as set forth in subsection h. below.

2. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, then the depth of the front yard for that vacant lot shall be the average of the depth from the street line to the closest front corners of these two adjacent buildings, except as set forth in subsection h. below.

3. When neither paragraphs (1.) or (2.) is the case and a vacant lot is within one hundred (100) feet of an existing building on one side only, then the depth of the front yard is the same for that vacant lot as that of the existing adjacent building, except as set forth in subsection h. (Uses allowed by Conditional use Permit) below.

4. In the application of Paragraphs (1.), (2.), or (3.), a depth in excess of thirty seven and one half (37.5) feet shall not be required, except as set forth in subsection h. (Uses allowed by Conditional Use Permit) below.

5. For lots or tracts with existing primary structures, paragraph (2.) or (3.) shall apply to building additions.

d. **Side Yard.**

1. For residential purposes, there shall be a side yard on each side of the building having a width of not less than six (6) feet for residential structures and ten (10) feet for nonresidential structures, except as

provided in the Alternate Side Yard below for lots having existing structures upon them as of June 10, 1997.

2. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one (1) building occupying one (1) lot**.**

3. Where a lot is used for any of the commercial purposes permitted in this district, a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet. If a side yard is provided where not required, it shall be not less than five (5) feet in width.

4. No side yards are required where dwelling units are erected above commercial and industrial structures.

e. **Alternate Side Yard.** Residential structures existing as of the date of this amendment which are closer to the side property line than otherwise allowed in the single-family residential district in which they are situated may be enlarged, provided any addition is no closer to the side property line than the following:

1. Ten (10%) percent of lot width at the front building line; and

2. Notwithstanding the foregoing, no person may place an addition closer to any side property line than would have been permitted before the effective date of the enactment of this subsection.

f. **Rear Yard.** For residential purposes, there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot, provided such rear yard need not exceed thirty-five (35) feet, but shall not be less than twenty-five (25) feet. For all permitted non-residential uses, there shall be a rear yard having a depth of not less than twenty-five (25) feet.

g. **Intensity of Use.** All dwellings erected, enlarged, relocated or reconstructed shall be located upon lots having a minimum average width of fifty (50) feet and containing the following areas:

1. A lot on which there is erected a single family dwelling shall contain an area of not less than five thousand (5,000) square feet per family.

2. A lot on which there is located a two family dwelling shall contain an area of not less than two thousand five hundred (2,500) square feet per family.

3. Where a lot, or tract of record, has less area than herein required and its boundary lines along their entire length touched lands under other ownership on or after September 20, 1956, such lot or tract may be used for a single family dwelling.

h. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in 53.170.

i. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

j. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

k. **Open Space**

1. Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract but only when such buildings conform to all open space requirements for the district in which the lot or tract is located.

2. Where an open space is more than fifty percent (50%) surrounded by building, the minimum width of the open space shall be at least thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

3. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.114. "C" Performance Standards

a. **Production Employees in a Commercial District** Whenever the number of employees is restricted in connection with any use in the "C" Commercial District, such maximum number applies only to employees engaged in processing or treating materials or products on the premises and not to employees engaged in selling, clerical, delivery or similar activities.

Section 53.115. Development Standards for Educational Facilities, Colleges and Universities; Hospitals; Clinics and Institutions

a. Educational Facilities, Colleges and Universities

1. Reserved

b. Hospitals, Clinics and Institutions

1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;

2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;

3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and

4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.116. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located.

b. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

Section 53.117. Development Standards for Accessory Parking Lots

a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.

b. Permit no parking within six (6) feet of the rear or side lot line(s);

c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;

d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;

e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and

f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.118. Development Standards for Accessory Structures

a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.

c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.

d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.

e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.

f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an “accessory use,” as defined in Section 53.020, shall be subject to all the provisions of Section 53.117

g. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.119. Reserved.

53.130. <u>"C1" Commercial District Regulations.</u>

The "C1" District shall encompass and be comprised of the following "C" and "D" Commercial District areas, and made a part of the District Map:

All those "C" and "D" Commercial areas facing on U.S. Highway 66, Lockwood Avenue, Gore Avenue, Big Bend Boulevard between Gray Avenue and Newport Avenue, Laclede Station Road, South Old Orchard Avenue between Big Bend Boulevard and Garden Avenue, or Brentwood Blvd. between Newport Avenue and the north City limits.

The regulations herein shall be the same as those in the "C" Commercial District, except as follows.

Section 53.131. "C1" Dimensional Regulations.

No building shall exceed three (3) stories, nor shall it exceed forty-five (45) feet in height; except as provided in the "C" Dimensional Regulations; except buildings may exceed three (3) stories in height, if the building conforms to the following requirements:

a. The lot coverage shall not be less than seventeen percent (17%) and shall not exceed thirty percent (30%);

b. The ratio of the floor area of the building to the area of the lot shall not exceed (1.5). The floor area shall be the gross horizontal area of the several floors, including basements, cellars, and penthouses, (but excluding such areas within the building which are used for parking) measured from the exterior walls of the building. The area of the lot shall mean the total area of the site, exclusive of the area occupied by streets.

Section 53.140. <u>"D" Commercial District Regulations.</u>

The regulations set forth in this section, or set forth elsewhere in this Zoning Code when referred to in this section, are the regulations in the "D" Commercial District.

Section 53.141. "D" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

<u>Permitted Uses.</u>

a. Retail sales and service uses substantially similar to the enumerated permitted uses.

b. Retail sales, including antiques, appliances, art supplies, bakery goods, books, cameras, candy, cards and gifts, floor covering and draperies, clothing, computer, business equipment and supplies, drugs and cosmetics, fabrics, flowers, food, furniture, furs, garden supplies, guns, hardware, health foods, hobby and craft supplies, household goods, jewelry, lighting and decorating fixtures, luggage, magazines and newspapers, musical instruments and goods, novelties, office supplies, optical items, paints, pets and supplies, radio, sporting goods, television, and other audio and video items, sewing supplies, tobacco, tools, and variety goods.

c. Personal, family and household services, including appliance repair, barbershop, beauty parlor, bicycle repair, carpeting and drapery cleaning and repair, cleaning and laundry, photography, travel agency, rental agency (except vehicular), shoe repair, tailoring and dressmaking, and upholstery.

d. Financial institutions, including banks, savings and loans, stockbrokers and title companies.

e. Offices, including business, general, government, institutional, medical, dental, veterinary, insurance, laboratory, organizational, professional, real estate, testing, and research.

f. Mortuaries.

g. Storage. A business premises devoted primarily to any of the above enumerated purposes may not have more than forty percent (40%) of its floor area devoted to storage purposes incidental to such primary use; provided, however, that no more than five employees shall be engaged at any time on the premises in such incidental use; and provided further that such percentage of floor area devoted to storage purposes shall be calculated based only upon those floors of the premises in which the primary use is conducted. In retail uses such primary use shall be deemed to be conducted in all floor area to which the general public is invited.

Conditional Uses. The following uses are permitted under conditions and requirements specified in Section 53.170 et seq.

a. Automobile showrooms.

b. Banquet Facility.

c. Churches.

d. Convenience store, with gasoline.

e. Electrical, general, heating and cooling, and plumbing contractors.

f. Filling stations.

g. Food and beverage services, including bars, cafeterias, ice cream parlors, and restaurants.

h. Motels and establishments offering accommodations to transient overnight guests.

i. Multiple family residential.

j. Parking garages.

k. Parking lots not a part of a permitted use.

l. Printing establishments.

m. Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions. (see Sections 53.221 et seq for the requirements for this use)

n. Recycling Facilities.

o. Schools and academies, including business, commercial, computer, dancing, day care centers, martial arts, music, trade and vocations, hobbies and avocations.

p. Theaters.

a. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See section 53.145 for development standards for this use.)

b. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

Any building used primarily for any of the above enumerated purposes may not have more than forty percent (40%) of the floor area devoted to industry or storage purposes incidental to such primary use; provided that no more than five (5) employees shall be engaged at any time on the premises in any such incidental use.

Section 53.142. "D" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.143. "D" Dimensional Regulations.

a. **Height.**

1. No building shall exceed three (3) stories, nor shall it exceed forty-five (45) feet in height, except as provided in the “C1” Commercial District Regulations concerning height.

2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.

3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.

b. **Front Yard.** No front yard is required except:

1. Where the frontage on one side of a street between two intersecting streets is partly in the “D” Commercial District and partly in a dwelling district, in which event the front yard regulations of the dwelling district shall apply, and

2. Where a reversed corner lot rears upon a lot zoned for dwelling purposes, the front yard on the side street side shall not be less than ten (10) feet.

c. **Alternate Front Yard.** When, on or after September 20, 1956, forty percent (40%) or more of a street frontage including the lot or lots in issue, on the same side of the street in the same block, we occupied by two or more buildings, then the minimum depth of the front yard hereto fore established shall be adjusted in the following manner:

1. When the building farthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such street frontage shall be the minimum depth of front yard for new buildings in such block, except as set forth in subsection h. below.

2. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, then the depth of the front yard for that vacant lot shall be the average of the depth from the street line to the closest front corners of these two adjacent buildings, except as set forth in subsection h. below.

3. When neither paragraphs (1.) or (2.) is the case and a vacant lot is within one hundred (100) feet of an existing building on one side only, then the depth of the front yard is the same for that vacant lot as that of the existing adjacent building, except as set forth in subsection h. below.

4. For lots or tracts with existing primary structures, paragraph (2.) or (3.) shall apply to building additions.

d. **Side Yard.**

1. For residential purposes, there shall be a side yard on each side of the building having a width of not less than six (6) feet for residential structures and ten (10) feet for nonresidential structures, except as provided in the Alternate Side Yard below for lots having existing structures upon them as of June 10, 1997.

2. Where a lot is used for any of the commercial purposes permitted in this district, a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet. If a side yard is provided where not required, it shall be not less than five (5) feet in width.

3. No side yards are required where dwelling units are erected above commercial and industrial structures.

e. **Alternate Side Yard.** Residential structures existing as of the date of this amendment which are closer to the side property line than otherwise allowed in the single-family residential district in which they are situated may be enlarged, provided any addition is no closer to the side property line than the following:

1. Ten (10%) percent of lot width at the front building line; and

2. Notwithstanding the foregoing, no person may place an addition closer to any side property line than would have been permitted before the effective date of the enactment of this subsection.

f. **Rear Yard.** For residential uses, there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot, provided such rear yard need not exceed thirty-five (35) feet, but shall not be less than twenty-five (25) feet. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than ten (10) feet in depth for a one story and two story building and twenty (20) feet in depth for a three story building.

g. **Intensity of Use.** When a lot is improved with a multiple dwelling, or when living quarters are erected above other uses, all such dwellings shall be located upon lots having a minimum average width of fifty (50) feet and containing an area of not less than one thousand five hundred (1,500) square feet per family.

h. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in 53.170.

i. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided,

however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.

3. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

4. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

j. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

k. **Open Space**

1. Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract but only when such buildings conform to all open space requirements for the district in which the lot or tract is located.

2. Where an open space is more than fifty percent (50%) surrounded by building, the minimum width of the open space shall be at least thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

3. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.144. "D" Performance Standards

a. **Vibration.** Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.

b. **Noise.** Every use shall be so operated that the maximum volume of sound or noise generated does not exceed fifty-five (55) decibels at any point on the lot line of the lot on which the use is located. Outdoor loudspeakers and audible communication systems are not permitted within one thousand (1,000) feet of a residential district.

c. **Odor.** Every use shall be so operated that no offensive or objectionable odor is perceptible at any point on the lot line of the lot on which the use is located.

d. **Smoke.** Every use shall be so operated that no smoke from any source shall be emitted of a greater density than the density described as No. I on the Ringelmann Chart as published by the United States Bureau of Mines.

e. **Toxic Gases.** Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases.

f. **Emission of Dirt, Dust, Fly Ash and Other Forms of Particulate Matter.** Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-five hundreds pounds per 1,000 pounds of gases of which amount not to exceed five tenths pounds per 1,000 pounds of gases shall be of such size as to be retained on a 325 mesh U.S. Standard Sieve. In the case of emission of fly ash or dust from a stationary furnace or combustion device, these standards shall apply to a condition of fifty percent (50%) excess air on the attack at full load, which standards shall be varied in proportion to the deviation of the percentage of excess air from fifty percent (50%).

g. **Air Pollution.** Every form of objectionable odors, smoke, toxic gases, particulate matter such as dirt, dust, fly ash, must be specific low levels of emissions as set forth in Ord. No. 3347 of St. Louis County titled Air Pollution Control Code, Chapter 612.

h. **Radiation.** Every amount of radioactive emissions must be restricted to that considered safe by the Federal Radiation Council Standards.

i. **Operations, Heat and Glare.** Every operation producing intense glare or heat must be enclosed so that they are imperceptible at the lot line without instruments.

Section 53.145. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located; and

b. Off-street parking be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

Section 53.146. Development Standards for Accessory Structures

a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.

c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.

d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.

e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.

f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street.

g. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.147. Reserved.

Section 53.150. <u>"E" Industrial District Regulations.</u>

The regulations set forth in this section, or set forth elsewhere in this Zoning Code when referred to in this section, are the regulations in the "E" Industrial District.

Section 53.151. "E" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses. A building or premises may be used for any purpose except the following:

a. Abattoirs.

b. Acetylene gas manufacture.

c. Acid Manufacture.

d. Alcohol manufacture.

e. Ammonia, bleaching powder or chlorine manufacture.

f. Arsenal.

g. Asphalt manufacture or refining.

h. Auto wrecking or salvage.

i. Blast furnace.

j. Boiler works.

k. Brick, tile or terra cotta manufacture.

l. Candle manufacture.

m. Carpet or bag cleaning.

n. Celluloid manufacture.

o. Cement, lime, gypsum or plaster of paris manufacture.

p. Coke ovens.

q. Cotton gin factory.

r. Crematory.

s. Creosote treatment or manufacture.

t. Disinfectants manufacture.

u. Distillation of bones, coal or wood.

v. Dyestuff manufacture.

w. Dwellings except for watchman's quarters.

x. Exterminator and insect poison manufacture.

y. Emery cloth and sandpaper manufacture.

z. Fat rendering.

aa. Fertilizer manufacture.

bb. Fish smoking and curing.

cc. Forge plant.

dd. Gas (illuminating and heating) manufacture.

ee. Glue, size or gelatine manufacture.

ff. Gunpowder manufacture or storage.

gg. Fireworks or explosive manufacture or storage.

hh. Hotel.

ii. Incineration or reduction of garbage, dead animals, offal or refuse.

jj. Iron, steel, brass or copper works or foundry.

kk. Lamp black manufacture.

ll. Multiple dwellings.

mm. Oil cloth or linoleum manufacture.

nn. Oiled, rubber or leather goods manufacture.

oo. Ore reduction.

pp. Paint, oil, shellac, turpentine or varnish manufacture.

qq. Paper and pulp manufacture.

rr. Petroleum or its products, refining or wholesale storage of.

ss. Plating works.

tt. Potash works.

uu. Printing ink manufacture.

vv. Pyroxlin manufacture.

ww. Rock crusher.

xx. Rolling mill.

yy. Rubber or gutta percha manufacture or treatment.

zz. Salt works.

aaa. Sauerkraut manufacture.

bbb. Sausage manufacture.

ccc. Sexually Oriented Businesses

ddd. Shoeblacking manufacture.

eee. Smelters.

fff. Soap manufacture.

ggg. Stockyards.

hhh. Soda and compounds manufacture.

iii. Stone mill or quarry.

jjj. Storage or baling of scrap paper, iron, bottles, rags or junk except as permitted in "D" Commercial Districts.

kkk. Stove polish manufacture.

lll. Tanning, curing or storage of leather, rawhides or skins.

mmm. Tallow, grease or lard manufacture.

nnn. Tar distillation or manufacture.

ooo. Tar roofing or waterproofing manufacture.

ppp. Vinegar or pickle manufacture.

qqq. Wool pulling or scouring.

rrr. Advertising billboards or signs, except as permitted in "C" Commercial Districts.

sss. Yeast plant.

ttt. And in general those uses which have been declared a nuisance in any court of record, or which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration or noise.

Conditional Uses. The following uses are permitted under conditions and requirements specified in Section 53.170 et seq.

a. Any public building erected and used by any department of the City, County, State or Federal Government.

b. Cemetery.

c. Churches.

d. Community building or recreation field.

e. Educational facility, colleges and universities. (*See Section 53.155 for development standards for this use.)

f. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.046 for development standards for this use.)

g. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See Section 53.156 for development standards for this use.)

h. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.

i. Pawn Shops (*See section 53.192 for development standards for this use.)

j. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

k. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.

l. Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions. (see Sections 53.221 et seq for the requirements for this use)

m. Small Loan Business (*See section 53.192 for development standards for this use.)

n. Tattoo or Body Piercing Establishments (*See section 53.192 for development standards for this use.)

o. Used car lots.

p. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.

q. Accessory Use parking areas. (*See Section 53.157 for development standards for this use.)

Section 53.152. "E" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.153. "E" Dimensional Regulations.

a. **Height**

1. No building shall exceed three (3) stories, nor shall it exceed forty-five (45) feet in height.

2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.

3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.

4. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

b. **Front Yard.** No front yard is required except:

1. Where the frontage on one side of a street between two intersecting streets is partly in the "E" Industrial District and partly in a dwelling district, in which event the front yard regulations of the dwelling district shall apply, and

2. Where a reversed corner lot rears upon a lot zoned for dwelling purposes, the front yard on the side street side shall not be less than ten (10) feet.

c. **Alternate Front Yard.** When, on or after September 20, 1956, forty percent (40%) or more of a street frontage including the lot or lots in issue, on the same side of the street in the same block, we occupied by two or more buildings, then the minimum depth of the front yard hereto fore established shall be adjusted in the following manner:

1. When the building farthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such street frontage shall be the

minimum depth of front yard for new buildings in such block, except as set forth in subsection f. below.

2. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, then the depth of the front yard for that vacant lot shall be the average of the depth from the street line to the closest front corners of these two adjacent buildings, except as set forth in subsection f. below.

3. When neither paragraphs (1.) or (2.) is the case and a vacant lot is within one hundred (100) feet of an existing building on one side only, then the depth of the front yard is the same for that vacant lot as that of the existing adjacent building, except as set forth in subsection f. below.

4. For lots or tracts with existing primary structures, paragraph (2.) or (3.) shall apply to building additions.

d. **Side Yard.**

1. Where a lot is used for any of the commercial purposes permitted in this district, a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet. If a side yard is provided where not required, it shall be not less than five (5) feet in width.

2. No side yards are required where dwelling units are erected above commercial and industrial structures.

e. **Rear Yard.** A rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than ten (10) feet in depth for a one story and two story building and twenty (20) feet in depth for a three story building.

f. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in 53.170.

g. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.

3. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may

project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

4. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

h. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

i. **Open Space**

1. Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract but only when such buildings conform to all open space requirements for the district in which the lot or tract is located.

2. Where an open space is more than fifty percent (50%) surrounded by building, the minimum width of the open space shall be at least thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

3. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.154. "E" Performance Standards

a. **Visual Screening.** From and after the effective date of Ordinance 5906 there shall be no construction or reconstruction in any district zoned industrial unless the applicant for such building permit shall, prior to the issuance of any such permit, and as a part thereof, provide for and continually maintain the visual screening of any such building or buildings from adjacent or abutting residential areas. All such screening shall consist of evergreen planting and shall be of sufficient height and density adequately to screen the industrial buildings, parking lots and all necessary uses and structures from the view of adjoining residentially

zoned property, but in no event shall such evergreen screening be less than a height of four (4) feet.

b. **Outdoor Storage.** All storage of derelict or inoperable vehicles, materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative plantings, sight-proof fences, or masonry walls, or combinations of these materials at least eight (8) feet in height so that said derelict or inoperable vehicles, materials, and equipment are not visible at the grade of the nearest adjacent street and/or property line for any property which:

1. Has a lot line on a public street

2. Abuts residential or commercial zoned property

3. Fronts on a private street across from residential or commercial zoned property.

Section 53.155. Development Standards for Educational Facilities, Colleges and Universities; Hospitals; Clinics and Institutions

a. Educational Facilities, Colleges and Universities

1. Reserved

b. Hospitals, Clinics and Institutions

1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;

2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;

3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and

4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.156. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located; and

b. Off-street parking be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

Section 53.157. Development Standards for Accessory Parking Lots

a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.

b. Permit no parking within six (6) feet of the rear or side lot line(s);

c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;

d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;

e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and

f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.158. Development Standards for Accessory Structures

a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.

c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.

d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.

e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.

f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an "accessory use," as defined in Section 53.020, shall be subject to all the provisions of Section 53.157

g. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.159. Reserved.

ARTICLE V: Supplemental Regulations

Section 53.160. <u>Nonconforming Uses.</u>

Section 53.161. Discontinuance of Land Uses.

In all districts, the lawful use of land which does not conform to the provisions of this Zoning Code shall be discontinued within one (1) year from the date of the approval of Ordinance 5906 (Sept. 20, 1956), and the use of land which becomes nonconforming by reason of a subsequent change in this Zoning Code shall also be discontinued within one (1) year from the date of the change.

Section 53.162. Discontinuance of Building Uses.

In all districts, the lawful use of a building existing at the time of the effective date of Ordinance 5906 (Sept. 20, 1956) may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 53.163. Nonconforming Use Created by Zoning Amendment.

In all districts, whenever the use of a building becomes nonconforming through a change in the Zoning Code or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.

Section 53.164. Abandonment.

In the event that a nonconforming use of any building or premises in any district is discontinued for a period of twelve (12) months, the use of the same building shall thereafter conform to the use permitted in the district in which it is located.

Section 53.165. Enlargement, Extension, Reconstruction, Alteration.

No existing building in any district devoted to a use not permitted by this Zoning Code in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building is located.

Section 53.166. Damage by Fire, Explosion, Act of God, Etc.

In any district, when a building, the use of which does not conform to the provisions of this Zoning Code, is damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty percent (60%) of its fair market value at the time such damage is incurred, it should not be restored except in conformity with the district regulations of the district in which the building is situated. When a building, the use of which does not conform to the provisions of this Zoning Code, is damaged by fire, explosion, act of God, or the public enemy, to the extent of less than sixty percent (60%) of its fair market value at the time of such damage is incurred, it may only be restored upon the issuance of a permit by the Board of Adjustment upon appeal as provided in Section 53.300 et seq.

53.170. <u>Conditional Use Permit Procedure.</u>

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the regulations of the Conditional Use Permit (CUP) Procedure. These regulations are supplemented and qualified by additional general regulations elsewhere in this Chapter which are incorporated as part of this section by reference.

Section 53.171. Applications.

The owner, or its authorized representative, shall file an application for Conditional Use Permit review for proposed conditional uses on forms to be provided by the City. Such application shall be accompanied by the following:

a. Proof of ownership and/or authorization from the owner to file the application on forms provided by the City and as amended from time to time

b. Filing fee per requirement of Section 53.802. Fees

c. Legal Description of the property

d. Outboundary Plat or Site Plan of the property

e. Preliminary Development Plan (when the proposed use includes improvements to the site), including but not limited to the following:

1. Proposed uses. Approximate location and designated uses of the building and other structures as well as parking and open areas shall be indicated.

2. Existing and proposed contours at verticals intervals of not more than five (5) feet. Flood Plain areas shall be delineated.

3. Approximate location of all isolated trees having a trunk diameter of seven (7) inches or more, all tree masses and all proposed landscaping.

4. Proposed ingress and egress to the site, including adjacent streets.

5. Preliminary plan for provision of sanitation and drainage facilities and stormwater measures.

Section 53.172. City Plan Commission Action.

A Public Hearing shall be held by the City Plan Commission within sixty (60) days of determination that the application, as determined by the Director of Planning and Development or his or her designee (the "Director") or by the Plan Commission itself in a case where the Plan Commission disagrees with the determination of the Director, that the application meets the minimum requirements. The City Plan Commission shall hold a public hearing in relation to the matter and shall give notice of the time and place thereof by causing a notice thereof to be published in a newspaper printed or published in the City of Webster Groves. If no newspaper be printed or published in the City, then in a newspaper of general circulation in the City of Webster Groves. The publication of said notice shall be at least fifteen (15) days prior to the day of such hearing.

The City Plan Commission shall investigate and report as to the effect of the proposed use or structure upon traffic hazards or congestion; fire hazards; the character of the neighborhood; the general welfare of the community; and the effect on public utilities. In approving a conditional use, the City Plan Commission shall impose such conditions as it determines necessary. Said conditions shall include but not be limited to the following:

a. Permitted, accessory and incidental uses

b. Performance standards

c. Height limitations

d. Minimum yard requirements

e. Off-street parking and loading requirements

f. Sign regulations

g. Time limitations for commencement of construction

h. Buffers and screening

Section 53.173. City Council Action.

a. The City Plan Commission shall file a report with City Council on their findings and recommendation.

b. Upon receipt of the report and recommendations of the City Plan Commission, the City Council shall hold a public hearing in relation to the matter, shall give notice of the time and place thereof by causing a notice thereof to be published at least two times in a newspaper printed or published in the City of Webster Groves. If no newspaper be printed or published in the City, then in a newspaper of general circulation in the City of Webster Groves. The first publication of said notice shall be at least fifteen (15) days prior to the day of such hearing.

c. The City Council may grant a Conditional Use Permit should the applicant prove by a preponderance of competent evidence, the weight and credibility of which shall be determined by the City Council, that the proposed use will not:

1. Substantially increase traffic hazards or congestion.

2. Substantially increase fire hazard.

3. Adversely affect the character of the neighborhood.

4. Adversely affect the general welfare of the community. or

5. Overtax public utilities.

The application for a conditional use permit shall be denied if the Council finds that the applicant has failed to carry its burden of proof with regard to any of the factors set forth above in this Section 53.173.

Section 53.174. Amendments to a Conditional Use Permit.

Any material change in a structure or any change in the scope or extent of a use approved for Any material change in a structure or any change in the scope or extent of a use approved for a conditional use permit that could require conditions other than those approved in an existing conditional use permit, shall require the approval of an amendment. All requests for amendments must be filed on an application form provided by the City.

a. All amendments that the Director of Planning and Development determines, in his/her sole discretion, may require one or more material new conditions shall be subject to review and approval by the City Plan Commission and the City Council. The following is a list of amendments that may require a material new condition:

1. Additional square footage;

2. Expansion of an existing drive through facility;

3. Expansion in the scope or extent of a use;

4. Change in parking;

5. Other changes deemed to be similar by the Director of Planning and Development or his/her designee.

b. All amendments that the Director of Planning and Development determines, in his/her sole discretion, to be minor in nature shall be subject to review and approval by the City Council. The City Council shall hold a public hearing in relation to the matter and shall give notice of the time and place thereof by causing a notice thereof to be published in a newspaper printed or published in the City of Webster Groves. If no newspaper be printed or published in the City, then in a newspaper of general circulation in the City of Webster Groves. The publication of said notice shall be at least fifteen (15) days prior to the day of such hearing. The City Council may also, in its sole discretion, refer any request for a minor amendment to a conditional use permit back to the City Plan Commission for review and recommendation.

c. **Transfer of a Conditional Use Permit.** Any changes in the ownership, operating entity or leasee named as the permittee of the approved conditional use permit will require a transfer of conditional use permit. Requests for transfer that are deemed by the Director of Planning and Development to not affect the intensity of use of the originally approved conditional use permit shall be subject to review and approval by the City Council. The City Council shall hold a public hearing in relation to the matter and shall give notice of the time and place thereof by causing a notice thereof to be published in a newspaper printed or published in the City of Webster Groves. If no newspaper be printed or published in the City, then in a newspaper of general circulation in the City of Webster Groves. The publication of said notice shall be at least fifteen (15) days prior to the day of such hearing. The City Council may also, at its discretion, refer such request for transfer to the City Plan Commission for review and recommendation.

Section 53.175. CUP Parking and Loading Regulations.

Off street parking spaces shall be limited by the conditions found elsewhere in this Code that govern the particular development or use authorized by a Conditional Use Permit, or shall be as set forth in the Ordinance approving a conditional use permit, if different from provisions found elsewhere in the Code. In the event of a conflict between such Code provisions, the terms of the Ordinance approving a conditional use permit shall govern.

Section 53.176. CUP Dimensional Regulations.

a. The total height of any structure shall be limited by the conditions found elsewhere in this Code that govern the particular development or use authorized by a Conditional Use Permit.

b. Setback and/or buffering requirements for any front, side, and rear yard shall be established and shall be determined by using the following guidelines to evaluate the proposed development's impact, if any, from or upon:

1. the immediately adjacent properties;

2. congestion in the streets;

3. safety from fire, flooding, and other dangers;

4. adequate light and air on the proposed site and on surrounding properties;

5. building density and mass on the proposed site;

6. adequate provision for parking and storm water control;

7. the general character of the neighborhood;

8. the conservation of the value of buildings existing on the proposed site and upon the surrounding properties;

9. the particular and unique characteristics that the proposed site provides to the community;

10. the preservation of historic landmarks, whether structures or sites, or the impact on historic districts;

11. the preservation of open space; and

12. the preservation of Valued Trees as defined in Section 10.312 of the Code of Webster Groves.

In applying the guidelines above, no single factor or guideline shall be controlling nor shall every factor necessarily be applicable in a given context. No set minimum number of factors shall be required in combination in order to establish an appropriate setback. The Plan Commission and City Council should give such consideration to each factor as

is appropriate to the circumstances presented by the application and should state why any individual factor is relevant and give such weight to each factor as it deserves based on the unique proposal subject to a setback decision. In situations where a conditional use permit is sought for an existing building and no addition or change in the structure or building footprint is sought, the Plan Commission and City Council may summarily establish the setback line at the existing front building line.

Section 53.177. Site Development Plan.

Subsequent to the effective date of the Conditional Use Permit as set forth in the Ordinance approving it, a site development plan shall be submitted for review and approval the Department of Planning & Development, which shall have discretion to determine whether the plan submitted complies with each of the conditions set forth in the Ordinance approving it; provided, however, that if there is a material difference between the site plan and the Ordinance approving the conditional use, then the Director shall submit such a site plan to the Plan Commission at a meeting open to the public to determine whether or not to approve, modify or deny such a site plan.

The site plan submitted shall contain the minimum requirements established in the conditions of the Ordinance approving the conditional use. No building permit or authorization for improvement or development of any property subject to a conditional use shall be issued prior to the approval of a site plan as set forth herein. Each approved plan shall be retained on file with the Department of Planning and Development.

Section 53.178. Appeal or Protest and City Council Decision.

In case of an adverse report by the City Plan Commission, or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk prior to the date of the holding of said hearing, duly signed and acknowledged by the owners of thirty percent (30%) or more either of the area of the land (exclusive of streets, places and alleys) included within such proposed amendment, supplement, change, modification or repeal, or within an area, determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of two thirds (2/3) of all members of the City Council.

Section 53.179. Suspension of Permit; Reinstatement.

If, after the application shall have been granted, it shall appear to the Council that the conditions imposed upon the holder of the conditional use permit are being violated by such holder, the Council may, by resolution duly adopted, suspend the conditional use permit and thereafter may reinstate the same by resolution, but only after being satisfied that full compliance with the conditional use permit has again been obtained.

ARTICLE VI: Performance Standards

Section 53.180. <u>Parking and Loading Regulations.</u>

Section 53.181. Purpose.

The regulations contained in this section and the following sections shall govern the size, number, location, and design of all off-street parking and loading facilities

Section 53.182. Off-Street Parking.

Off street parking space shall be provided as follows:

a. **Dwellings.** One (1) parking space for each dwelling unit which space will be located within the rear yard or within that portion of the side yard which lies between the main building and the side lot lines.

b. **Educational facility and Public Building.** One (1) parking space for every ten (10) seats in the main auditorium, stadium, or other place of public assembly.

c. **Churches.** Any church which is on a new site shall provide off-street parking space upon the lot or within two hundred (200) feet thereof, which space is adequate to accommodate one (1) car for every five (5) persons for which seating is provided in the main auditorium of the church exclusive of the seating capacity of Sunday School and other special rooms, and any existing church which shall be converted, reconstructed or enlarged shall provide the same off street parking space for any additional seating in the main auditorium provided by such conversion, reconstruction or enlargement as is required for churches on new sites.

d. **Convenience store with Gasoline**

1. Such buildings a minimum of one parking space per 250 sq. ft. of Gross Floor Area, excluding service bay area, is provided; and

2. A minimum of three parking spaces per services bay are provided; and

3. A minimum of one parking space per employee during largest shift are provided; and

4. No pump parking space shall be counted toward parking requirements

e. **Educational facility, elementary or secondary and Public Buildings.** One (1) parking space for every five (5) seats in the main auditorium, stadium, or other place of public assembly, whichever is the largest.

f. **"C" Commercial**

1. When any structure is erected, reconstructed, enlarged or converted, for any of the business purposes permitted in the "C" Commercial District, parking spaces shall be provided in the ratio of not less than one (1) parking space for each three hundred (300) square feet of floor space in the building which is used for commercial purposes. Such parking space

shall be required of any additional commercial floor area resulting from alteration or addition to an existing structure. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two or more owners of buildings may join together in providing this parking space.

2. When any structure is erected, reconstructed, enlarged, or converted for any of the business purposes permitted in this section, one (1) loading space shall be provided on the lot for each fifteen thousand (15,000) square feet of floor area, or fraction thereof, in excess of five thousand (5,000) square feet, used for commercial purposes as enumerated in the "C" Commercial District, but excluding uses allowed in an "A4" zone and conditional uses. Such loading space shall be required of any additional commercial floor area resulting from alteration or addition to an existing structure. Where such space is located in a manner that a truck must back directly from a major street into the loading space, a maneuvering space of forty-nine (49) feet shall be provided.

g. **"D" Commercial**

1. **Loading Regulations.** Where any structure is erected, reconstructed, enlarged, or converted for any of the purposes permitted in this section, one (1) loading space shall be provided for each ten thousand (10,000) square feet of floor area or fraction thereof, in excess of five thousand (5,000) square feet, devoted to industrial or commercial purposes. Such loading space shall be required of any additional commercial or industrial floor area resulting from alterations or industrial floor area resulting from alterations or additions to existing structures. Where such space is located in a manner that a truck must back directly from a major street into the loading space, a maneuvering space of forty-nine (49) feet shall be provided.

h. **"E" Industrial**

1. When any structure is erected, reconstructed, enlarged or converted for any business purpose permitted in this section, parking space shall be provided in the ratio of not less than one (1) parking space for each three hundred (300) square feet of floor space which is used for commercial purposes.

2. When any structure is erected, reconstructed, enlarged or converted to any industrial purpose permitted in this section, parking space shall be provided in the ratio of one (1) parking space for each six hundred (600) square feet of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is the greatest.

3. Parking space shall be required of any additional commercial or industrial floor area resulting from alteration or addition to an existing structure.

4. Parking space for commercial and industrial uses may be located on the same lot as the building or on an area within three hundred (300) feet of

the building. Two or more owners of buildings may join together, in providing this parking space.

5. The loading space regulations for commercial uses are the same as those of the “C” Commercial District.

6. Whenever any structure is erected, reconstructed, enlarged or converted to any industrial purpose permitted in this section, loading space shall be provided in the ratio of one (1) loading space for each ten thousand (10,000) square feet of floor area, or fraction thereof in excess of five thousand (5,000) square feet, devoted to industrial uses. Where such space is located in a manner that a truck must back directly from a major street into the loading space, a maneuvering space of forty-nine (49) feet shall be provided.

7. Property fronting on a road designated as an arterial road by St. Louis County within an ‘E’ Industrial District shall comply with the following:

   A. No parking of vehicles, trailers, or equipment, other than passenger vehicles, trucks, or vans, none of which shall have a load carrying capacity greater than three-quarters (3/4) ton, shall be allowed at any time between the front building line and any street line of an arterial road with the exception of trucks or vans making delivery to the premises, which may be parked in the front yard area for a period not exceeding one (1) hour per day.

   B. For any parcel developed or redeveloped after the effective date of this ordinance, no unenclosed parking or loading space shall be closer to the arterial road than fifteen (15) feet. All areas within fifteen (15) feet of any street line of an arterial road must be maintained as landscaped areas.

8. All areas used for parking or loading, including driveways, shall be paved.

9. All parking and loading spaces shall be designated with painted stripes or comparable industry standard markings.

10. No off-street parking space shall be used for any other purpose

Section 53.182. Trailers.

Except as provided herein, no trailer, as defined in this Zoning Code, may be parked or stored in the front or side yards of any residence district, but a trailer may be parked or stored in the rear yard in compliance with the appropriate district regulations pertaining to the location of accessory buildings and structures. However, if the trailer is serving as a trash receptacle during remodeling, construction of a home, or removal of debris, it shall be allowed for a period of not more than ninety (90) days unless the Director of Planning and Development extends such time period. In no event shall the use continue for more than fifteen (15) days following the completion of such activity on the property. All other trailers shall be allowed in front and side yards on a paved driveway surface for a period of not more than ten (10) days two (2) times per year.

Section 53.183. Parking and Vehicle Storage in Residential Districts.

No yard in any residence district shall be used for off-street parking or storage at any time, except in an enclosed garage, of a truck (or other vehicle) used for commercial or industrial purposes (with the exception of a passenger car or station wagon bearing no commercial legend). However, a trailer or a truck not in excess of three-quarter (3/4) ton capacity may be parked in a front yard, rear yard, or that portion of the side yard lying to the rear of the front line of the main building if the owner or operator of such trailer or truck may establish to the satisfaction of the City that:

a. The expense of constructing a garage would constitute a real, substantial, and genuine financial hardship to said owner or operator, or

b. The topography or shape of the lot or location of the structures on the lot makes the construction and use of a garage physically impossible.

To establish such a hardship, a trailer or a truck owner residing upon the property in question may apply for such relief by filing with the City Manager, a duly executed affidavit setting out all the facts upon which such claim if any, for relief may be made, and the City Manager may in approving such applications, designate that portion of the yard of the premises where said trailer or truck may be parked. Such determination, based upon such affidavit, shall be made by the City Manager within thirty (30) days of the date of said application, and such decision, in allowing or disallowing such application, shall be final and binding but shall be subject to judicial review. Approved applications shall be effective for twelve (12) month periods renewable under the same conditions as the original application. Any approved application shall automatically expire when the trailer or truck mentioned therein is disposed of or sold.

Section 53.190. <u>Development Standards for Golf Courses.</u>

A Golf Course shall comply with the following development and operating standards, except that any portion of the existing playing area, including any practice driving range area as of the effective date of this amendment shall not be subject to such standards. Property newly acquired or converted to golf course use after the date of this amendment, intended to be used as part of the golf course, shall be subject to the following standards:

d. Greens shall be setback a minimum of twenty-five (25) feet from any property line abutting a non-golf course use.

b. Enclosed buildings and accessory structures which have a roof shall be:

1. Setback a minimum of fifty (50) feet from any property line; and

2. Screened with vegetation as defined below; and

3. May not exceed twenty (20) feet in height if within one hundred (100) feet of any property line.

c. Where screening is required, it shall consist of dense evergreen planting at least eight (8) feet in height, and of sufficient density so as to screen year-round the building or activity as viewed from neighboring properties.

d. Outdoor or open storage shall be prohibited.

e. Exempted from setback regulations are: fairways, rough, landscaped areas, natural planting or vegetated areas, tees, tee markers, ball washers, benches, signage, monuments, out-of-bounds markers, lateral hazard markers, and similar markers and posts.

f. A golf course shall not be artificially illuminated on any playing area except for security lighting or illumination of tennis courts or pools. If illuminated tennis courts or pool areas are within fifty (50) feet of any property line abutting a non-golf course use, the source of the illumination shall be shielded from the neighboring properties.

Section 53.191. <u>Development Standards for Sexually Oriented Businesses.</u>

a. No such business or use may be located on a parcel which is within one thousand (1,000) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is owned by a religious institution, educational institution, or the City, and which is occupied by or used as a church, school, or public park.

b. No customer entrance for such business may be located closer than one hundred (100) feet, as measured by the Director of Planning and Development or his or her designee, to any property zoned for residential use.

c. No such business may be located on a parcel of land which is within five hundred (500) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is used for a Child Day Care Center.

d. No window display or signage, whether temporary or permanent, for such a business may graphically depict or include words referencing any human anatomy, sex toy, or similar instruments, devices, or paraphernalia which is visible from off premises.

e. No such business or use may be located within two hundred fifty (250) feet, as measured by the Director of Planning and Development or his or her designee, of another sexually oriented business.

Section 53.192 Development Standards for Small Loan Businesses, Pawnshops, and Tattoo or Body Piercing Establishments

The establishment of new small loan businesses, pawnshops, and tattoo or body piercing establishments shall be consistent with the development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, the following development standards shall apply. The purpose of these provisions is to limit the overconcentration of small loan businesses, pawnshops, and tattoo or body piercing establishments within the city by applying minimum distance standards between these uses and other sensitive land uses and ensuring compatibility with surrounding uses by limiting the hours of operation. In addition to the development standards of the underlying zoning district, the following special standards shall apply to all new small loan businesses, pawnshops, and tattoo or body piercing establishments:

a. No such business or use may be located on a parcel which is within one thousand (1,000) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is owned by a religious institution, educational institution, or the City, and which is occupied by or used as a church, school, or public park.

b. No such business may be located on a parcel of land which is within five hundred (500) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is used for a Child Day Care Center.

c. No new small loan businesses, pawnshops, and tattoo or body piercing establishments may be located within two hundred fifty (250) feet, as measured by the Director of Planning and Development or his or her designee, of another such business.

d. The hours of operation for small loan businesses, pawnshops, and tattoo or body piercing establishments shall be limited to between 8:00 a.m. and 9:00 p.m. daily.

Section 53.195. Fence Regulations.

No person shall erect a new or replacement fence without first having obtained a fence permit from the Director of Planning and Development. Repairs to existing fences do not require a permit. A repair is defined as the replacement of a portion of fence which is less than twenty-five (25%) of its total linear distance (whether interrupted or not), or three hundred (300) square feet of fence surface, whichever is less, with the same material, at the same height, in the same location.

The application for a fence permit shall include a scaled drawing of the property showing all property lines, structures, and the location & dimensions of existing and proposed fencing. The application shall also include design specifications for the fence to be erected. The application shall be accompanied by a fee of Forty Dollars ($40.00).

Unless otherwise indicated in the body of these regulations, fences may be either sight proof (solid) or open.

All fences shall be erected and continuously maintained in accordance with the provisions of the Building Code, the Minimum Housing Standards Ordinance, the Comprehensive Nuisance Ordinance, and the following design standards.

Section 53.196. Fence Height.

All fence heights shall be measured from the top-most point of the fencing material vertically to the ground. Posts may be up to six (6) inches taller than the fencing material. Fence height shall be as follows:

a. Fences may be erected to a height of four (4) feet on any part of a lot, except within thirty (30) feet of an intersection of two or more streets, in which case the maximum height is two (2) feet subject to approval by the Public Works Director. The Public Works Director will determine if such a fence will obstruct the vision of vehicular operators or pedestrians.

b. On corner lots, no fence in the side street front yard shall exceed four (4) feet in height.

c. On reversed corner lots, no fence which exceeds four (4) feet in height shall be erected closer to the street line than the front line of the main building on the adjacent property. (Ord. No. 8840, §1, 6-3-2014)

d. Fences may be erected to a height of six (6) feet in any part of the rear yard of a lot.

e. On lots with double frontage abutting Elm Avenue, Edgar Road, Rock Hill Road, Newport Avenue, Laclede Station Road, Short Avenue and College Avenue, that face streets in both the front and rear where seventy-five percent (75%) or more of existing dwellings have observed a uniform building orientation so that the portion of the yard facing those streets is treated as a back yard by the occupants, fences may be erected ten (10) feet back from the property line abutting those streets to a height of six (6) feet. (Ord. No. 8840, §2, 6-3-2014)

f. Fences may be erected to a height of eight (8) feet within the buildable area provided for the main structure of a lot; or along the common property line between:

1. Properties zoned residential and commercial; or

2. Properties zoned residential and industrial; or

3. A property zoned residential and a railroad right-of-way; or

4. A property zoned residential and an interstate highway right-of-way.

g. Fences enclosing an institution, a public park, a public playground, an elementary or high school site, or a commercial or industrial occupancy shall not exceed ten (10) feet in height.

h. Fences surrounding tennis courts shall be of open mesh construction and shall not exceed fifteen (15) feet in height.

i. Notwithstanding the aforementioned height requirements, fences on side yard lot lines may be erected to an equal height as that permitted by right on immediately adjacent lot lines of abutting properties developed with residential structures. However, in no case shall a fence taller than four (4) feet be permitted beyond the front building face of the main building on the lot where the fence is constructed.

Section 53.197. Fence Materials and Design.

a. No fragile, readily flammable material such as paper, cloth or canvas, shall constitute any part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.

b. (1) Every fence erected in front of the front line of the main building, and/or in the Front Yard Area, of a lot in residentially zoned districts shall be decorative or ornamental, and constructed of wood, wrought iron, ornamental wire, brick, stone, or like materials. Chain link fences, wire fences, wire mesh fences, snow fences, glossy plastic or similar synthetic fences, or fences constructed in any part with such materials shall not be considered decorative or ornamental. Fences constructed in front of the front building line and/or in the front yard, regardless of zoning district, shall be sufficiently similar in style to approved fence designs as presented in the “Approved Front Yard Fences Guide”, as published and updated from time to time by the City Architectural Review Board.

b. (2) Notwithstanding the foregoing, fences used in connection with non-residential playgrounds, athletic fields and tennis courts only may be constructed of chain link fencing or decorative wire, however all such fencing must be coated with dark-colored vinyl or equivalent material intended to be stealth in nature as approved by the Architectural Review Board.

c. No fence shall have any electric current running through it, except as approved by City Council.

d. All supporting posts, cross members and protruding bolts, screws and/or hardware of any fence shall be inside the property and face toward the interior of the property of the person who erects, constructs or causes to have constructed the fence.

e. No fence shall be erected within twelve (12) inches of any public sidewalk, public walkway, or public street.

Section 53.198. Exceptions.

Double frontage and corner lots abutting MO Route 366 (Watson Road), when developed with single-family residences and having no driveway, curb-cut, or any other vehicular access point to MO Route 366 and adjoining at least one other such lot, may consider the yard abutting MO Route 366 a "rear yard" for purposes of Sections 53.195 through 53.199. Notwithstanding the above, all other yard areas with street frontage shall be considered a "front yard" for purposes of Sections 53.195 through 53.199.

Section 53.199. Appeals Regarding Fences.

a. The City Council or any person aggrieved by any order, requirement, decision, or determination of the Director of Planning and Development with respect to the fence regulations contained in Section 53.195 et seq. may appeal to the Board of Adjustment as provided in Section 53.304 of the Code; provided, however, that if the appeal is in relation to the design of front yard fences (Section 53.197(b1), the appeal shall not be heard by the Board of Adjustment, but by the Architectural Review Board.

1. An appeal to the Architectural Review Board with regard to the design of front yard fences (Section 53.197(b1) must be made within fifteen (15) days of the Director of Planning and Development's order, requirement, decision, or determination which is being appealed. The Architectural Review Board will review the appeal to determine if the fence complies with the requirements of Section 53.197(b1). The Architectural Review Board will review the appeal in accordance with the procedures set forth in Sections 56.060 through 56.130 of this Code.

2. Appeals to the "Approved Front Yard Fences Guide", shall be reviewed by the Architectural Review Board for inclusion as an approved front yard fence design for all future permits. These appeals review the fence design exclusive of the site location.

3. Site Specific Front Yard fence design appeals can be reviewed on an individual basis by the Architectural Review Board. Applicants must provide the following information for the appeal:

A. Photographs of all elevations of the existing primary structure on the site.
B. Drawings or renderings of the proposed fence.
C. Design statement regarding the fence design and its relation to the site and existing structures.

b. With regard to fence permits for non-residential use in a residential district (as provided for in 53.197(b2), the application must be first reviewed and approved as submitted, or as modified, by the Architectural Review Board pursuant to Sections 56.060-56.160 and 56.220-56.230. In the event the ARB denies such an application, the applicant may appeal the decision to the City Council. If the application is denied by the ARB and no appeal is taken, or if an appeal is denied by the City Council, then no such fence permit shall be issued.

(Ord. No. 8840, §4, 6-3-2014)

Section 53.200. Miscellaneous Requirements.

Section 53.201. Occupancy.

1. **Certificate of Occupancy, Generally.** No vacant land shall be occupied or used, except for truck gardening and farming purposes, and no building hereafter erected or structurally altered shall be occupied or used until a Certificate of Occupancy shall have been issued by the City in compliance with all applicable ordinances.

2. **Certificate of Occupancy for a Building.** Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same shall have been made in writing to the Director of Planning and Development after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Director of Planning and Development for a period not exceeding one (1) year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this Zoning Code, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

3. **Certificate of Occupancy for Land.** Certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within three (3) days after the application has been made, providing such use is in conformity with the provisions of these regulations.

4. **Contents of Certificate of Occupancy; File Retention; Fees.** A Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Director of Planning and Development and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of Occupancy.

5. **Construction and Occupancy of Accessory Building.** No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

6. **Occupancy of Basements or Cellars.** No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

7. **Temporary Buildings.** Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.

8. **Excavation Permits.** No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

9. **Plats.** Application for Certificate of Occupancy shall be accompanied by a drawing or plat, in duplicate, showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of the original copy of such applications and plats shall be kept in the office of the Director of Planning and Development.

Section 53.202. Preservation of Existing Grade.

a. The finished first floor elevation at the front façade shall not exceed by more than one foot the average finished first floor elevation at the front façade of adjacent properties with frontage on the same street.

b. The Director of Planning and Development may approve variations from the above upon finding that the proposed variation is necessary to adequately address issues including, but not limited to, storm water runoff, sanitary sewer, and the general welfare of the community.

Section 53.203. Additional Attached Garage Regulations.

a. **Front Entry Garages.** Front Entry Garages are permitted if forty percent (40%) or more of the single-family dwellings on both sides of the street on the same block have front entry garages. When the vehicle doors face a street, the following standards must be met:

1. For single-family dwellings with front elevation widths of forty-four (44) feet or greater, garage width shall be limited to a maximum of forty-two percent (42%) of the front elevation or twenty-two (22) feet, whichever is greater.

2. For single-family dwellings with front elevation widths less than forty-four (44) feet, garage width shall be limited to a maximum of fifty percent (50%) of the front elevation.

3. The garage-portion of the front elevation may project a maximum of six (6) feet beyond the remainder of the front elevation provided that if the garage projects four (4) or more feet beyond the remaining front elevation, then an architecturally integrated covered porch shall extend along the remainder of the front elevation.

4. Garage doors with a width of ten (10) feet or greater shall have architectural treatment as approved by the Architectural Review Board.

5. For single-family dwellings located on corner lots, the above regulations shall apply to the primary front elevation as determined by the Architectural Review Board.

6. For single-family dwellings with a garage constructed below the first floor due to the natural grade of the site, garages up to twenty (20) feet wide are permitted regardless of total front elevation width.

7. For the purpose of determining garage width as used in subsections (1) and (2) above, "**garage width**" is defined as that portion of the exterior elevation which, by virtue of front façade off-set, vehicle door placement, roof lines and/or other exterior architectural treatment, is clearly discernible as space designed for parking of automobiles and similar vehicles.

   Size Exception: If an applicant can demonstrate that forty percent (40%) of the dwellings on the same block, both sides of the street, exceed these size limits, then the ARB may approve a design for a front entry garage that exceeds these size limits.

b. **Side/Rear Entry Garages.** When the vehicle doors do not face a street, the following standards must be met:

1. The total length of the street-facing elevation, including the garage-portion, must be architecturally integrated.

2. The garage-portion of the front elevation may project a maximum of six (6) feet beyond the remainder of the front elevation provided that if the garage projects four (4) or more feet beyond the remaining front elevation, then an architecturally integrated covered porch shall extend along the remainder of the front elevation.

3. For single-family dwellings located on corner lots, the above regulations shall apply to the secondary front elevation as determined by the Architectural Review Board. (Ord. No. 8519, § 2, 11-21-06)

Section 53.204. Temporary Signs.

The City Manager shall have authority to grant permission for the installation and maintenance of temporary construction and display signs (as herein defined) in any zone without Public Hearing, for a period not exceeding thirty (30) days to be fixed by the City Manager (and in the event the City Manager shall fail to fix such thirty (30) day period, all such temporary signs shall be subject to removal upon the expiration of thirty (30) days from the date of the granting of permission), provided that the owner of the property shall make application and pay a license fee of Fifteen Dollars ($15.00) for each such sign (subject to waiver of this fee by the City Manager for purely charitable enterprises), and provided further that the plan of construction thereof and specifications shall be approved by the Director of Planning and Development and the application shall contain the agreement of the owner to hold the City of Webster Groves harmless of any damages resulting to any person by reason of the maintenance of such signs; provided

further that such temporary display signs shall not exceed twelve (12) square feet and construction signs shall not exceed six (6) square feet total area.

Section 53.205 Additional Minimum Street Setbacks.

Irrespective of the foregoing provisions of this Zoning Code, on the following streets no building shall be erected closer to the centerline of the street than the setback herein established:

a. **Berry Road**

Thirty (30) feet on the east side of centerline from the intersection with Big Bend Boulevard to Algonquin Lane.

b. **Big Bend Road**

1. Forty (40) feet each side of centerline from city Limits to a point five hundred (500) feet southwesterly from Dale Avenue.

2. Thirty (30) feet each side of centerline from a point five hundred (500) feet southwesterly from Dale Avenue to the intersection with Lockwood Avenue.

3. Forty (40) feet each side of centerline from the intersection of Lockwood Avenue to the intersection with Maple Avenue.

4. Thirty (30) feet each side of centerline from the intersection of Maple Avenue to the intersection of Gray Avenue.

5. Forty (40) feet each side of centerline from the intersection of Gray Avenue to the western City Limits.

c. **Bompart Avenue**

Thirty (30) feet each side of centerline from Marshall Avenue to Big Bend Boulevard.

d. **Brentwood Boulevard**

Forty (40) feet each side of centerline from the northern city limits to the intersection with Elm Avenue.

e. **Edgar Road**

Thirty (30) feet each side of centerline from Big Bend Boulevard to U.S. Highway 66.

f. **Elm Avenue**

Forty (40) feet each side of centerline through its entire length.

g. **Glendale Road**

Thirty-five (35) feet each side of centerline from Edgar Road to the intersection with Rock Hill Road.

h. **Gore Avenue**

Thirty (30) feet each side of centerline from the intersection with Big Bend Boulevard on the north side of the St. Louis-San Francisco Railroad to the intersection with Big Bend on the south side of said railroad.

i. **Grant Road**

Thirty (30) feet each side of centerline from Big Bend Boulevard to the south City Limits.

j. **Key West Avenue**

Thirty (30) feet each side of centerline from the intersection with Marshall Avenue to the intersection with Big Bend Boulevard.

k. **Kirkham Avenue**

1. Forty (40) feet each side of centerline from the intersection with Elm Avenue to the intersection with Rock Hill Road.

2. Thirty (30) feet each side of centerline from the intersection with Rock Hill Road to the western City Limits.

l. **Laclede Station Road**

1. Thirty (30) feet each side of centerline from the northern City Limits to the intersection with Big Bend Boulevard.

2. Thirty (30) feet each side of centerline from eastern City Limits to the intersection with Big Bend Boulevard.

m. **Lockwood Avenue**

1. On the south side of Lockwood Avenue from Elm Avenue to Jefferson Road, the minimum setback shall be thirty-five (35) feet and between Jefferson and Rock Hill Road shall be a direct prolongation of the above to its intersection with the present south line of Lockwood Avenue and thence westward along this south line to Rock Hill Road.

2. On the north side of Lockwood Avenue from McClure Avenue to Rock Hill Road buildings may be erected to a line that is parallel to and seventy (70) feet distant from the building line described in subsection (1) above.

n. **Marshall Avenue**

Thirty (30) feet each side of centerline from the intersection With Key West Avenue to the intersection with Brentwood Boulevard.

o. **Moody Avenue**

Thirty (30) feet each side of centerline from the intersection of Elm Avenue to a point two hundred (200) feet west of Gore Avenue.

p. **Newport Avenue**

Thirty (30) feet each side of centerline from the intersection with Elm Avenue to the intersection with Laclede Station Road.

q. **Rock Hill Road**

Thirty (30) feet each side of centerline from the northern City Limits to the intersection with Big Bend Boulevard.

r. **Wilshusen Avenue**

Thirty (30) feet on the west side of centerline from the intersection with Big Bend Boulevard to the intersection with Murdock Avenue.

s. **U.S. Highway 66**

One Hundred (100) feet on the north side of the centerline from the eastern City Limits to the western City Limits.

Section 53.220. <u>Accessory utility uses and facilities; all districts</u>

Every public utility, cable company, video service provider and other users of the City rights-of-way or adjacent easements to provide services shall comply with the supplemental regulations in this section regarding the placement of accessory utility facilities on public or private property. Except where limited by other provisions of City ordinance, accessory utility facilities shall be subject to the following supplementary regulations:

a. **Approval; Design; Location; Application; Notice.** The design, location, and nature of all accessory utility facilities on private or public property shall require approval of the City, which approval shall be considered in a nondiscriminatory manner, in conformance with this ordinance, and subject to reasonable permit conditions as may be necessary to meet the requirements of this ordinance. To that end, prior to any construction, excavation, installation, expansion or other work on any accessory utility facility, the facility owner shall apply to the City and submit detailed plans for the City's review and approval. Contemporaneous with such application, the facility owner shall provide notice to all property owners within one hundred and eighty-five (185) feet of the location of the proposed construction, excavation or other work. Such notice shall include a detailed description of the proposed work to be done, the exact location of proposed work and the anticipated time and duration of the proposed work. Notice shall be given at least five (5) business days prior to the commencement of any such work. In considering individual applications or multiple location applications, the City shall review the request to ensure the proposed accessory utility facilities do not impair public safety, harm property values or significant sight-lines, or

degrade the aesthetics of the adjoining properties or neighborhood, taking into consideration reasonable alternatives. Any material changes or extensions to such facilities or the construction of any additional structures shall be subject to the requirements and approvals as set forth herein. Unless otherwise prohibited, accessory utility facilities subject to this subsection may be located in minimum setback areas provided that all other requirements are met. To the extent permitted by Section 67.2707.1(3) R.S.Mo., the time, method, manner and location of facilities to be located in the rights-of-way may be established or conditioned by the City to protect the rights-of-way or to ensure public safety. An inspection fee shall be required as may be established by the City to reimburse the City for the costs of review and inspection of accessory utility facilities as may be permitted by applicable law. Permit and inspection fees shall be as provided for in Chapter 10 (excavation) and Chapter 20 (building) of the City Code.

b. **General Regulations.** The following general regulations apply to all accessory utility facilities:

1. All such facilities shall be placed underground, except as otherwise provided in subsections (b), (c) and (d) herein or as approved by conditional use permit.

2. All such facilities shall be constructed and maintained in such a manner so as not to emit any unnecessary or intrusive noise.

3. Abandoned facilities shall be removed within thirty (30) days thereafter at the cost of the utility. All facilities for which use has commenced shall be deemed abandoned after six (6) continuous months of non-use. Land from which abandoned facilities are removed, whether private or public property, shall be restored within thirty (30) days of removal by the facility owner or have costs of such remedies charged to the facility owner. The facility owner shall restore the land using similar plantings or sod of the same type of grass immediately surrounding the land and shall replace all existing plantings damaged by the removal work with like plantings and shall replace all damaged existing grass areas with sod of the same type of grass as was damaged.

4. Unless otherwise restricted, utility poles for authorized above ground lines or facilities shall be permitted up to forty-five (45) feet in height where utilities are not otherwise required to be placed underground; provided that such poles shall be no higher than necessary, maintained so as to avoid leaning from upright position, and without use of guy wires crossing rights-of-way or pedestrian routes except where approved by the City as necessary due to the lack of feasible alternatives.

5. Accessory utility facilities placed in designated historic areas may be subject to additional requirements regarding the placement and appearance of facilities as may be necessary to reasonably avoid or reduce any negative impact of such placement.

6. Any damage to landscaping or vegetation on private or public property during installation or maintenance of facilities shall be remedied by the facility owner within thirty (30) days of such damage.

7. No facility may be located so as to interfere, or be likely to interfere, with any public facilities or use of public property or contrary to any sight distance regulation of the City.

8. All such facilities proposed to be located within a historic district or landmark shall be required to obtain a certificate of appropriateness in accordance with the provisions set forth in Chapter 52 of the City Code.

9. All utility facilities not authorized by this subsection or specifically addressed elsewhere in this Code shall be authorized only by a conditional use permit pursuant to this Chapter 53, or otherwise authorized pursuant to Section 12.020 “Location of Facilities” and Section 20.555 “Underground Utility Service Lines,” incorporated herein.

c. **Residential Districts.** In residential districts and rights-of-way adjacent thereto, accessory utility facilities less than three and one-half (3.5) feet in height and covering less than eight (8) square feet in area may be installed above ground with the prior approval of the City. Except as otherwise may be authorized herein, any larger facility shall be installed underground or authorized to be installed above ground only by conditional use permit. All above ground facilities, where authorized, shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical, then such facilities may be located in the side yard. Such facilities shall not be located in the front yard or within the public rights-of-way unless otherwise approved by the City upon a determination that all other alternatives are not feasible. In determining whether a front yard installation is permissible, the City shall employ the criteria for determination of variances set forth in Section 53.307(b) of the Zoning Code. Any installation located within a side or rear yard shall meet the setback requirements for accessory structures.

d. **Non-Residential Districts.** In non-residential districts and rights-of-way adjacent thereto, accessory utility facilities with a height of less than five (5) feet and covering less than sixteen (16) square feet in area may be installed above ground with the prior approval of the City. Except as otherwise may be authorized herein, any larger facility shall be installed underground or authorized to be installed above ground only by conditional use permit. All above ground facilities, where authorized, shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical, then such facilities may be located in the side yard. Such facilities shall not be located in the front yard or within the public right-of-way unless otherwise approved by the City upon a determination that all other alternatives are not feasible. In determining whether a front yard installation is permissible, the City shall employ the criteria for determination of variances set forth in section 53.307(b) of the Zoning Code.

e. **Landscape Screening.** A sight-proof landscape screen shall be provided for all authorized above ground facilities taller than two (2) feet in height or covering in excess of four (4) square feet in area. Such screen shall be required to

sufficiently conceal the facility. A landscape plan identifying the size and species of landscaping materials shall be submitted by the accessory utility facility owner and approved by the City prior to installation of any facility requiring landscape screening. The accessory utility facility owner shall be responsible for the installation, repair, maintenance, or replacement of screening materials. Alternative screening or concealment may be approved by the City to the extent it meets or exceeds the purposes of these requirements. Alternative screening or concealment may be required by the City to the extent it is located in a historic district or other prominent location. Facilities located in rear yards may be exempted from screening where located so as not to be visible from (1) any public property and (2) more than two residential dwelling units. Any required screening shall be completed within the timeframe set forth in the permit required under this Section, or not less than thirty (30) days from issuance of the permit, if not otherwise stated.

f. **Compliance With Other Laws.** All accessory utility facilities shall be subject to all other applicable regulations and standards as established as part of the City Code, including but not limited to building codes, zoning requirements and rights-of-way management regulations in addition to the supplementary regulations herein. The provisions of this Section shall not apply to any circumstance or entity in which application under such circumstances is preempted or otherwise precluded by superseding law or to the extent a City officer charged with enforcement reasonably determines that public safety would be negatively impacted by any specific application. When a conflict occurs between the provisions of this section and other regulations of the City Code, the most restrictive shall apply. (Ord. No. 8721, § 3, 6-21-11)

Section 53.221. Wireless Telecommunications Facilities Code.

Sections 53.221 through 53.229 shall be known and may be cited as the “Wireless Telecommunications Facilities Code” of the City of Webster Groves, Missouri.

Section 53.222. Purpose.

The purposes of this Wireless Telecommunications Facilities Code are to:

a. Provide for the appropriate location and deployment of wireless communications infrastructure to better serve the citizens and businesses of the City of Webster Groves and the metropolitan St. Louis area;

b. Minimize adverse visual impacts of wireless facilities and support structures through careful design, siting, landscape screening and innovative camouflaging techniques;

c. Encourage the use of disguised support structures so as to protect the architectural and scenic quality of the City;

d. Comply with applicable law including the Federal Telecommunications Act of 1996, 47 USC 332, and the Missouri Uniform Wireless Communications Infrastructure Deployment Act, 67.5090 et seq RSMo.

Section 53.223. Use Regulations.

Permitted, conditional and accessory uses are permitted as follows in all non-residential zoning districts:

Permitted Uses.

Satellite earth stations less than six (6) feet in diameter and receive-only home television antennae are allowed as accessory uses in all districts without any permit and wireless facilities and support structures which meet any of the following criteria may be constructed, repaired or modified upon receipt of a building permit issued by the Director of Planning and Development:

a. Collocation and replacement applications, provided that no permit may be issued for collocation to a certified historic structure as defined in section 253.545 RSMo until at least one public hearing has been held by the Director within 30 days prior to issuance. The Director shall provide public notice of such public hearing in the same manner as required for proposed zoning code changes. Such applications are subject to General Condition F.1. of this section, but no other zoning or land use requirements, including design or placement requirements, or public hearing review.

b. The mounting of wireless facilities in or on the roof of any existing building other than a single-family residence, provided that the building was not constructed primarily for the support of antennae and provided that the height of the facilities does not exceed twenty (20) feet from its mounting and that such use is not otherwise prohibited by ordinance.

c. Wireless facilities or support structures for the operations of a commercial or public radio or television station licensed by the Federal Communications Commission or a local, state or federal law enforcement or emergency agency may be installed as permitted by law in non-residential districts.

d. The installation or mounting of antennae on any electrical transmission towers located in any commercial zoning district of the city.

e. The installation of a disguised support structure and related wireless facilities as part of a building or structure that is otherwise allowed in the district in which located.

f. Wireless facilities or support structures for the operation of a licensed amateur radio facility within the city. The permit application must be accompanied by proof

that the applicant or an occupant of the property is a licensed amateur radio operator.

1. The Director shall issue an amateur radio antenna/ structure permit if it is determined that: (a) any antenna(s) mounted on a roof shall not extend more than sixty-eight (68) feet above grade; (b) any tower-mounted antenna(s) shall not extend more than sixty-two (62) feet above grade when fully extended; and (c) the requirements of this section regarding location, structural components and wiring are complied with. Permits for ground mounted antennas and supports intended exclusively for the support of wire antennas which are so erected as to be readily capable of being relocated from time to time shall describe the area within which such an antenna or support may be positioned.

2. Any person desiring to install, erect or maintain an amateur radio antenna at any height greater than set forth in the preceding subsection shall file an application therefor with the Board of Adjustment. No fee shall be required for this application. The Board of Adjustment may grant a permit to allow construction to such height as it shall determine if it finds that topographical circumstances or other operational parameters of the antenna(s) and the associated radio equipment so require and that there are adequate provisions to protect adjoining properties.

3. Wireless facilities or support structures for licensed amateur radio uses that are ground-mounted shall be located in the rear of the lot between the rear line of the principal building on the lot and six (6) feet from the rear lot line. No such antenna, nor any portion of any base or support therefore, may be closer than six (6) feet to any lot line; provided, further, that on corner lots no antenna may be closer to any street than the principal building.

Conditional Uses. The following uses are permitted under requirements specified in Section 53.170. et seq.

All wireless facilities and support structures to be installed, built or otherwise modified that are not expressly permitted by the permitted uses herein, and not prohibited below

Prohibited Uses Except as otherwise permitted above:

a. No wireless facilities or support structures shall be permitted in residentially-zoned districts, other than for licensed amateur radio uses.

b. No wireless facilities or support structures shall be permitted to have a total height in excess of one hundred (100) feet.

c. Wireless facilities installed on a building shall not exceed twenty (20) feet from the highest point of the building, other than for licensed amateur radio uses.

d. Unless a disguised support structure is in the form of a standard outdoor advertising structure, the placement of advertising or signs on wireless support structures is prohibited.

Section 53.224. Dimensional Regulations.

a. Wireless support structures, except disguised support structures, shall not be located within two hundred (200) feet of any residential structure.

b. All wireless support structures, except disguised support structures, shall be separated from any residential structure at least a distance equal to the height of the support structure plus ten feet. Support structures on parcels adjacent to residentially-zoned property shall, at a minimum, meet the setbacks of the applicable zoning district as required for the principal structure along the adjoining property lines. No support structure may be placed on residentially-zoned property closer to any residential structures on adjoining properties than the distance from the support structure to the principal structure located on the lot on which the support structure is located.

Section 53.225. Development Standards.

a. *Building Codes and Safety Standards.* All wireless facilities and support structures shall meet or exceed the standards and regulations contained in applicable state and local building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering.

b. *Regulatory Compliance.* All wireless facilities and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other federal or state agency with the authority to regulate such facilities and support structures. Should such standards or regulations be amended, then the owner shall bring such facilities and support structure into compliance with the revised

standards or regulations within six (6) months of the effective date of the revision unless a different date is established by the controlling agency.

c. *Supports.* No more than one antenna tower may be erected on any lot in the city; provided, however, that a support used exclusively for the support of a wire antenna for a licensed amateur radio facility and being no wider than six (6) inches at grade and having a height no greater than fifty (50) feet above grade shall not be considered as an antenna tower for purposes of calculating the permitted number of such towers under this subsection.

d. *Lighting.* Wireless facilities and support structures shall not be illuminated at night unless required by the FAA or other federal or state agencies, in which case, a description of the required lighting scheme will be made a part of the application.

e. Design

1. Wireless facilities and support structures should, to the extent reasonably possible, be architecturally and visually compatible with surrounding buildings, structures, vegetation and/or uses already in the area or likely to exist under the regulations of the underlying zoning district.

2. Wireless support structures, except disguised support structures, shall maintain a galvanized steel finish or, subject to the requirements of the FAA, FCC or any other applicable federal or state agency, be painted a neutral color consistent with the natural or built environment of the site.

3. Wireless facilities other than antennae shall have an exterior finish compatible with the natural or built environment of the site, and shall also comply with such other reasonable design guidelines as may be required by the city.

4. Wireless facilities mounted on buildings should be made to appear as unobtrusive as possible by location as far away as feasible from the edge of the building and by making them a color consistent with the natural or building backdrop.

5. Wireless facilities shall be screened by appropriate landscaping and/or fencing. Wireless support structures shall be surrounded by a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet tall and deciduous

trees not less than two and one-half (2½) inches in caliper at time of planting.

6. Said landscape strip shall be exterior to any security fencing. In lieu of the required landscape strip, a minimum six (6) foot high decorative masonry fence or wall may be approved by the city upon demonstration by the applicant that an equivalent degree of visual screening is achieved.

7. All wiring to or from ground mounted antennas or antenna towers located more than five (5) feet from the nearest building wall shall be underground; provided, however, that feed lines to and from antennas for licensed amateur radio facilities which must be open to the air in order to operate as designed (so called "open wire feed lines") need not be enclosed or located underground.

f. Miscellaneous

1. For any guyed wireless support structure, ground anchors shall be located on the same parcel as the structure and such anchors shall meet the setbacks required for accessory buildings within the zoning district.

2. Vehicle or outdoor storage on the site of any wireless facilities or support structure is prohibited.

3. On-site parking for periodic maintenance and service shall be provided at all locations of wireless facilities and support structures.

4. Any wireless facility or support structure no longer used for its original communications purpose shall be removed at the owner's expense. The owner and applicable co-users shall provide the city with a copy of any notice to the FCC of intent to cease operations and shall have ninety (90) days from the date of ceasing operations to remove the facility and/or support structure. In the case of co-use, this provision shall not become effective until all users cease operations. Any wireless support structure not in use for a period of one (1) year shall be deemed a public nuisance and may be removed by the city at the owner's expense. Removal of facilities shall not be a condition of approval of any application.

5. Prior to the issuance of a building or conditional use permit, other than for a collocation or replacement application, the city may require submittal of easement documents, lease agreements or other documentation of

evidence of the right to utilize the property for location of wireless facilities and/or support structures.

Section 53.226. Time Limits.

All applications regarding wireless facilities and support structures shall be processed in accordance with the time limits established by sections 67.5090 to 67.5103 RSMo.

Section 53.227. Fees.

Fees for applications regarding wireless facilities and support structures shall not exceed the limits established by sections 67.5090 to 67.5103 RSMo.

Section 53.228. RESERVED.

Section 53.229. RESERVED.

(Ord. No. 8853, § 1, 8-19-2014)

ARTICLE VII: Planned Districts

Section 53.230. "B1" Planned, Multiple Family Residence District Requirements.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the "B1" Planned, Multiple Family Residence District.

Section 53.231. "B1" Purpose.

In order to provide for apartments of integrated design and appropriate locations, the "B1" Planned Multiple Family Residence District is hereby established. Such district shall be laid out and developed as a unit according to an approved plan as provided below so as to accomplish such purpose.

Section 53.232. "B1" Use Regulations

a. The owner of any parcel of land may submit to the City Council a plan for the use and development of all or part of such parcel for the purpose of meeting the requirements set forth in this section. The plan shall be referred to the Plan Commission for study and report and for public hearing. The Commission shall determine the suitability of a planned residence district based on the criteria herein established and that required for conditional use permits, as established in Section 53.173. Notice and publication of such public hearing shall conform to the procedures for hearings on amendments prescribed in Section 53.801. If no report is transmitted by the Plan Commission within sixty (60) days of notification, the City Council may take action without further awaiting such report. If the Plan Commission approves the plans, they shall be submitted to the City Council for their consideration and action.

b. Within the "B1" Planned Multiple Family Residence district, a building or premises may be used only for apartments, parking areas and other facilities ordinarily incidental to garden apartment uses. The apartment area shall be designed as a whole, unified single project in compliance with the following minimum requirements, and, if built in stages, each stage shall conform with the approved plan.

c. Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions with an exception granted under the provisions of Section 53.307 c.6. (see Sections 53.221 et seq for the requirements for this use)

Section 53.233. "B1" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code except as noted below.

a. Off street parking spaces shall be provided in the ratio of not less than one and one-half (1 1/2) parking spaces for each dwelling unit; such parking is to be located in the side or rear yard and accessible to the street by a one way drive around the building or buildings, or by a two-way drive on one side. If garages or carports are provided, not more than forty percent (40%) of the required rear yard shall be covered by such structures. No driveway or parking space shall be closer than ten (10) feet to any side or rear lot line.

Section 53.234. "B1" Dimensional Regulations.

a. **Height.** The height of buildings shall not exceed three stories except that buildings with a twenty percent (20%) or less lot coverage may be erected to a height not to exceed four stories.

b. **Front Yard.** The front yard requirement for new construction shall be no less than thirty (30) feet from the front property line and if required by the Plan Commission, shall be forty (40) feet from the front property line. In addition, in the case of property having a frontage on two streets or at an intersection, the Plan commission may require a front yard of not less than thirty (30) nor more than forty (40) feet from the front property line on each intersecting street or each street comprising the corner on which the premises are located.

c. **Side Yard.**

1. A building with an entrance or entrances facing the side yard shall have a minimum distance from the side lot line of seventeen (17) feet and all other building faces shall have a minimum side yard of ten (10) feet from the side lot line.

2. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one (1) building occupying one (1) lot**.**

d. **Rear Yard.** All rear yards shall have a minimum depth of forty (40) feet.

e. **Intensity of Use.** The aggregate gross area of the building or buildings shall not exceed thirty percent (30%) of the entire lot area with a minimum of one thousand two hundred (1,200) square feet of lot area per family.

f. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

g. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

h. **Open Space**

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.235. "B1" Performance Standards.

a. All roads, parking areas and walks shall be paved with hard surfaced material meeting application specifications of the city.

b. No expansion or conversion of an existing structure for multiple family shall be permitted except on the basis of a detailed site plan to be approved by the City Plan Commission, showing the relationship of yards, off street parking, and other open spaces, to surrounding property and shall comply with these regulations as in the case of new construction.

c. Any part of the project area not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees, shrubs and, where needed, pedestrian walk.

d. Reasonable additional requirements as to landscaping, lighting, screening, access ways, building distances and yard limitations may be imposed by the City Plan Commission for the protection of adjoining residential property.

e. If the Plan Commission believes proof of financial responsibility of the applicant or developer is in the best interests of the City, the Plan Commission may require the applicant to submit such proof to the Director of Finance for his approval and certification to the Plan Commission.

Section 53.236. "B1" Variances.

The City Plan Commission may vary or modify those requirements of Section 53.230 et seq., the strict enforcement of which would entail unusual or real difficulties in carrying out the intent of Section 53.230 et seq. The City Council may, by three fourths (3/4) vote of the whole membership of the Council, modify the report of the Plan Commission in the event the Council feels that unusual or real difficulties in carrying out the intent of this section are contained in the recommendations of the Plan Commission.

Section 53.237. "B1" Construction Deadlines.

In the event the apartments are not constructed within three (3) years after a change in zoning is granted, said premises shall revert to the same zoning classification existing prior to the change to the "B1" Planned Multiple Family Residence District and the District Regulations in force, prior to the establishment of the Planned Residence District, shall thereupon be in full force and effect.

Section 53.238. "B1" Final Development Plan.

A final development plan shall be filed with the City Plan commission for its approval without public hearing or further recommendation to the Council within twelve (12) months following the enactment of an ordinance rezoning the property affected thereby. Said final development plan shall conform with the initial development plan required under this section, and the Plan Commission shall have the discretion to approve minor changes in the development plan both before and after filing with the City Plan Commission, which are not inconsistent with the purpose or intent of this Section, without referring same to the Council. If the final development plan is not filed within the

twelve (12) month period referred to above, or any extension which may be granted by the Council then, upon the expiration of said period or periods, the Council may after recommendation by the Plan Commission, as provided in Section 53.800 of this Zoning Code, enact an ordinance repealing said change of zoning.

Section 53.239. Reserved

Section 53.240. "B2" Multiple Family and Commercial District Requirements.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the "B2" Multiple Family and Commercial District.

Section 53.241. "B2" Purpose.

In order to provide for apartments and limited commercial uses of integrated design, in appropriate locations, or in abutting C, D, or E Districts, the "B2" Multiple Family and Commercial District is hereby established. Each development in any such district shall be laid out and developed as a unit, according to an approved plan, as provided below, to accomplish the purposes hereinabove recited.

Section 53.242. "B2" Use Regulations

a. The owner or agent, duly authorized in writing, of any lot or tracts of land may submit to the City Council a plan for the use and development of all, or any part of, such land, for the purpose of meeting the requirements established by this section. The plan shall be referred to the Plan Commission for study, public hearing and report. The Commission shall determine the suitability of the request for zoning the land to "B2" Multiple Family and Commercial District, based upon the requirements herein established, and those required for conditional use permits set out in Section 53.173. Notice and publication of such public hearing shall conform to the procedures for hearings on amendments prescribed in Section 53.801.

b. Within the "B2" Multiple Family and Commercial District, a building or premises may be used for new apartments, parking area, facilities ordinarily incidental to apartment uses, and for commercial uses permitted in the "C" Commercial District. The area shall be designed as a whole, unified, single project in compliance with the following minimum requirements and, if built in stages, each stage shall conform with the approved plan.

c. Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions with an exception granted under the provisions of Section 53.307 c.6. (see Sections 53.221 et seq for the requirements for this use)

Section 53.243. "B2" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code except as noted below.

a. Off street parking spaces shall be provided in the ratio of not less than one and one-half (1 1/2) parking spaces for each dwelling unit and one parking space for every three hundred (300) square feet of floor area used for commercial purposes; such parking is to be located underground, or on any floor within the building, or in the side or rear yard and accessible to the street by a one-way drive around the building or buildings, or by a two-way drive on one side. If garages or carports are provided, not more than forty percent (40%) of the required rear yard shall be covered by such structures. No driveway or parking space shall be closer than ten (10) feet to any side or rear lot line.

Section 53.244. "B2" Dimensional Regulations.

a. **Height.**

b. **Front Yard.** The front yard requirements for new construction shall be no less than forty (40) feet from the front property line and, if recommended by the Plan Commission and required by the Council, shall be fifty (50) feet from the front property line. In the case of property having a frontage on two (2) streets, or at an intersection, the Plan Commission may recommend or the Council may require a front yard of not less than forty (40) feet, nor more than fifty (50) feet, from the property line on each street, or on each intersecting street comprising the corner on which the premises are located.

c. **Side Yard.**

1. Each side yard shall have a minimum distance from the side lot line of twenty (20) feet.

2. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one (1) building occupying one (1) lot**.**

d. **Rear Yard.** All rear yards shall have a minimum depth of forty (40) feet.

e. **Yard Regulations.** The front, side and rear yards required in subsections above shall not apply to one story structures where the yard abuts a "C", "D", or "E" District. The yard requirements do not apply to basements or below grade parking levels.

f. **Intensity of Use.**

1. Buildings shall not cover more than thirty percent (30%) of the lot or tract; provided that basements and below grade levels may equal one hundred percent (100%) of the lot or tract area. A minimum of five hundred (500) square feet of land area for each resident family shall be provided and maintained.

2. The ratio of floor area of building, to the area of the lot or tract, shall not exceed (1.5); however, an additional (.1) may be permitted for one story structures. The floor area of the building shall be the gross horizontal

areas of the several floors, excluding basements, cellars, areas within the building which are used for parking, and covered swimming pools or recreational areas, measured from the exterior faces of the exterior walls of the building.

g. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

h. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

i. **Open Space**

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.245. "B2" Performance Standards.

a. All roads, parking areas and walks shall be paved with hard surfaced material meeting application specifications of the city.

b. No expansion or conversion of an existing structure shall be considered as complying herewith.

d. Any part of the area not required to be used for buildings or structures, or for parking, loading or access ways shall be landscaped with grass, trees, shrubs and, where required, pedestrian walks.

e. Additional requirements for landscaping, lighting, screening, access ways, building distances and yard limitations may be recommended by the City Plan Commission for the consideration of the City Council for the protection of nearby residential uses.

f. If the City Plan Commission or Council believes proof of financial responsibility of the applicant, or developer, is in the best interests of the City, they may require the applicant to submit such proof to the Director of Finance for his approval.

Section 53.246. "B2" Variances.

The City Plan Commission may recommend to the Council that it vary or modify those requirements of Section 53.240 et seq., the strict enforcement of which would entail unusual or real difficulties in carrying out the intent of Section 53.240 et seq., and the City Council may approve, modify or reject any such recommendations.

Section 53.247. "B2" Construction Deadlines.

In the event construction has not been initiated and in process of reasonable completion within one (1) year after the change in zoning is granted, the Council may, by ordinance, rezone the land to its former zoning classification.

Section 53.248. "B2" Final Development Plan.

A final development plan shall be filed with the City Plan commission for its approval without public hearing or further recommendation to the Council within twelve (12) months following the enactment of an ordinance rezoning the property affected thereby. Said final development plan shall conform with the initial development plan required under this section, and the Plan Commission shall have the discretion to approve minor changes in the development plan both before and after filing with the City Plan Commission, which are not inconsistent with the purpose or intent of this Section, without referring same to the Council. If the final development plan is not filed within the twelve (12) month period referred to above, or any extension which may be granted by the Council then, upon the expiration of said period or periods, the Council may after recommendation by the Plan Commission, as provided in Section 53.800 of this Zoning Code, enact an ordinance repealing said change of zoning.

Section 53.249. Reserved

Section 53.250. Major Educational Campus District (MEC).

Section 53.251. "MEC" Purpose.

The Major Educational Campus (MEC) District will allow the City of Webster Groves to accommodate the development and/or expansion of campuses for Major Educational Uses with flexibility while insulating or buffering such Major Educational Uses from adjoining uses, particularly residential uses.

Section 53.252. "MEC" Definitions.

The following definitions supplement those set forth in Section 53.020 of the Zoning Ordinance of the City of Webster Groves, and shall apply to this District only.

a. "**Major Educational Use**" shall mean for purposes of this Ordinance, "**Major Educational Use**" refers to uses associated with a public or private institution for teaching and learning on a campus of not less than twenty (20) contiguous acres, including elementary and secondary schools, and colleges, universities and seminaries, offering a recognized degree or diploma, including but not limited to classroom buildings, dining halls, assembly halls, study halls, indoor athletic facilities, theaters for institutional and public use, student union or activities centers, faculty, staff and related housing (single or multi-family), chapels, dormitories, libraries, related administration or business offices, book stores, laboratories and other research facilities, greenhouses, equipment storage facilities, playgrounds, jogging, hiking and cycling areas and recreational areas.

b. "**Campus**" shall mean for purposes of this Ordinance, the term "**campus**" refers to an area of land located within and zoned a Major Campus District comprised of the aggregate of one or more contiguous lots owned by a Major Educational User or occupied by, or developed for, a Major Educational User or other permitted use, together with such conditional uses as are otherwise authorized by this Ordinance.

c. "**Campus Master Plan**" shall mean a plan for future development of all property situated within a Major Educational Campus District, filed in conjunction with an application for designation of a specific area as a Major Educational Campus District as provided herein.

d. "**Campus Section Plan**" shall mean a plan for future development of a substantial portion of contiguous property situated within a Major Educational Campus District. No Campus Section Plan may be filed for approval prior to approval of a Campus Master Plan.

e. **"Site Development Plan**" shall mean a site plan accompanying an application for a building permit, prepared by a qualified engineer or architect, depicting proposed development of an area in conjunction with the proposed development.

f. "**Building Zone**" shall mean an area identified on the approved master plan of the campus where the institution may renovate an existing structure, enlarge an existing structure, or build a new structure for any allowable use (i.e., not a conditional use), except that parking structures and surface parking lots for more

than ten vehicles may only be developed in designated Building Zones as reflected in the master plan.

g. "**Open Zone**" shall mean an area on the approved master plan of the campus where the institution may not build a new structure. Existing structures located in designated Open Zones may be renovated for any permitted use except a parking structure or lot, but may not be expanded. The Open Zone may contain walks, landscaping, gazebos, fountains, storm water retention/detention basins, and similar ancillary improvements.

Section 53.253. Application of Subdivision Regulations.

Major Educational Uses shall not be required to subdivide a campus into lots or adjust or eliminate internal property lines to permit construction of uses permitted within the Major Educational Campus District.

Section 53.254. "MEC" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses. Major Educational Uses are permitted in the Major Educational Campus District, if approved in accordance with the provisions of Section 53.256.

Conditional Uses. The following uses are permitted as conditional uses in the Major Educational Campus District, if approved in accordance with the provisions of this Zoning Ordinance relating to conditional uses for uses in the Major Educational Campus District. More than one conditional use may exist concurrently on one campus provided all other requirements of this Ordinance are met

1. Day care and nursery school facilities

2. Satellite dishes

3. Earth stations

4. Outdoor athletic facilities with permanent spectator seating.

5. Antenna structures greater than sixty-five (65) feet in height, provided such is used as an accessory structure and provided further that the location of the accessory structure shall be set back from the perimeter of a major educational campus a minimum setback as set forth in this Ordinance for all structures.

6. Public utility facilities.

7. Solar collectors

Temporary Uses. The following temporary uses are permitted subject to the regulations and standards set forth below. No temporary use shall be established unless a temporary use permit evidencing the compliance of such use with the applicable provisions of this Section 53.250 et seq. shall have first been issued,

in the same manner as provided Chapter 20, Building Code, of the City of Webster Groves

1. Contractors offices, temporary restrooms or temporary buildings related to construction provided that such buildings:

   A. Are incidental to a construction project on the same development as the temporary building and do not contain sleeping or cooking accommodations; and

   B. Are not located closer than fifteen (15) feet to any exterior perimeter property lines of the development provided, however, the distance can be less than fifteen (15) feet if approved by the Director of Planning and Development; and

   C. Are removed upon completion of the construction project.

2. Temporary parking and access roads related to construction provided:

   A. Such temporary parking is incidental to a construction project on the same development and is used solely to provide parking displaced during the period of construction and/or parking needed for construction itself;

3. Public interest events such as outdoor concerts, auctions and fireworks displays.

Prohibited Uses. No uses other than those expressly permitted by this section shall be allowed within the Major Educational Campus District. Billboards and other off-premises advertising is expressly prohibited.

Section 53.255. "MEC" Off-Street Parking and Loading Requirements.

a. **Parking Requirements for Major Educational Uses.** Sufficient off-street parking for each regular use and conditional use within a major educational campus shall be located within the campus, in accordance with the formula(s) as approved in the Campus Master Plan, per Section 53.256.b.3.E.

b. A Parking Analysis shall be provided concurrent with each application for a building permit involving construction or renovation for housing, office, classroom, lab, or assembly seating; or for the removal of existing off-street parking. No permit may be issued if the calculated demand for parking based upon the formula(s), plus five percent (5%) exceeds the available supply of off-street parking.

c. The City Council may require the preparation of revised formula(s) if:

   1. The total available supply exceeds the calculated demand for parking by less than ten percent (10%);

2. The City Council determines, regardless of the calculated demand for parking vs. the supply of off-street parking, that parking deficiencies exists within the Major Educational Campus District. Such determination shall be in the form of a Resolution, which shall identify the parking deficiencies.

Section 53.256. Campus Master Plan Review for Uses in The Major Educational Campus District.

a. **Application.** The owner, or its authorized representative, shall file an application for Campus Master Plan review for existing and proposed uses within a Major Educational Campus on forms to be provided by the City. Such application for Campus Master Plan review shall be accompanied by twenty-four (24) copies of a Campus Master Plan, reflecting the information required below.

b. **Campus Master Plan for Uses in a Major Educational Campus.** A Campus Master Plan for uses existing and proposed for a Major Educational Campus must show the following information, unless particular requirements have been waived or modified in accordance with this Ordinance.

1. **General Matters.**

A. Property lines, and building or setback lines from the perimeter of the campus and for all public street rights-of-way adjacent to and internal to the campus.

B. The following information as part of the legend:

(i) Gross square footage of building area, maximum site coverage, maximum height in stories and feet, and primary use of each Building Zone;

(ii) Present zoning of the subject site and adjoining sites;

(iii) Proposed Open Zone area, in acres.

C. Location of all existing or proposed Building Zones and Open Zones.

2. **Drainage Matters.**

A. All existing or proposed ponds, lakes, retention basins, or other bodies of water, and the existing and proposed uses thereof.

B. Existing and/or proposed storm sewers, and storm water volumes before and after development

C. The nearest available sanitary sewers.

D. Proposed detention facilities, if required.

3. **Circulation and Parking and Landscaping Matters.**

A. Traffic counts, peak loads, and the vehicular circulation on public streets showing:

(i) Curb cuts required to provide ingress and egress to and from streets adjacent to the Major Educational Campus;

(ii) The existing width and proposed widening of all existing streets and rights-of-way adjacent to the Major Educational Campus (including the number and width of lanes and any island or medians);

(iii) All the entrances on opposite sides of existing Streets adjacent to the Major Educational Campus within the frontage of the campus;

(iv) The location and dimensions of all existing and proposed curbs at the perimeter of the Major Educational Campus.

B. Traffic counts, peak loads, and internal circulation:

(i) Curb cuts required to provide access to parking lots and parking structures.

(ii) The existing and proposed width of all existing and proposed streets located in the Major Educational Campus.

(iii) The location and dimension of all existing and proposed curbs.

C. Surface and Structured Park:

(i) The location of existing and proposed surface parking lots and structure parking facilities including the number of spaces on each lot and /or floor of the structured parking facility.

D. A landscaping plan shall be submitted to the Planning Staff for their approval.

E. Formula or formulas for calculation of off-street parking demand which shall provide the basis for determining the required off-street parking to be provided within the Major Educational Campus:

(i) Formula(s) shall address the variety of uses (staff, faculty, resident and non-resident students, and assembly, and shall quantify maximum (peak) demand for parking.

(ii) Total available supply shall exceed at all times, the calculated demand for parking by five percent (5%).

4. Building Zones and Open Space Zones, including for each proposed Building Zone the maximum site coverage, gross floor area, height above grade, total floors including below grade, and general use. Building Zones to include parking structures or surface parking in excess of ten (10) spaces shall be so noted. Infrastructure improvements to be provided as required by governing authorities based on standard engineering practices.

5. Proposed land uses of the campus area at the perimeter of the Major Educational Campus, and existing land uses adjacent to the perimeter.

6. Tabular information on existing and proposed enrollment, facility and staff, with projections for three and five (5) year intervals.

7. Evidence of public engagement in the campus planning, and responses to issues raised in that process. This may include, but is not limited to: meeting notices, lists of attendees/participants, meeting/workshop summaries, citizen feedback forms, and formal written responses to issues.

b. **Review of Campus Master Plan for Uses Proposed for a Major Educational Campus.**

1. **Distribution.** Upon receipt of the Campus Master Plan, the Director of Planning and Development shall determine whether the application, plans, and accompanying documentation are complete. After making such determination, the Director of Planning and Development shall date and distribute copies of the application and plans in the following manner:

A. The original Application and the Campus Master Plan shall be retained by the Director of Planning and Development;

B. Nine (9) copies of the Campus Master Plan shall be forwarded to the City Plan Commission to begin the review process;

C. Seven (7) copies of the Campus Master Plan shall be sent to the City Council for its information.

D. One (1) copy of the Campus Master Plan shall be sent each to the City Attorney, Director of Planning and Development, City Manager, City Clerk, and Directors of Public Works, Police, and Fire Departments.

2. **Public Hearing.** A public hearing on an Application for approval of a Campus Master Plan shall be held by the City Plan Commission within sixty (60) days of determination that an application is complete.

3. **City Plan Commission Recommendations.** The Plan Commission shall take action on the Application for Campus Master Plan to recommend either approval, approval with conditions, or denial within sixty (60) days after closure of the public hearing regarding the application. If no action is taken within the sixty (60) day period, the Application shall be deemed as a recommendation for approval by the Plan Commission and forwarded to the City Council. No action shall be taken by the City Council until it has received the recommendation of the City Plan Commission. The recommendation shall address general planning considerations, including consistency with good planning practice and compatibility with adjoining permitted uses. A recommendation of approval may include recommended conditions to approval of the Campus Master Plan by the City Council. The City Plan Commission shall examine all plans, documents and exhibits pertaining to proposed uses within the Major Educational Campus for general conformity with the style, design, and character of surrounding structures and to insure that the proposed use is conducive to the proper development of the City.

4. **Council Review.** Upon receipt of the recommendations of the City Plan Commission, the City Council shall hold a public hearing, utilizing the same standards imposed by the preceding Section upon the City Plan Commission, and may take any of the following actions:

A. Approve the Campus Master Plan as recommended and enact a rezoning ordinance containing all or some of the conditions as set forth in the recommendations of the City Plan Commission;

B. Approve the Campus Master Plan subject to such other conditions as the Council reasonably deems necessary and enact a rezoning ordinance;

C. Disapprove the Campus Master Plan.

c. **Filing of Approved Campus Master Plan for Uses in a Major Educational Campus.** The Campus Master Plan reflecting conditions of the City Council's approval shall be submitted to the Director of Planning and Development within one (1) month of the City Council's approval. Upon a finding by the Director of Planning and Development that the Campus Master Plan as submitted accurately reflects the terms and conditions of the City Council's approval, the owner or its authorized representative shall file the Campus Master Plan with the City Clerk.

d. **Site Development Plan Review.** Once a Campus Master Plan has been approved and filed in accordance with this Ordinance, the owner may construct proposed new buildings or other structures that are in substantial compliance with the Campus Master Plan upon approval of a Site Development Plan and issuance of a building permit.

1. Every Site Development Plan must contain the following information to be accepted for review by the Director:

A. Location map, north arrow, and plan scale.

B. Zoning district, subdivision name, lot number, dimensions and area, and zoning of adjacent parcels where different than site.

C. Name, addresses and telephone number of the person or firm submitting the plan and the person or firm who desires the review comments forwarded to them.

D. Proposed use of the building and its construction type and distance from adjacent property lines.

E. Off-street parking spaces, required and proposed, including the number, size and location of those designated for the handicapped.

F. Storm water volumes before and after development, and MSD approval of type of sanitary sewage treatment and storm water drainage facilities, including retention ponds

G. Dimensions of existing and proposed roadway pavement and right-of-way width for streets abutting the site.

H. Existing and proposed landscaping, including name and size of plant material.

I. Existing and proposed lighting plan, including the direction, intensity and placement of all light fixtures.

J. Existing and proposed contour lines or elevations at two (2) feet intervals based on mean sea level datum, unless otherwise waived by the Director of Planning.

K. Location and size of existing and proposed freestanding signs.

L. Location and identification of all easements (existing and proposed).

M. Location and height of all light poles.

N. Overall dimensions of all buildings and the gross floor area of each building.

O. Approximate location of any storm water detention facilities, sink holes and springs, silt berms, ponds and other silt control facilities.

P. Building setback lines, as approved in the Campus Master Plan.

Q. Additional information to be placed on the plan beyond the requirements listed above may be requested based on review by the Director.

2. **Compliance with Campus Master Plans.** Prior to approving any Site Development Plan, the Director shall first determine if such plan complies with the approved Campus Master Plan. In determining substantial compliance of a Site Development Plan with the Campus Master Plan, the Director shall apply the following standards.

   A. Each proposed building or addition is situated in compliance with established building setback lines.

   B. The proposed building or addition does not exceed the size and height parameters for that Building Zone as specified in the Campus Master Plan,

   C. The proposed use of the building shall be consistent with the Campus Master Plan designation for said building or addition.

   D. The proposed building or addition shall be timed for completion so that necessary utility upgrades and other requisite infrastructure (including, but not limited to water, sanitary and storm sewer and parking) are available at time of occupancy.

3. **Plan Review by Director.** Should the Director, or the City Council pursuant to subsection (f) below, determine that the Site Development Plan is in substantial compliance with the approved Campus Master Plan, the Site Development Plan shall be reviewed by the Director, in consultation with the City Plan Commission, without public hearing.

4. **Submittal Requirements Waived.** Site Development Plan submittal requirements and Plan Commission approval for building permits involving only interior renovation of existing space which does not alter the approved use of the space may be waived by the Director.

e. **Review of Director's Determination of Substantial Compliance.** Should the Director determine, pursuant to the preceding Section, that the Site Development Plan is not in substantial compliance with an approved Campus Master Plan, the Applicant shall have the right within thirty (30) days to appeal that determination to the City Council to review the determination of the Director in light of the Compliance Standards set forth above, and within thirty (30) days of the date of the appeal either affirm or reverse the decision of the Director. Should the Director's determination of non compliance be upheld, the Site Development Plan shall not be reviewed unless amended to comply with the Campus Master Plan or unless the Campus Master Plan is amended, as set forth below.

f. **Procedure for Amendment of Campus Master Plan.** In order to amend an approved Master Plan, the Applicant shall file a Campus Section Plan in accordance with the procedures for approval of Campus Master Plan set forth in subsections (c) and (d), above.

Section 53.257. "MEC" Performance Standards.

All uses shall comply fully with the provisions of the following standards as a precondition of being permitted in the Major Educational Campus District.

a. Minimum Major Educational Campus Area: twenty (20) contiguous acres. Property on both sides of a street shall be considered contiguous in making this determination.

b. All building setbacks are to be indicated on the approved master plan, and on subsequent applications for construction, and shall adhere to the following standards:

1. The minimum front yard building setbacks from all public roadways shall be as approved in the Campus Master Plan,

2. The front yard setback requirement for buildings adjacent to vacated or private drives shall be zero.

3. The minimum rear yard setback for buildings adjacent to property not within the institutional zone shall be forty (40) feet for single-family residential properties, and ten (10) feet for any non-single-family properties, except that where property in the institutional zone shares a common boundary with a railroad right-of-way or interstate highway right-of-way, the minimum rear yard setback shall be zero for that shared boundary.

4. The minimum side yard setback shall be identical to that required herein for a rear yard.

c. The provisions of Section 53.208 regarding minimum spacing for multiple buildings shall not apply in the Major Educational Campus District. Building separation shall be guided by the provisions of the Campus Master Plan, the building code, and fire safety code.

d. The minimum building setback from any single-family residential zoned property line shall be forty (40) feet.

e. A minimum of thirty percent (30%) of the total land area located within a designated Major Educational Campus District, excluding public rights-of-way, shall be retained as open space and not developed with structures, buildings, parking lots, driveways, plazas, tennis courts, <u>detention basins</u>, or other paved surfaces, except for pedestrian walkways.

f. Building heights shall be limited as follows:

1. Four (4) stories or fifty-six (56) feet at any front building line, or at any rear building line adjacent to a non-single-family property not within the institutional zone.

2. Three (3) stories or forty-five (45) feet if within fifty (50) feet of single-family property not within the institutional zone.

3. No building shall exceed six (6) stories or eighty-four (84) feet in height

4. Allowable building heights may increase two (2) feet for each additional foot of setback from the limits imposed in this section, to the maximum allowable height of eight-four (84) feet.

g. Uses permitted by this Ordinance incidental to or affiliated with a Major Educational Use shall be considered part of the Major Educational Use for purposes of calculating campus area, setbacks, building height, and green space.

h. Performance Standards for uses permitted by this Ordinance only as conditional uses.

1. Each conditional use permitted by this Ordinance must be approved in accordance with the standards and procedures set forth for approval of conditional uses in this Ordinance.

2. Each conditional use must meet all requirements set forth in a conditional use permit.

3. Conditional uses, buildings and structures accessory to a Major Educational Use or to uses permitted by this Ordinance, when dependent on, incidental to, or affiliated with a Major Educational Use, shall be considered part of the Major Educational Use for purposes of determining minimum area, width, setbacks, building height, and green space.

Section 53.258. Siltation Control Plan.

Applications for any building permit or temporary use permit involving any excavation or grading shall be accompanied by a siltation control plan and a Twenty Thousand Dollar ($20,000.00) cash bond, unless it is determined by the Director of Planning and Development that the location, topography, and extent of proposed excavation will result in negligible storm water runoff or siltation impacting adjacent properties or waterways, in which case the cash bond may be waived.

Section 53.259. Periodic Review.

The Educational Institution shall provide information regarding implementation of its Campus Master Plan as adopted to facilitate a review every five (5) years by the City Department of Planning and Development. A report shall be filed with the City Council regarding status of the campus development and Campus Master Plan by the Department.

Section 53.260. Compliance with Construction Codes.

All construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of existing and proposed buildings and structures within a designated

Major Educational Campus District shall be in accordance with all construction codes of the City as set forth in the applicable provisions of The Revised Code of Ordinances of The City of Webster Groves, Missouri.

Section 53.270. Planned Environment Unit Procedure (PEU).

Section 53.271. PEU Scope of Provisions.

This section contains the regulations of the Planned Environment Unit Procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this section by reference. In the event of conflict between such regulations, the PEU regulations shall be applied.

Section 53.272. PEU Statement of Intent.

The intent of this section is to provide a voluntary and alternate zoning procedure in the "A1", "A2", "A3" and "A4" districts to permit flexibility in building types, to encourage economic and energy efficient subdivision design, to permit increased density in appropriate circumstances, and to encourage the provision of supporting community facilities in the development of diverse, sound, urban developments under conditions of approved site and development plans. The PEU procedure is to be utilized only in those circumstances where the parcel to be developed would qualify for a conventional subdivision to be constructed under the provisions of the subdivision and zoning regulations of the City of Webster Groves. In no circumstances is the PEU procedure to be utilized to provide for development of a parcel which could not be developed alternatively under the conventional subdivision and zoning regulations.

Section 53.273. PEU Applicable Zoning Districts.

The Planned Environment Unit Procedure may be utilized for developments containing five (5) or more lots or units in the "A1" Twenty Thousand Square Foot Residence District, the "A2" Fifteen Thousand Square Foot Residence District, the "A3" Ten Thousand Square Foot Residence District, and the "A4" Seventy Five Hundred Square Foot Residence District.

Section 53.274. PEU Authorized Developments and Limitations.

The Planned Environment Unit Procedure may authorize the following development types and standards:

a. Any residential use, regardless of the zoning district within which the Planned Environment Unit lies, including one family dwellings, one family dwellings attached, two family dwellings, and multiple family dwellings, and supporting community facilities.

b. Any non commercial use permitted in the zoning district within which the Planned Environment Unit lies. The area and yard requirements for non dwelling uses shall not be diminished unless authorized by the ordinance authorizing the Planned Environment Unit.

c. Local public utility facilities.

d. In Planned Environment Unit developments containing forty (40) or more lots or units, the following commercial uses may be authorized, when located in a separate rate structure or within a multiple family residence building.

1. Barber or beauty shops.

2. Child care centers, nursery schools, or day nurseries.

3. Sundries and newspaper stands.

4. Food and drug stores.

5. Laundry or dry cleaning pick up stations.

6. Self service laundries or dry cleaning facilities.

7. Restaurants, excluding fast food restaurants.

The above commercial uses shall not occupy more than five percent (5%) of the total gross floor area of all residential buildings within the development, excluding garages. Primary access to these uses shall be from roads and walkways within the development and the uses shall be oriented to and coordinated with the total development. No freestanding signs shall be allowed for the commercial uses. Attached business signs may be authorized by the ordinance authorizing the development, but no one sign shall exceed the lesser of either fifty (50) square feet in area or the permitted size under Chapter 54 of the Code.

e. Without regard to the regulations of the zoning district in which the Planned Environment Unit lies, lot area, yard setback, and height requirements shall be as established in the ordinance authorizing the Planned Environment Unit, with the following restrictions:

1. Height limitations for structures may be modified by the City Council with respect to any structure proposed in an application for a Planned Environment Unit, provided that any residential structure exceeding three (3) stories in height or thirty-five (35) feet shall be set back from all Planned Environment Unit boundary lines at least one (1) additional foot for each foot of height above thirty-five (35) feet above the average finished ground elevation at the perimeter of such structure.

2. Except as noted for front yard setbacks below, setbacks along boundary lines of a Planned Environment Unit shall be determined as if the Unit is one lot. In determining the boundaries of the Planned Environment Unit, consideration should be given to the rear yard set back requirements of the adjacent properties, the intensity of the adjoining use, the size and placement of the buildings in the proposed environment unit, and, in any event the minimum boundary set back, other than the front yard set back, for Planned Environment Unit will be twenty-five (25) feet. The City Council may require that open parking spaces be depressed below the

grade of the remainder of the property or screened by walls, fences, or plant material, or by both methods in order to preserve and complement the general character of any existing developments on adjacent properties.

3. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from the proposed development, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for structures on that side of the street in the proposed development shall be the average setback of the existing dwelling structures with less than a ten (10) foot variation in front yard setback. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than sixty (60) feet be required.

f. The ordinance establishing the Planned Environment Unit may permit individual lot areas of any size or may permit developments with no individual lots as where there is condominium development or common ownership of all or part of the lot areas of the PEU. Yard setbacks may vary with each dwelling unit and zero lot lines may also be authorized where one family attached or detached dwellings are included in the development.

Section 53.275. PEU Density Calculations.

a. The number of lots or units allowable in a PEU shall be calculated as follows:

1. By dividing the net area of a hypothetical conventional subdivision of the proposed parcel by the minimum lot area requirements for a residential unit of the residence district or districts in which the subdivision is located. The applicant seeking the PEU shall submit to the City a plat of the subject parcel showing a conventional subdivision which would be permitted under the subdivision and zoning regulations of the City of Webster Groves, without resort to any variances. The net area shall be determined by deducting from the gross area of this hypothetical subdivision any land identified as being within the flood plain and any land which would be utilized for roadway right-of-way purposes, excluding right-of-way dedication for widening existing roadways; and

2. By rounding off the resulting number to the nearest whole number.

b. To encourage creative and high quality subdivision designs and in recognition of the increased development costs which may be incurred in developments which preserve unique or valuable topographical conditions or environmental assets of a parcel, the City Council may approve up to twenty percent (20%) more units than otherwise would be permitted by the calculation described in paragraph a. above. The maximum number of lots or units allowable under this paragraph shall be calculated:

1. By determining the number of units permitted under the provisions of subsection (a) above; and

2. By multiplying the resulting number by one hundred twenty percent (120%).

c. The City Council may approve the additional units as calculated under the provisions of subsection (b) above, if the Council, upon review of the proposed Planned Environment Unit finds that the proposal will accomplish two or more of the following objectives:

1. Retention of, and avoidance of damage to, a substantial number of existing trees by imaginative land planning and building design.

2. Minimization of grading by imaginative land planning and design.

3. Retention of substantial amount of open space, not including driveways, road and parking areas.

4. Development of exterior building design intended to be compatible and harmonious with nearby residential development.

Section 53.276. PEU Procedures.

The owner, or owners under contract, of any parcel of land may submit to the City a plan for the use and development of all or part of such parcel for the purpose of meeting the requirements set forth in this section. The Planned Environment Unit shall be designed as a whole, unified single project in compliance with the minimum requirements of the residence district in which it lies or the requirements of this section; if to be built in stages, each stage shall conform with the approved plan. The plan shall be referred to the Plan Commission for study, public hearing, and recommendation. Notice and publication of such public hearing and any public hearing of the City Council shall conform to the procedures prescribed in Section 53.801 of the Code. For purposes of applying the provisions of Section 53.801, a petition for utilization of the Planned Environment Unit procedure shall be considered a petition for a change of zoning.

a. **Plan Commission Recommendation.** The Plan Commission shall determine the suitability of a Planned Environment Unit based on the criteria herein established and that required for conditional use permits, as established in Section 53.177. If no report is transmitted by the Plan Commission within sixty (60) days of notification, the City Council may take action without further awaiting such report. If the Plan Commission approves the plans, they shall be submitted to the City Council for its consideration, public hearing, and action.

In addition to the criteria established in Section 53.177, and those noted above, the Plan Commission's recommendation shall be based upon whether the Planned Environment Unit proposal is consistent with good general planning practice and with good site planning; can be constructed and operated in a manner that is not detrimental to the permitted uses in the district; and would be visually compatible with the uses in the surrounding area. The Plan Commission shall also consider the architectural, landscape, and other relationships, which

may exist between the proposed development and the character of the surrounding neighborhood and shall prescribe and require such physical treatment or other limitations as will, in its opinion, enhance the neighborhood character. The recommendation, along with preliminary plans and conditions where approval has been recommended, shall be forwarded to the City Council for its consideration. The Plan Commission may condition its approval of the proposal upon the owner's agreeing to reasonable additional requirements as to landscaping, utility placement, lighting, screening, access ways, building distances, yard limitations and buffer zones for the protection of adjoining residential property.

b. **City Council Action.** Upon receipt of the Plan Commission's recommendation, the City Council shall hold its public hearing and either approve or deny the proposal, utilizing the same criteria as utilized by the Plan Commission in its review process.

Section 53.277. PEU Time Periods for Submission of Plans and Commencement of Construction.

A final development plan shall be filed with the Plan Commission for its approval without public hearing or further recommendation to the Council within twelve (12) months following the enactment of an ordinance approving the Planned Environment Unit. Said final development plan shall conform with the initial development plan approved by the ordinance, and the Plan Commission shall have the discretion to approve minor changes in the development plan both before and after filing with the Plan Commission, which are not inconsistent with the purpose or intent of this section, without referring same to the Council. If the final development plan is not filed within the twelve (12) month period referred to above, or any extension which may be granted by the Council, then upon the expiration of said period or periods, the Council may after recommendation by the Plan Commission, as provided in Section 53.800 of this Code, enact an ordinance repealing the approval of the Planned Environment Unit.

In the event substantial construction does not commence within three (3) years after a Planned Environment Unit has been approved, the PEU shall expire and the Residence District Regulations in force prior to the establishment of the Planned Environment Unit shall thereupon be in full force and effect. As used in this section, substantial construction shall mean final grading for roadways necessary for first approved plat or first phase of construction and commencement of installation of sanitary and storm sewers.

Section 53.280. "PC" Planned Commercial District Regulations.

The regulations set forth in this section or when referred to elsewhere in this Zoning Code, are the district regulations in the PC Planned Commercial District.

Section 53.281. "PC" Development Plan.

The PC Planned Commercial Districts shown on the Zoning District Map shall be developed upon submission and acceptance of an Approved Development Plan submitted simultaneously with the establishment of a District, or subsequent thereto, as

provided by law, in order to provide for modern shopping and office centers of integrated design.

Section 53.282. "PC" Permitted Uses.

In a PC Planned Commercial District, the permitted and conditional uses permitted in the "C" and "D" Commercial District regulations; however, no sexually oriented business shall be permitted in any PC Planned Commercial District and the specific ordinance authorizing the establishment of a particular PC Planned Commercial District or development plan thereunder related to a specific tract may further limit the uses permitted on the tract.

Section 53.1283. "PC" Development Plan Information.

A Development Plan shall be prepared and submitted to the Plan Commission. The Development Plan shall show the location and size of buildings and the uses to be made thereof, the areas to be developed for parking, drives, walkways, recreation or other uses. A general grading and landscaping plan shall also be submitted with the site plan. Plans showing general location and type of utilities, including storm water drainage as well as general details of all surfaced areas, will also be required.

Section 53.284. "PC" Supplemental Data.

The following data and information shall also be submitted with the Development Plan:

a. Sketch of floor plans and elevations of typical buildings to indicate the architectural character of the buildings including statements regarding types of construction.

b. Estimates of volumes of traffic movements to and from the completed project from the boundary streets.

c. A preliminary schedule for completion of the entire project.

d. A statement regarding the proposed method of operating and maintaining the project.

Section 53.285. "PC" Review and Approval.

A final development plan shall be filed with the City Planning Commission for its approval without public hearing or further recommendation to the Council within twelve (12) months following the enactment of an ordinance, rezoning the property affected thereby. Said final development plan shall conform with the initial development plan required under this section, and the Plan Commission shall have the discretion to approve minor changes in the development plan both before and after filing with the Plan Commission, which are not inconsistent with the purpose or intent of this section, without referring same to the Council. If the final development plan is not filed within the twelve (12) month period referred to above, or any extension which may be granted by the Council, then upon the expiration of said period or periods, the Council may after recommendation by the Plan Commission, as provided in Section 53.800 of this Code, enact an ordinance repealing the change of zoning.

Section 53.286. "PC" Procedures.

Rezoning of a specific tract of land to PC Commercial District and/or the approval of a Development Plan shall proceed in accordance with provisions of Section 53.800 "**Changes and Amendments**."

ARTICLE VIII: Administration

Section 53.300. Board of Adjustment.

Section 53.301. Composition of Board.

A Board of Adjustment is hereby established. The word "**Board**" when used in this section shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members who shall be residents of the City of Webster Groves appointed by the City Council. The term of office of the members of the Board of Adjustment shall be five (5) years, excepting that the five (5) members first appointed shall serve respectively for terms of one (1) year, two (2) years, three (3) years, four (4) years and five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Council upon written charges after public hearing.

Section 53.302. Election of Chairpersons.

The Board shall elect its own Chairman and Vice-Chairman, who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Code.

Section 53.303. Meetings.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the board for the purpose.

Section 53.304. Appeals.

Appeals to the Board on any matter over which the Board is herein specifically granted jurisdiction may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Webster Groves affected, by any decision of the Director of Planning and Development. Such appeal shall be taken within thirty (30) days of such decision, by filing with Director of Planning and Development and with the Board a notice of appeal specifying the grounds thereof, and by paying a filing fee of ($100.00) to the Director of Planning and Development at the time the notice is filed. The Director of Planning and Development shall forthwith pay over said fee to the Director of Finance to the credit of the General Revenue Fund of the City of Webster Groves, provided that,

should the Board of Adjustment find the decision of the Director of Planning and Development to have been the result of an error in any order, requirement, decision or determination by him, then and in such event the fee hereinabove provided shall be promptly refunded to the applicant. The Director of Planning and Development shall forthwith transmit to the Board all papers constituting the record upon which the action appealed is taken.

Section 53.305. Stay Pending Appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Planning and Development certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record, on application or notice to the Director of Planning and Development and on due cause shown.

Section 53.306. Time and Notice Requirements for Appeal.

The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to the applicant, and decide the same within a reasonable time. Public notice shall consist of one (1) publication at least five (5) days in advance of the hearing, in a paper having a general circulation in the City and conspicuously posted upon the property involved informing of the appeal and the time and place of the hearing. At the hearing, any party may appear in person, or by agent, or by attorney.

Section 53.307. Jurisdiction.

The Board shall have the following powers:

a. **Powers Relative to Errors.** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Director of Planning and Development in the enforcement of this Code.

b. **Powers Relative to Variations.** When, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property as of September 20, 1956, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the neighborhood, the strict application of the area regulations of this Zoning Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property, a variation from such strict application so as to relieve such difficulties or hardships.

c. **Powers Relative to Exceptions.** Upon appeal, the Board is hereby empowered to permit the following exceptions:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

2. To permit the reconstruction of a non-conforming building which has been destroyed, or partially destroyed by fire or act of God where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.

3. To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.

4. To interpret the provisions of the Zoning Code where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of Ordinance 5906.

5. To vary the parking regulations of this Zoning Code whenever the character or use of a building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot as contrasted with merely granting an advantage or a convenience.

Section 53.308. Permissible Actions of Board.

In exercising the above mentioned powers, the Board may, in conformity with the provisions of this Zoning Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Section 53.309. Findings of Fact.

In considering all appeals under this Zoning Code, the Board shall before making any findings in a specific case, first determine that the proposed change will not constitute a change in the District Map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets or increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City of Webster Groves. Every change granted or denied by the Board shall be accompanied by a written finding of fact specifying the reason for granting or denying the variation.

Section 53.310. Necessary Majority Required.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Director of Planning and Development; or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Code, or to effect any variation to this Zoning Code.

Section 53.311. Appeals of Board Decisions.

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 St. Louis County, Missouri, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of 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.

Section 53.312. Writ of Certiorari.

Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the 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 and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

Section 53.313. Return of Certified or Sworn Copies.

The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Section 53.314. Circuit Court May Take Additional Evidence.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

Section 53.315. Permitted Actions by Circuit Court.

The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Section 53.316. Costs.

Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith, or with malice in making the decision appealed from.

Section 53.600. <u>Boundaries of Districts.</u>

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of Ordinance 5906, the following rules shall apply:

a. The district boundaries are either streets, places or alleys unless otherwise shown, and where the designation on the map accompanying and made a part of Ordinance 5906 indicating the various districts are approximately bounded by street, alley or place lines, said street, alley or place shall be construed to be the boundary of such district.

b. Where the district boundaries are not otherwise indicated and where the property has been or may, hereafter be divided into blocks and lots,, the district boundaries shall be construed to be lot lines and where the designation on the map accompanying and made a part of Ordinance 5906 indicating the various districts are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of such district unless said boundaries are otherwise indicated on the map.

c. In unsubdivided property, the district boundary lines on the map accompanying and made a part of Ordinance 5906 shall be determined by use of the scale contained on such map.

Section 53.700. <u>Interpretation, Purpose and Conflict.</u>

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Zoning Code imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or premises, or by easements, covenants or agreements, the provisions of this Zoning Code shall control.

Section 53.800. <u>Changes and Amendments.</u>

Section 53.801. Procedure.

The City Council may from time to time, on its own motion or on petition, amend, modify, or revise by ordinance the boundaries of districts or regulations, or restrictions herein established. Any proposed amendment, modification or revision shall first be submitted to the Plan Commission for a public hearing thereon, and the Commission shall forward such application to the Council with its recommendations thereon. At least seven (7) days prior to the first hearing on any proposed amendment, modification or revision, the Commission shall send a written notice, briefly describing the proposed amendment, modification or revision and stating the time and place of the hearing, to the last known place of abode to the owners of all property, according to city records, adjacent to or lying within one hundred eighty-five (185) feet of all boundaries of the property under consideration. In the event of a general revision of the Code, written notice to property owners shall not be required. If the Plan Commission makes no report within 60 days after closure of the public hearing(s) regarding each proposed amendment, modification or revision, it shall be considered to have made a report approving the proposed amendment, modification or revision. After the recommendation and report of the Plan Commission have been filed, the City Council shall, before enacting any proposed

amendment, modification or revision, hold a public hearing in relation thereto, giving at least fifteen (15) days notice of the time and place of such hearing by publishing notice of same in a newspaper having a general circulation within the City of Webster Groves. (Ord. No. 8830, §1, 3-18-2014)

Section 53.802. Fees.

Petitions for change of zoning and/or approval of Development Plan to Section 53.080, "B1" Planned Multiple Family Residence District Regulations, Section 53.090, "B2" Multiple Family and Commercial District Regulations and Section 53.130, "PC" Planned Commercial District Regulations shall be accompanied by a fee of Five Hundred Dollars ($500.00), and all other petitions for change of zoning or petitions for conditional use permits shall be accompanied by a fee of Two Hundred Fifty Dollars ($250.00), which said fees shall forthwith be paid over to the Director of Finance to the credit of the General Revenue Fund of the City of Webster Groves.

Section 53.803. Super-Majority Vote Required, When.

In case of an adverse report by the Plan Commission, or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk prior to the date of the holding of said hearing, duly signed and acknowledged by the owners of thirty percent (30%) or more either of the area of the land (exclusive of streets, places and alleys) included within such proposed amendment, supplement, change, modification or repeal, or within an area, determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the City Council.

Section 53.810. <u>Enforcement, Violation and Penalty.</u>

Section 53.811. Preventive Action.

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 this Zoning Code or other regulations made under authority conferred hereby the Director of Planning and Development may institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or land in and to such premises.

Section 53.812. Penalties.

The owner or general agent of a building or premises where a violation of any provision of this Zoning Code 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 general agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be deemed guilty of an offense punishable by a fine of not less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00) for

each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred Fifty Dollars ($250.00) for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the Court. Any 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 this ordinance in the respect named I such order, shall also be subject to a civil penalty of two hundred fifty dollars ($250.00).

Section 53.813. Validity.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining.

(Ord. No. 8803, § 1, 7-16-2013)

CHAPTER 54. SIGNS

Article I. Sign Code

Section 54.010. Title.

This section shall be known, cited and referred to as: The City of Webster Groves Sign Code (hereinafter referred to as "**The Sign Code**").

Section 54.020. Intent.

The purpose of the regulations set forth in the City of Webster Groves Sign Code is to further an overall plan for the enhancement of public safety, consistent community development, preservation of property values, and the general welfare of the City of Webster Groves. The regulations are further intended to: aid in traffic control and safety; preserve and protect property values; lessen congestion of land and air space; provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow; establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and area development; avoid uncontrolled proliferation of signs; recognize the rights of the public in its use of roads, streets and highways; preserve the wholesome and attractive character of the City; and to recognize that the general welfare of the public includes a community plan that provides for a community that shall be beautiful as well as healthful, spacious as well as clean, and well balanced in its growth and development.

The promotion of the public health and safety is to be accomplished by reducing the distracting and/or unsafe characteristics of signs along public streets and highways, by prohibiting all signs which interfere with public traffic control devices, and by assuring the establishment of adequate and sufficient standards for the erection and maintenance of all signs and sign structures.

The promotion of the public comfort and welfare is to be accomplished by reducing the number of signs in the City of Webster Groves and by insuring adequate and appropriate spacing of signs so that confusion is reduced and so that citizens and businesses can effectively communicate with the public. The public comfort and welfare will be furthered by regulating the size, height, location and general characteristics of permitted signs in order to protect and to enhance the physical appearance and scenic value of the City of Webster Groves and the surrounding area, and by regulating signs located near or visible from public property such as streets, highways, parks, schools and churches where such signs could jeopardize the public's investment in these facilities.

Section 54.040. Definitions.

Introduction: All terms shall have their common dictionary meaning except when defined herein or elsewhere in the City Code of Webster Groves.

"**Abandoned Sign**" means any sign that advertises a product, service, or business that is no longer on the premises where the sign is located.

"**Arcade**" means the occupied portion of a building or structure where a tenant does not have an exterior wall on a public way or parking lot.

"**Balloon, Banner, Beacon, Flag, Pennant, or Vehicle Sign**" means any sign constructed of cloth, bunting, plastic, paper, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle; including but not limited to captive balloons, inflatable signs, banners, beacons, bench signs, blimps, circulars, dirigibles, flags, fringe, handbills, paper posters, pennants, pinwheels, search lights, snipe signs, streamers, and vehicle signs but not including official flags of the United States, the State of Missouri, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

"**Building**" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property.

"**Building Face**" means the exterior wall of a building as viewed in a plane. This definition shall exclude, without limitation, but not be limited to, canopies, carports, marquees, open porches, and porte-cocheres as viewed as an extension of the plane of the wall.

"**Bulletin Board**" means any sign indicating the name, activities, and/or key personnel of a public or private institution and theaters.

"**Century Plaque**" means any Plaque approved by the Webster Groves Historic Preservation Commission or the Webster Groves Historical Society honoring buildings that are one hundred (100) years old or older.

"**Civic Activity Sign**" means any sign that advertises a civic event open to the public and sponsored by a political subdivision of the State, educational institution, religious institution, civic or fraternal organization, or similar not-for-profit organization.

"**Commercial**" as used in this Sign ordinance, property developed as commercial, industrial, institutional, and multiple-family residential uses, and vacant property zoned for these uses. (see also "**Single-Family**")

"**Construction Sign**" means any sign used to identify the contractor, developer, architect and/or lender during construction of new buildings; reconstruction, remodeling, or additions to existing buildings; or exterior building maintenance being performed under contract with the property owner or lessee. (Ord. No. 8476, § 10, 9-20-05).

"**Curb line**" means the curb of a street or the edge of the street pavement in the event that no curb exists.

"**Directional Sign**"

1. Any on-premises sign located at the driveway entrance or within a complex for the purpose of traffic control.

2. Any off-premises sign erected and controlled by an established Special Business Taxing District indicating a path to two or more business

establishments.

"**Free Standing Sign**" means any sign supported by one or more uprights, posts, or braces affixed in the ground and not attached to any part of a building.

"**Future Tenant Identification Sign**" means any sign which identifies a future use of a site or building.

"**Grand Opening**" means any promotional activity, except as specified in next sentence, not exceeding thirty (30) calendar days used by newly established businesses, within two (2) months after occupancy, to inform the public of their location and service available to the community. The term "Grand Opening" shall not include an annual or occasional promotion of retail sales by a business.

"**Height**" means the vertical distance measured from grade to the highest part of a sign or sign structure, including projections.

"**Identification Sign**" means any sign, building wall or other outdoor surface used to identify the name of a building, or the individual, business, profession, organization or institution occupying the premises upon which it is located.

"**Multi-faced Sign**" means any sign having more than two (2) faces. For the purposes of this definition, "V" signs shall be considered as multi-faced signs.

"**Municipal Sign**" means any sign erected by the City for street or other municipal purposes.

"**Nameplate**" means any sign not larger than 2 square feet in area identifying the name of a person occupying a building, including, where appropriate, initials identifying a university degree or an occupation of said person.

"**Neon Signs**" means any neon sign in which the neon tubes are not covered by an opaque shield.

"**Permanent Sign**" means any sign that is not a temporary sign or semi-permanent sign.

"**Political Sign**" means any sign advocating or opposing any political proposition or expression protected by the First Amendment of the United States Constitution or any candidate for public office.

"**Portable Sign**" means any sign designed to be moved about from one place to another.

"**Projecting Sign**" means any sign that is attached directly to a building wall or other upright surface and that projects more than 12 inches from the face of the wall or surface. For the purpose of this definition a projecting sign shall include, but not be limited to, marquees, awnings, attached canopies and detached canopies.

"**Reader Board**" means any sign that is capable of having copy changed, whether electronically or manually.

"**Real Estate Sign**" means any sign pertaining to the prospective rental, lease or sale of the property on which it is located.

"**Sandwich Board**" means any free-standing, portable sign, frequently but not exclusively having the appearance of an "A" frame.

"**Semi-Permanent Sign**" means any sign that is neither Temporary nor Permanent, but which meets the requirements set forth in Section 54.054.

"**Sign**" means any identification, description, illustration, or device that 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, except for Billboards, which are regulated by Chapter 55 of the City Code.

"**Sign Area**" means the entire face of any sign, including the surface and any framing, projections, or molding, but not including the support structures. Individual channel-type letters mounted on a building shall be measured by the area enclosed by four straight lines outlining each word or group of words. All lines shall be straight and all angles shall be ninety degrees (90^0).

"**Single-Family**" as used in this Sign ordinance, property developed as Single-Family residential uses, and vacant property zoned for Single-Family residential development. (See also "**Commercial**")

"**Special Promotion Sign**" means any commercial sign used to promote an upcoming event that includes but is not limited to new products, new management, new hours of operation, new services, or promotion of a special sale.

"**Street Banner**" means any sign stretched above a City street and attached to one or two public utility poles identifying a business district, political subdivision of the state, or institutional use, or announcing a public event sponsored by one of these entities.

"**Subdivision Sign**" means any freestanding sign used to identify subdivision and located at the entrance to subdivision.

"**Temporary Sign**" means any sign displayed for a period of thirty (30) days or less in any twelve (12) month period, and Construction Signs displayed for a period of no more than ninety (90) days

"**Trailer Sign**" means any sign mounted on or attached to a trailer or a similar vehicle whether or not the trailer is towed about or stationed at a specific location.

"**Wall Sign**" means any sign integrated into or painted directly on the exterior wall of any building, and any sign, whether painted, etched, or fabricated on any

surface or plane that may be affixed flush to any exterior wall of any building.

"**Window Sign**" means any sign that is applied or attached to the inside of a window and located in such a manner that it can be seen from the exterior of the structure.

Section 54.050. General Sign Regulations.

Section 54.051. Permit Required.

Unless specifically exempted, no sign shall be erected until a permit has been issued.

Section 54.052. General Prohibition.

Any sign not expressly permitted by this Sign Code is prohibited in the City of Webster Groves. All signs must comply with all applicable provisions of the Building, Electrical, Plumbing and Municipal Codes of the City of Webster Groves.

Section 54.053. Temporary Signs.

A. Unless otherwise stated, no temporary sign shall remain for more than a period of thirty (30) days in any twelve (12) month period.

B. There shall be a maximum of two (2) temporary signs per lot, exclusive of political, construction, real estate and window signs. (Ord. No. 8476, § 1, 9-20-05)

Section 54.054. Semi-Permanent Signs.

A. No permit shall be issued for a Semi-Permanent Sign which does not comply with the requirements of this Sign Code.

B. Semi-Permanent signs shall:

1. Not exceed the size authorized by sign Type, as provided for in Sections 54.071 through 54.076, or by sign Use, as provided for in Sections 54.081 through 54.092, whichever is less, but in no case shall it exceed 260 square feet total area per face.

2. Not exceed the height authorized according to the sign Type or sign Use, whichever is less, but in no case shall it exceed the height of 25 feet above the adjacent ground.

3. Be constructed of metal, wood, plastic, masonry, cloth, and/or glass, or painted on a permanent structure; and assembled and affixed using standard construction practices intended to withstand weathering and deterioration for periods in excess of two (2) years.

4. Unless otherwise stated, no Semi-Permanent Sign shall remain for more than a period of one hundred eighty (180) days in any twelve (12) month period.

Section 54.055. Permanent Signs.

A. No permit shall be issued for a Permanent Sign which does not comply with the requirements of this Sign Code.

B. Permanent signs shall:

1. Not exceed the size authorized by sign Type, as provided for in Sections 54.071 through 54.076, or by sign Use, as provided for in Sections 54.081 through 54.092, whichever is less, but in no case shall it exceed 260 square feet total area per face.

2. Not exceed the height authorized according to the sign Type or sign Use, whichever is less, but in no case shall it exceed the height of 25 feet above the adjacent ground.

3. Be constructed of metal, wood, plastic, masonry, cloth, and/or glass, or painted on a permanent structure; and assembled and affixed using standard construction practices intended to withstand weathering and deterioration for periods in excess of two (2) years.

Section 54.056. Location of Signs.

A. Unless specifically exempted, all signs shall be located upon the property to which the sign refers.

B. No sign shall be so erected on any door, window or elsewhere on any building so as to prevent free ingress or egress to or from any window, door or any fire escape of any building.

Section 54.057. Signs Not Permitted.

A. No sign shall, by electronic, mechanical, environmentally activated or other means, flap, flash, flutter, glitter, move, revolve, rotate, sparkle, spin, swing, scroll text across any portion of a sign, or display video content on any portion of a sign. (Ord. No. 8647, § 1, 9-1-09)

B. No sign is permitted whose color, location or design resembles or conflicts with traffic control signs or devices.

C. Unless specifically exempted, no sign shall be painted on or attached to trees, shrubs, lamp posts, parking meter posts, hydrants, guard rails, bridge supports, traffic signs, stairways, benches, refuse containers, rocks, other natural features, telephone poles, utility poles or similar structures.

D. Except as specified in Sections 54.083, 54.085, 54.090, and 54.092 hereof, no sign shall be placed, nor shall any person place any sign, in any public right-of-way.

E. No sign shall be erected or painted on a roof.

F. No sign shall use noise amplifiers of any kind. (Ord. No. 8476, § 2, 9-20-05)

G. No signs or nameplates of any type shall be allowed for home occupations. (Ord. No. 8497, § 2, 5-2-06)

Section 54.058. Sign Faces.

Any multi-faced sign that has more than two (2) faces shall not exceed the maximum permitted square footage for double-faced signs.

Section 54.059. Sign Lighting.

Signs that project light in excess of an illumination level of 0.5 horizontal foot-candles as measured at the property line shall be prohibited. In no event shall sign lighting cause a glare or be directed in such a manner that traffic is impeded or the lighting of the sign causes a nuisance**.**

(Ord. No. 8647, § 6, 9-1-09)

Section 54.060. General Size, Number, and Height Regulations for Commercial and Industrial Properties.

A. The total square foot area of all signs except those specifically excluded from the area calculation shall not exceed ten percent (10%) of the total square foot area of the face of the building as seen from the street on which the building fronts.

B. For buildings facing two (2) or more streets, each such face of the building shall be computed separately in relation to signs on or related to that face.

C. There shall be no more than two permanent (2) signs per street-facing wall per business.

D. Where two (2) or more businesses occupy a single-building, the area of signs for each business shall not exceed ten percent (10%) of that portion of the face of the building that each business occupies.

E. Where a business occupies space in a multi-tenant building and has an exterior building face that fronts only on an immediately adjacent public parking lot or a parking lot owned for the exclusive use of tenants of that building, that business may have one (1) sign that does not exceed 10% of that portion of the face of the building that the business occupies. Such area and sign shall not count towards the maximum allowable sign area and sign count for the building.

F. There shall not be more than one (1) free standing sign for each 100 feet of total street frontage for each street on which the property fronts.

G. No part of any sign shall be more than 25 feet above the adjacent ground.

H. No sign that is attached to a wall shall have its highest point above the roofline.

Section 54.061. Sign Measurements.

All measured distances shall be to the nearest integral foot. For example if a fraction is 1.5 feet or more, the next largest integral foot shall be used.

Section 54.062. Sign Construction.

All signs shall be properly constructed and anchored to resist wind loads as specified in standards to be promulgated by resolution of the City Council from time to time and kept on file for public inspection in the office of the Building Commissioner.

Section 54.063. Maintenance of Signs.

All signs together with all their supports, braces and anchors shall be maintained in good repair and be structurally sound.

Section 54.064. State, County and Municipal Signs.

This code does not regulate any traffic and roadway signage generally governed by State statutes and that are erected by the State of Missouri, St. Louis County, or the City of Webster Groves.

Section 54.070. Type of Signs.

Section 54.071. Free Standing Signs.

A. **Sign Faces.** Freestanding signs may be single-faced, double-faced or multi faced.

B. **Sign Area**. The maximum square foot area for each face of a Freestanding sign shall be 12 square feet per face, plus 6 square feet per face for each 50 feet of street frontage, or part thereof, in excess of 100 feet, up to a total maximum size per face of 48 square feet per face.(Ord. No. 8647, § 3, 9-1-09)

C. **Height.** No Freestanding sign, including its structure shall exceed 25 feet in height, except that commercial properties located within 250 feet of the edge of pavement of an interstate highway may have one freestanding identification sign constructed to a height of not greater than 40 feet, including the support, provided the applicant for such a sign permit can demonstrate to the satisfaction of the building commissioner that existing natural or manmade features located off-site, such as trees and bridges, located between the proposed sign location and the driving lanes of the interstate highway so diminishes the visibility of any such proposed freestanding identification sign from a distance of up to 750 feet so as to render it useless if erected to the allowable standard height of 25 feet.(Ord. No. 8647, § 4, 9-1-09)

D. Location of Sign.

1. Freestanding signs shall not be located within the 30 foot sight triangle of a street right-of way.

2. Freestanding signs shall not be located within 10 feet of a side property line.

3. There shall be not more than one (1) permanent or semi-permanent

Freestanding sign for each 100 feet of total street frontage for each street on which the property fronts. When more than one (1) Free-standing sign is allowed on a street front, such signs, when permanent, shall be ganged.

E. **Single-Family/Commercial.** Freestanding signs may be allowed for both Single-Family and Commercial uses.

F. **Other Conditions.** None.

Section 54.073. Portable Signs.

A. **Sign Faces**. Portable signs may be single-faced, double-faced or multi-faced.

B. **Sign Area**. The maximum square foot area for each face of a Portable sign shall not exceed 50 square feet per face or a total of 100 square feet for all faces.

C. **Height.** No Portable sign, including its structure shall exceed 12 feet in height.

D. **Location of Sign.**

1. Portable signs shall not be located within the 30 foot sight triangle of a driveway or street.

2. Portable signs shall not be located within 10 feet of a side property line.

3. There shall be not more than one (1) portable sign for each street on which the property fronts.

E. **Single-Family/Commercial.** Portable signs may be allowed for both Single-Family and Commercial uses.

F. **Other Conditions.**

1. Portable signs shall be properly designed and anchored to resist wind loads.

2. Portable signs such as, but not limited to, Real Estate signs, Sandwich Boards, and Civic Activity signs may be more restrictive; provided, however, that this provision does not apply to Political Signs.

Section 54.074. Projecting Signs.

A. **Sign Faces**. Projecting signs may be single-faced, double-faced or multi faced.

B. **Sign Area**. The maximum square foot area for each face of a Projecting sign shall not exceed 16 square feet per face or a total of 32 square feet for all faces.

C. **Height.**

1. Projecting signs shall be located on a building wall that faces a street.

2. In a multi-story building, no projecting sign shall be erected above the floor line of the second floor as visible from the face of the building upon which the

sign is erected. For the purposes of this provision, a story shall have more than half of its height above grade.

3. In a single story building, no Projecting sign shall be erected above the parapet cap or the roof eave as related to the building wall facing the street.

4. If the roof eave is perpendicular to the front wall of the building, the lower eave line shall be prolongated.

5. No Projecting sign shall have a clearance of less than 7 feet 6 inches from ground level.

D. **Location of Sign.**

1. Projecting signs may extend not more than 6 feet from the building into the front yard or into the street right-of-way.

2. No part of any Projecting sign shall be located within 3 feet of the curb line.

E. **Single-Family/Commercial.** Projecting signs may be allowed for both Single-Family and Commercial uses.

F. **Other Conditions**. None.

Section 54.075. Wall Signs.

A. **Sign Faces**. Wall signs shall be single-faced.

B. **Sign Area.**

1. No Wall sign shall exceed ten percent (10%) of the wall area upon which the sign is erected.

2. A business with street frontage in addition to an entrance from a side or rear parking lot related to that business may have a Wall sign not exceeding 6 square feet in area which identifies the occupant of the building. This Wall sign shall not be included in the total sign area or number calculations.

C. **Height.**

1. In a multi-story building, no Wall sign shall be erected above the floor line of the second floor as visible from the face of the building upon which the sign is erected. For the purposes of this provision a story shall have more than half of its height above grade.

2. In a single story building, no Wall sign shall be erected above the parapet cap or the roof eave as related to the building wall facing the street.

3. If the roof eave is perpendicular to the front wall of the building, the lower eave line shall be prolongated.

D. **Location of Sign.**

1. Wall signs shall be located on the wall of a building that faces a street, or a parking lot on the same parcel of land as the building, or an immediately adjacent public parking lot.

2. No Wall sign shall extend beyond the building more than 12 inches.

E. **Single-Family/Commercial.** Wall signs may be allowed for both Single-Family and Commercial uses.

F. **Other Conditions:** None.

Section 54.076. Window Signs.

A. **Sign Faces**: Window signs shall be single-faced as visible from the street.

B. **Sign Area:** The total sign area of both permanent and temporary Window signs shall not exceed twenty percent (20%) of the total show or display window area.

C. **Height:** In a single-story or multi-story building, a Window sign may be erected in any first floor show or display window.

D. **Location of Sign**: Window signs shall be displayed in or attached to the inside of show or display windows.

E. **Single-Family/Commercial**: Window signs may be allowed for Commercial uses.

F. **Other Conditions:**

1. Permanent Window Signs shall be included in the sign area and number limitations contained in Sec. 54.060.

2. Temporary Window Signs shall not be included in the sign area and number limitations contained in Sec. 54.060.

3. Holiday displays are exempted from this provision for up to thirty (30) days prior to the holiday, and fourteen (14) days after the holiday. (Ord. No. 8476, § 3, 9-20-05)

Section 54.080. Use of Signs.

Section 54.081. Bulletin Boards.

A. **Permits**. Bulletin Boards shall require a permit.

B. **Permanent/Temporary Sign.** Bulletin Boards shall be considered as permanent signs.

C. **Sign Faces**. Bulletin Boards may be single-faced or double-faced.

D. **Sign Area.** Bulletin Boards shall be limited to 20 square feet per face.

E. **Height.** No Bulletin Board, including its structure shall exceed 6 feet in height.

F. **Area/Number of Sign (reference 54.060).**

1. Bulletin Boards shall be included in the area calculations.

2. Bulletin Boards shall be included in the number calculations.

G. **Location of Sign.**

1. Bulletin Boards shall be located on the property to which the sign references.

2. Bulletin Boards shall not be located within the 30 foot sight triangle of a street.

3. There shall be a maximum of one (1) Bulletin Board for each street on which the property fronts. Such sign shall be in lieu of any other Free Standing sign.

H. **Single-Family/Commercial**. Bulletin Boards shall be allowed for use by institutions and theaters only.

I. **Types of Signs**. Bulletin Boards shall be Freestanding or Wall signs.

J. **Lighting.** Bulletin Boards may be internally lit or unlit.

K. **Other Conditions**: None.

Section 54.082. Century Plaques.

A. **Permits**. Century Plaques shall not require a permit.

B. **Permanent/Temporary Sign.** Century Plaques shall be considered as permanent signs.

C. **Sign Faces**. Century Plaques shall be single-faced.

D. **Sign Area**. Century Plaques shall be limited to 2 square feet.

E. **Height.** Century Plaques shall not exceed 6 feet in height.

F. Area/Number of Sign (reference 54.060).

1. Century Plaques shall not be included in the area calculations

2. Century Plaques shall not be included in the number calculations

G. **Location of Sign**. Century Plaques shall be located as close as practicable to the main entrance to the building to which the sign refers.

H. **Single-Family/Commercial**. Century Plaques may be allowed for Single-Family

and Commercial uses.

I. **Types of Signs.** Century Plaques shall be wall signs.

J. **Lighting**. Century Plaques shall not be lit.

K. **Other Conditions**. Century Plaques shall not be erected without the approval of the Webster Groves Historical Society or the Webster Groves Historic Preservation Commission.

Section 54.083. Civic Activity Signs.

A. **Permits**. Civic Activity signs shall require a permit, which shall be issued to Webster Groves institutions for events located within or immediately adjacent to Webster Groves only and subject to the terms and conditions of this section 54.083. (Ord. No. 8647, § 2, 9-1-09)

B. **Permanent/Temporary Sign**. Civic Activity signs shall be considered as temporary signs.

C. **Sign Faces.** Civic Activity signs may be single-faced or double-faced.

D. **Sign Area.**

1. For locations listed in G2 below, Civic Activity signs shall be limited to 6 square feet per face.

2. For all other locations Civic Activity signs shall be limited to 12 square feet per face.

E. **Height.**

1. For Single-Family locations Civic Activity signs shall be limited to a height of 3 feet.

2. For Commercial locations Civic Activity signs shall be limited to 12 feet per face.

F. **Area/Number of Sign (reference 54.060).**

1. Civic Activity signs shall not be included in any area calculation

2. Civic Activity signs shall not be included in any number calculation

3. Only one (1) Civic Activity sign is allowed per approved location

G. **Location of Signs**.

1. In addition to the three locations listed below, Civic Activity signs may only be approved for other locations by the City Manager or his designee, who shall be guided by safety and sight triangle concerns in considering any alternate location.

2. Civic Activity signs shall be permitted in the following locations:

   a. On the property located at the northwest corner of W. Glendale Rd. and S. Elm Ave. commonly known as Ruhe Park;

   b. On a strip of land located on the west side of Rock Hill Rd. and being the median of W. Lockwood Ave. at that point; and

   c. City property on the west side of Brentwood Blvd., immediately to the south of the municipal boundary.

(Ord. No. 8647, § 2, 9-1-09, Ord. No. 8841, §1, 6-17-2014)

H. **Single-Family/Commercial**. Civic Activity signs may be associated with either Single-Family or Commercial uses.

I. **Types of Signs.** Civic Activity signs may be free standing, portable, wall, or window.

J. **Lighting**. Civic Activity signs shall not be lit.

K. **Other Conditions.**

1. Any person or organization desiring to erect a Civic Activity sign shall make application to the City Manager or his designee in writing at least thirty (30) days prior to erecting the sign.

2. The City Manager or his designee shall grant permission for the installation and maintenance of such Civic Activity sign for a period not to exceed thirty (30) days if, in his opinion, the proposed display or sign will not adversely affect the neighborhood or create a nuisance to the surrounding area.

3. The Advisory Commission of any special business taxing district may request, and the City Manager or his designee may approve, Civic Activity signs for periods in excess of thirty (30) days.

4. Prior to issuance of any Civic Activity Sign permit for a period greater than thirty (30) days, the Architectural Review Board and, in the case of a designated historic district, the Historic Preservation Commission, shall review and approve the sign.

5. Requests for any Civic Activity Signs for periods in excess of thirty (30) days to be placed in Single-Family zoned districts of the City may be approved by the City Manager or his designee provided, however, that prior to any approval for greater than thirty (30) days, the City Manager or his designee shall schedule a public hearing to assist him in determining whether the proposed sign will adversely affect the neighborhood or create a nuisance to the surrounding area.

Section 54.084. Construction Signs.

A. **Permits**. Construction signs which are temporary signs shall not require a permit.

B. **Permanent/Temporary Sign.** Construction signs may be considered as Semi-permanent, permanent or temporary signs.

C. **Sign Faces**. Construction signs may be single-faced or double-faced.

D. **Sign Area.**

1. Construction signs that are temporary signs shall not exceed 3 square feet in area per face.

2. Construction signs that are semi-permanent signs for Single-Family purposes shall be a maximum of 6 square feet.

3. Construction signs that are semi-permanent or permanent signs for Commercial purposes shall be a maximum of 12 square feet.

E. **Height.**

1. The maximum height of Construction signs for Single-Family purposes, including its structure, shall be 3 feet above grade.

2. The maximum height of Construction signs for Commercial purposes including its structure shall be 12 feet above grade.

F. **Area/Number of Sign (reference 54.060).**

1. Construction signs shall not be included in the area calculations.

2. Construction signs shall not be included in the number calculations.

3. Each property shall be limited to one (1) construction sign per front yard.

G. **Location of Sign.** The location of Construction signs shall be based on the type of sign used, but in any case, shall be located upon the property where the construction is occurring.

H. **Single-Family/Commercial.** Construction signs may be allowed for Single-Family and Commercial uses.

I. **Types of Signs.** Construction signs may be Freestanding signs, Portable signs, Wall signs, or Window signs.

J. **Lighting**. Construction signs shall not be lit.

K. **Other Conditions.**

1. Semi-permanent and permanent construction signs on Single-Family lots

shall not be posted before the commencement of discernable construction work being performed or upon issuance of a building permit.

2. Semi-permanent and permanent construction signs on Single-Family lots shall be removed no later than six (6) months following sign posting or upon completion of the project, whichever occurs first.

3. Semi-permanent and permanent construction signs on Commercial lots shall not be posted before the commencement of discernable construction work being performed or upon issuance of a building permit.

4. Semi-permanent and permanent construction signs on Commercial lots shall be removed no later than twelve (12) months following sign posting or upon completion of the project, whichever occurs first.

5. Temporary Construction signs shall not be posted before the commencement of discernable construction work being performed.

6. Temporary Construction signs shall be removed no later than ninety (90) days following sign posting or upon completion of the project, whichever occurs first. (Ord. No. 8476, § 4, 9-20-05)

Section 54.085. Directional Signs.

A. **Permits**. Directional signs shall require a permit.

B. **Permanent/Temporary Sign**. Directional signs shall be considered as permanent signs.

C. **Sign Faces**. Directional signs may be single-faced or double-faced.

D. **Sign Area.**

1. On-premises Directional signs shall be limited to 3 square feet per face.

2. Taxing District Directional signs shall be limited to 2 square feet per business nameplate.

E. **Height.**

1. On-premises Directional signs shall not exceed 2 1/2 feet in height.

2. Taxing District Directional signs shall not exceed 6 feet in height.

F. **Area/Number of Sign (reference 54.060).**

1. Directional signs shall be included in the area calculations.

2. Directional signs shall not be included the number calculations.

G. **Location of Sign.**

1. On-premises Directional signs shall be located as close as practicable to the driveway and on the property of the person who causes the sign to be erected.

2. Taxing District Directional signs shall not be located so as to create a traffic safety hazard.

H. **Single-Family/Commercial.** Directional signs shall be allowed for Commercial uses.

I. **Types of Signs.** Directional signs may be free standing signs or wall signs

J. **Lighting.** Directional signs may be internally lit or unlit.

K. **Other Conditions**. Taxing District Directional signs may only be installed, controlled, and maintained by the Advisory Commission of a Special Business-Taxing District of the City.

Section 54.086. Identification Signs.

A. **Permits**. Identification signs shall require a permit.

B. **Permanent/Temporary Sign.** Identification signs shall be considered as permanent signs.

C. **Sign Faces**. Identification signs may be single-faced, double-faced or multi faced.

D. **Sign Area**. The maximum area of Identification signs shall be based on the type of sign.

E. **Height**. The maximum height of Identification signs shall be based on the type of sign, except as provided in 54.086.K.

F. **Area/Number of Sign (reference Sec. 54.060).**

1. Building Identification signs shall be included in the area calculations.

2. Building Identification signs shall not be included in the number calculations.

3. Business Identification signs shall be included in the area calculations.

4. Business Identification signs shall be included in the number calculations.

G. **Location of Sign**. The location of Identification signs shall be based on the type of sign, and shall be located on the property to which the sign references.

H. **Single-Family/Commercial**. Identification signs may be allowed for Single-Family and Commercial uses.

I. **Types of Signs.**

1. Business Identification signs may be free standing, ground, projecting, wall, or window signs.

2. Building Identification signs may be wall or projecting signs.

J. **Lighting.** Identification signs may be internally lit, externally lit or unlit.

K. **Other Conditions.**

1. Building Identification signs within historic districts or for landmark properties shall be approved by the Historic Preservation Commission as well as the Architectural Review Board.

2. Building Identification Signs to name an historic building shall be approved by the Historic Preservation Commission, and may be installed up to a height of 25 feet.

Section 54.087. Name Plate Signs.

A. **Permits.** Nameplate signs shall require a permit.

B. **Permanent/Temporary Sign**. Nameplate signs shall be considered as permanent signs.

C. **Sign Faces**. Nameplate signs may be single-faced.

D. **Sign Area**. Nameplate signs shall be limited to 2 square feet.

E. **Height.** Nameplate signs shall not exceed 7 feet high.

F. **Area/Number of Sign (reference 54.060).**

1. Nameplate signs shall be includes area calculations.

2. Nameplate signs shall not be included in the number calculations.

G. **Location of Sign.** Nameplate signs shall be located as close as practicable to the main entrance to the building where the person so identified is located.

H. **Single-Family/Commercial**. Nameplate signs may be allowed for Single-Family and Commercial uses.

I. **Types of Signs**. Nameplate signs shall be wall signs.

J. **Lighting.** Nameplates shall not be lit.

K. **Other Conditions**. None.

Section 54.088. Political Signs.

A. **Permits.** Temporary Political signs and Semi-Permanent Signs shall not require a permit, but Permanent Political Signs shall require a permit as specified below

in Section 54.144.

B. **Permanent/Temporary Sign.** Political signs may be temporary, semi-permanent, or permanent signs for purpose of materials and size, but are exempt from time limits except as provided in Subsection K.2 of this section.

C. **Sign Faces**. Political signs may be single-faced or double-faced.

D. **Sign Area.**

1. Political signs that are temporary shall not exceed 6 square feet per face.

2. For Semi-Permanent Political signs, see Section 54.054 B.1

3. For Permanent Political signs, see Section 54.055 B.1

E. **Height**.

1. Political signs that are temporary shall not exceed 3 feet in height on a Single-Family property, nor 12 feet in height on a Commercial property.

2. For Semi-Permanent Political signs, see Section 54.054 B.2

3. For Permanent Political signs, see Section 54.055 B.2

F. **Area/Number of Sign**. (reference 54.060)

1. Political signs shall not be included in the area calculations.

2. Political signs shall not be included in the number calculations.

G. **Location of Sign.**

1. Political signs shall be located entirely on private property in compliance with the sign type.

2. Political signs in excess of 2 1/2 feet in height shall not be located within the 30 foot sight triangle of a driveway or street.

H. **Single-Family/Commercial**. Political signs may be allowed for Single-Family and Commercial uses.

I. **Types of Signs**. Political signs may be any type of sign permitted by this code and shall be restricted in the same manner as any other sign of that type.

J. **Lighting.** Political signs may be externally lit as any other sign of the same Type.

K. **Other Conditions.**

1. Political signs shall not be erected or affixed on or to any public property or utility poles and in no event may Political signs be erected or affixed by

any person on or to any property without the consent of the owner or occupant of such property.

2. Any sign concerning an election shall be removed within ten (10) days after the election.

Section 54.089. Real Estate Signs.

A. **Permits**. None

B. **Permanent/Temporary Sign.** Real Estate signs may be temporary or semi-permanent signs for purpose of materials and size, but are exempt from time limits except as provided in Subsections K.1 and K.2 of this section.

C. **Sign Faces**. Real Estate signs may be single-faced or double-faced.

D. **Sign Area.**

1. Temporary Real Estate signs shall not exceed 6 square feet in area per face.

2. Semi-permanent Real Estate signs shall be a maximum of 6 square feet in area per face for Single-Family residential property, and 24 square feet in area per face for all other properties.

3. Real Estate signs which are semi-permanent signs advertising future use or development of property shall be a maximum of 24 square feet in area per face.

E. **Height.**

1. The maximum height of Real Estate signs for Single-Family purposes, including its structure, shall be 3 feet.

2. The maximum height of Real Estate signs for Commercial purposes, including its structure shall be 10 feet.

3. The maximum height of Real Estate signs advertising future use or development of property, including its structure shall be 10 feet.

F. **Area/Number of Sign (reference 54.060).**

1. Real Estate signs shall not be included in the sign area calculations.

2. Real Estate signs shall not be included in the sign number calculations.

3. Each property shall be limited to one (1) sign per front yard.

G. **Location of Sign.** Except for off-premises open house signs, all Real Estate signs shall be located on the property which such sign advertises.

H. **Single-Family/Commercial.** Real Estate signs may be allowed for Single-

Family and Commercial uses.

I. **Types of Signs**. Real Estate signs may be freestanding signs, portable signs, wall signs or window signs.

J. **Lighting**. Real Estate signs shall not be lit.

K. **Other Conditions.**

1. All Real Estate signs shall be removed within seven (7) days of the written agreement to rent or lease, or the closing of the property or space advertised therein.

2. Any Real Estate sign of any type is permitted only during the time that a property is available for rent, lease or sale, except signs indicating future development, which are permitted at such time as the City authorizes the future development or building permits are issued. (Ord. No. 8476, § 5, 9-20-05)

3. Real Estate signs advertising Single-Family property are permitted off premises for directional purposes. Off-premises signs shall be permitted only during the time that a licensed real estate agent is located on the property for the purpose of conducting an open house, and may be placed off-premise only with the permission of the property owner upon which such sign is placed. Such signs shall be removed at the conclusion of the open house for public viewing.

4. Single-Family for sale by owner (FSBO) signs may be placed off premises only between the hours of 9:00 p.m. and noon Tuesdays, and noon and 4:00 p.m. on Sundays unless otherwise approved by the building commissioner.

Section 54.090. Sandwich Boards.

A. **Permits.** Sandwich Boards shall require a permit, which shall be renewed annually on a calendar year basis.

B. **Permanent/Temporary Sign.** Sandwich Boards shall be considered as permanent signs.

C. **Sign Faces**. Sandwich Boards may be single-faced or double-faced.

D. **Sign Area.** Sandwich Boards shall be limited to 6 square feet per face.

E. **Height.** Sandwich Boards shall be limited to 3 3/4 feet [45 inches] in height.

F. **Area/Number of Sign (reference 54.060).**

1. Sandwich Boards shall be included in the area calculations.

2. Sandwich Boards shall be included in the number calculations.

3. There shall be a maximum of one (1) Sandwich Board per business. (Ord. No 8476 § 6, 9-20-05)

G. **Location of Sign.**

1. Sandwich Boards may be located within the prolongated limits of the space to which the sign references.

2. Sandwich Boards shall not be located within the 30 foot sight triangle of a street.

3. Sandwich Boards shall allow for a clearance of paved walkways of not less than 3 feet.

H. **Single-Family/Commercial**. Sandwich Boards shall be allowed for Commercial uses only.

I. **Types of Signs.** Sandwich Boards shall be portable signs.

J. **Lighting.** Sandwich Boards shall not be lit.

K. **Other Conditions.**

1. Sandwich Boards shall be constructed of metal or wood, and designed to resist wind loads.

2. At a minimum, the top 40% of any Sandwich Board sign face shall be permanent lettering which is painted, etched, or affixed to the sign face.

3. The Architectural Review Board shall approve any means of anchoring any sandwich board as part of the sign review and approval process.

4. Sandwich Boards shall be removed when the establishment is not open for business.

5. Any application for a permit to locate a Sandwich Board in a public right-of-way shall include in the application a certificate of liability insurance naming the City of Webster Groves as additionally insured. The certificate of liability shall be in the form of General Commercial Liability Insurance in a minimum amount of Three Hundred Thousand Dollars ($300,000.00) per occurrence.

Section 54.091. Special Promotion Signs.

A. **Permits.** Window Special Promotion signs shall not require a permit. All other Special Promotion signs shall require a permit.

B. **Permanent/Temporary Sign**. Special Promotion signs shall be considered as temporary signs.

C. **Sign Faces.** Special Promotion signs may be single-faced or double-faced.

D. **Sign Area.** The maximum square foot area for each face of a Special Promotion sign shall not exceed 50 square feet per face or a total of 100 square feet for all faces.

E. **Height.** No Special Promotion signs, including its structure shall exceed 12 feet in height.

F. **Area/Number of Sign** (reference 54.060).

1. Special Promotion signs shall not be included in the sign area calculations.

2. Special Promotion signs shall not be included in the sign number calculations.

G. **Location of Sign.**

1. Special Promotion signs shall be located on the property to which the sign refers.

2. Freestanding and Portable Special Promotion signs shall not be located within the 30 foot sight triangle of a driveway or street.

3. Freestanding and Portable Special Promotion signs shall not be located within 10 feet of a side property line.

4. There shall be not more than one (1) freestanding, wall or portable Special Promotion sign for each street on which the property fronts. (Ord. No. 8476, § 7, 9-20-05)

H. **Single-Family/Commercial.** Special Promotion signs may be allowed for Commercial uses only.

I. **Types of Signs**. Special Promotion signs may be Window signs, Wall signs, Portable signs, or Freestanding signs.

J. **Lighting.** Special Promotion signs shall not be lit.

K. **Other Conditions.**

1. Grand Opening signs and Future Tenant Identification signs may only be Wall signs or Window signs.

2. Except for Window signs that require no permit, a separate Special Promotion sign permit is required for each event so advertised. Each permit application must state, at a minimum, the size, text, location, and duration of the placement of the sign.

3. No part of a special promotion sign shall contain changeable copy or type.

4. The Building Commissioner may reject the application for cause.

(Ord. No. 8476, § 8, 9-20-05)

Section 54.092. Street Banners.

A. **Permits.** Street Banners shall require a permit.

B. **Permanent/Temporary Sign.** Street Banners announcing an event shall be considered as temporary signs. Street Banners identifying a district or area shall be considered as permanent signs.

C. **Sign Faces**. Street Banners may be single-faced or double-faced.

D. **Sign Area.**

1. Street Banners extending across a street may not exceed dimensions of 2 feet by 30 feet per face.

2. Street Banners mounted on individual utility, or similar, poles may not exceed 8 square feet.

3. Street Banners attached to a utility, or similar, pole shall be at least 8 feet above the ground.

(Ord. No. 8647, § 5, 9-1-09)

E. **Height.**

1. Street Banners attached to two utility poles and stretched across a street shall be at least 16 feet above the pavement.

2. Street Banners attached to one utility pole shall be at least 8 feet above the ground.

F. **Area/Number of Signs.**

1. No more than one (1) Street Banner is allowed per utility pole.

2. Street Banners announcing an event shall be limited to no more than two (2) Street Banners per event.

G. **Location of Sign.**

1. Street Banners shall be installed in the immediate vicinity of the institution or taxing entity seeking a permit to install such signs.

2. All locations shall be approved by the City Manager or his designee.

H. **Single-Family/Commercial.** Street Banners may be allowed for Single-Family and Commercial uses.

I. **Types of Signs.** Not applicable.

J. **Lighting.** Street Banners shall not be lit.

K. **Other Conditions.**

1. Street Banners shall only be allowed if the applicant for a permit is a political subdivision of the state or a major institution within the City.

2. Applications for Street Banners announcing an event must be made six (6) weeks in advance and must include evidence of public liability insurance carried by the requesting organization and details of construction and support.

3. Street Banners which announce an event shall not be erected more than thirty (30) days before the event and shall not remain for more than seven (7) days after the event.

4. If, in his opinion, the proposed banner will adversely affect the neighborhood or create a nuisance in the area surrounding the proposed location of the banner, the City Manager or his designee may deny an application for a Street Banner.

5. Street Banners may be ordered removed by the City Manager or his designee, if in his judgment they are, or become, unsafe, a public nuisance, or obsolete.

Section 54.100. Exceptions.

Section 54.101. Shopping Centers.

A. In shopping centers the total square foot area of all signs, except Political Signs, shall not exceed fifteen percent (15%) of the total square foot area of the face of the building as seen from the street on which the building fronts. Each tenant shall be allowed a maximum of two (2) signs that shall not be detached from the building. Each tenant shall have a maximum sign area of ten percent (10%) of its façade.

B. In any shopping center there may be a shopping center Identification sign, erected detached from the main building, the total area of which shall not exceed 125 square feet except that there is hereby allowed an additional 25 square feet of sign area for each acre above the 5 acre minimum provided herein for shopping centers generally, but in no event shall any such Identification sign exceed 260 square feet per face. Any such sign shall be included in the calculated permitted sign area. Such sign shall be in lieu of any Freestanding or Ground sign and shall be located within the middle fifty percent (50%) of the aggregate street frontage.

C. In arcades and below ground level commercial space where no tenant face is visible from the street there may be a directory at the entrance to such space. The directory shall not exceed 2 square feet of area for each tenant listed. No other sign that is visible from or located on the exterior of the building shall be permitted.

D. A tenant in a shopping center with a tenant face visible from a street may be permitted to install a Sandwich Board located within 8 feet the prolongated tenant wall of the space to which the sign references. All other regulations of Section 54.090 regarding Sandwich Boards shall apply.

E. Electronic Reader Boards may be permitted in shopping centers provided that the sign is incorporated into a shopping center Identification sign. Such sign shall not advertise any product, business or activity that is not associated with the shopping center.

Section 54.102. Service Stations.

A. Each service station may have one single-faced or double-faced sign not exceeding 60 square feet per side of sign area or 20 square feet per gasoline type whichever is less. Such sign shall be restricted to stating the price and type of gasoline. Such sign, if free standing, shall be ganged.

B. Any such sign shall not be included in the calculated permitted sign area.

C. Gasoline type and price signs may be increased but such increase shall be counted against the sign area calculation.

Section 54.103. Planned Districts.

A. The owner/developer of a Planned Commercial District, as an alternative to the sign regulations contained elsewhere in this code, may propose a “Sign Package” addressing all aspects of exterior permanent signage for the entire Planned Commercial District. In such cases variation from the criteria for signs contained in the City Code (Section 25) are permitted. Such variation is permitted in keeping with the purpose of a Planned District which is to provide flexible design criteria that promotes integrated design and good planning practices.

B. The total square foot area of all signs proposed in a Sign Package, except those specifically excluded from the area and number calculations, as listed elsewhere in this code, shall not exceed ten percent (10%) of the total square foot area of the face of the building(s) as seen from the street(s) on which the building(s) fronts.

C. Variations from standard requirements shall be considered in keeping with the purpose of a Planned District, however no sign shall exceed 125% of the area or height allowed per the standard requirements of the Sign Code.

D. A sign package shall include the following:

1. A site plan delineating the location, height, and size of all existing and proposed signs.

2. Dimensions, area, construction materials, colors, and illumination source and level of all existing and proposed signs.

3. Color elevations of all proposed signs.

4. Description of advertising copy to be displayed on signs.

5. Proposed landscaping for free-standing signs

E. Sign Packages shall be approved by the Architectural Review Board (ARB).

F. Appeals

As the request for a Sign Package is a strictly voluntary decision on the part of a developer, decisions of the ARB are final, and notwithstanding anything to the contrary in Chapter 54, the decision of the ARB shall be binding with the development, and shall run with the land unless amended by the City Council in the same manner as development plans are amended pursuant to Chapter 53.801. (Ord. No.8476 § 9, 9-20-06)

Section 54.120. Non-Conforming Uses.

Section 54.121. Discontinuance of Uses.

In all districts, the lawful use of a sign existing at the time of the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made or any sign face is changed, a nonconforming use of a sign may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 54.122. Nonconforming Use Created by Sign Amendment.

In all districts, whenever the use of a sign becomes nonconforming through a change in the Sign Code, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.

Section 54.123. Abandonment.

Any Abandoned sign, including the support structure, shall be removed within thirty (30) days after the business or product is no longer present.

Section 54.124. Enlargement, Extension, Reconstruction and/or Alteration.

No sign in any district devoted to a use not permitted by this Sign Code in the district in which such sign is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such sign is located.

Section 54.125. Damage by Fire, Explosion, Act of God, Etc.

In any district, when fire, explosion, act of God, or the public enemy damages a sign, the use of which does not conform to the provisions of this Sign Code; it shall not be

restored except in conformity with the sign regulations.

(Ord. No. 8647, § 7, 9-1-09)

Section 54.130. Building Code.

Section 54.131.

All permanent signs shall be designed, constructed and maintained in compliance with the structural integrity and fire resistive construction requirements of Chapter 20 of the Code of Webster Groves (Building Code), with Chapter 21 of the Code of Webster Groves (Electrical Code), and with Chapter 27 of the Code of Webster Groves (Plumbing Code).

Section 54.132.

All Semi-Permanent signs shall be constructed according to standards adopted by resolution by the City Council from time to time and kept on file for public inspection in the office of the Building Commissioner.

Section 54.133.

Temporary Signs shall not be required to meet Building, Electrical or Plumbing Code requirements.

Section 54.140. Permit Procedures, Fees, and Exceptions.

Section 54.141.

Unless specifically exempted, a permit is required for the erection of a sign or outdoor display structure. Such exemption shall not relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner, from responsibility from compliance with all provisions of this article, or from responsibility for damages or injuries to property or persons.

Section 54.142.

Application for a sign permit shall be filed with the Building Commissioner, and shall include, when required by the Building Commissioner: a site plan; the plans and specifications for said sign, including the dimensions, materials and required details of construction, including weights and methods of anchorage.

Section 54.143.

The written consent of the owner or lessee of the premises upon which the sign is to be erected shall accompany the application.

Section 54.144.

Before the issuance of each required sign permit, a fee shall be paid to the City of Webster Groves according to the following schedule:

Century Plaques; Directional (Taxing Districts); Permanent Street Banners and Temporary Signs, Civic Activity Sign and Semi-Permanent Signs	None
Directional (Private); Name Plates; Special Promotion	$15.00
All Other permits not listed	$ .30 per square foot or $30.00 (whichever is greater)

Section 54.145.

No sign shall be enlarged or relocated except in conformity with the provisions of this article neither for new signs, nor until a permit has been issued. The changing of movable parts of an approved sign that is designed for such changes, or repainting or reposting of display matter, shall not be deemed an alteration, provided that the conditions of the original approval and the requirements of this article are not violated.

Section 54.146.

All applications for building Identification signs for buildings on the National Register of Historic Places, buildings designated by the City as landmark buildings, and buildings within a City-designated historic district shall be approved by the Historic Preservation Commission before being reviewed by the Architectural Review Board. Such name shall be historically in context with the building identified.

Section 54.160. Appeals.

Section 54.161.

Any person, firm or corporation may appeal any order, requirement, decision, or determination made by the city manager or the city manager's designee in the enforcement of this article to the Board of Adjustment of the City of Webster Groves within twenty (20) days of the date of the order, requirement, decision, or determination.

Section 54.162.

Such appeal shall be in writing and shall be accompanied by a filing fee of One Hundred Dollars ($100.00).

Section 54.163. The Board of Adjustment shall have the power to:

A. Affirm, modify, or reverse the decision of the Building Commissioner if the board finds the city manager or the city manager's designee has made an error in any order, requirement, decision, or determination in the enforcement of this article.

B. Permit variations where practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this ordinance result from the strict application of this article. If it is determined that the applicant for a variance is subject to such difficulty, hardship, or result then the board, must also determine whether the proposed sign:

1. Will not be inappropriate to the type of activity to which it pertains to the scale of the building to which it is related, or to the aesthetic environment of the surrounding structures and land use, and

2. Will not materially diminish or impair established property values within the surrounding area, and

3. Will not in any other respect impair the public health, safety comfort, morals, and welfare of the City of Webster Groves.

Section 54.170. Violations.

Section 54.171. Unlawful Acts.

It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any sign, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Section 54.172. Notice of Violation.

The Building Commissioner shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, or removal of any sign in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 54.173. Prosecution of Violation.

If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Section 54.174. Violation Penalties.

Any person, firm, association or corporation who shall violate any provisions of this article or who shall fail to comply with any order of the City Manager or the Building Commissioner issued pursuant to the terms of this code within the time therein specified, shall be guilty of an infraction and upon conviction thereof shall be punishable by a fine of not less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred Fifty Dollars ($250.00) for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the Court.

54.175. Stop Work Order.

Upon notice from the Building Commissioner that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building commissioner shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of an offense punishable by a fine of not less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars ($100.00) and not 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 such fine and imprisonment in the discretion of the Court.

Section 54.176. Abatement of Violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the sign on or about any premises.

Section 54.180. Emergency Measures.

Section 54.181. Imminent Danger.

When, in the opinion of the Building Commissioner, there is imminent danger of failure or collapse of a sign or structure or any part thereof which endangers life, or when any part of any sign or structure has fallen and life is endangered, the Building Commissioner is hereby authorized and empowered to order and require the same to be made safe forthwith.

Section 54.182. Temporary Safeguards.

When, in the opinion of the Building Commissioner, there is imminent danger, due to an unsafe condition, the Building Commissioner shall cause the necessary work to be done to render such sign temporarily safe, whether or not the legal procedure herein described has been instituted.

Section 54.183. Emergency Repairs.

For the purposes of this section, the Building Commissioner shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Section 54.184. Cost of Emergency Repairs.

Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the Building Commissioner. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the sign is located.

Section 54.190. Validity.

Section 54.191. Validity.

If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

Section 54.192. Saving Clause.

This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

CHAPTER 55. REGULATION OF BILLBOARDS

Section 55.010. Definitions.

For the purposes of this Chapter, the following words or phrases shall mean:

"**Billboard**" means an outdoor sign, display, device, figure, painting, drawing, message, plaque, poster or other thing designed, intended or used to advertise or inform, any part of the advertising or information content of which is visible from any point of the traveled ways of the interstate or primary systems.

"**Primary Highway**" means any highway in the City officially designated by the Missouri highway and transportation commission as being in the primary highway system as authorized by the constitution and laws of Missouri.

"**Interstate Highway**" means any highway in the City officially designated by the federal government of the United States as part of the interstate highway system.

Section 55.020. Billboards Permitted.

Billboards shall be permitted only within 660 feet of the nearest edge of the right-of-way of any interstate or primary highway, and only in industrial and commercial zones subject to the restrictions in Sections 55.030 through 55.080, inclusive, of this Chapter.

Section 55.030. Lighting.

A. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any billboard. No flashing, intermittent, or moving light or lights will be permitted.

B. External lighting, such as floodlights, thin line and goose neck reflectors are permitted if, and only if: (i) the light source is directed upon the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of any interstate or primary highway, or from being directed into a residential dwelling or commercial business, and (ii) the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.

C. No billboard shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.

Section 55.040. Size of Billboards.

A. The maximum area for any one billboard shall be 450 square feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members, with a maximum vertical dimension of 30 and a maximum horizontal dimension of 60 feet. The area shall be measured in a manner consistent with the rules of the Missouri Highway Commission.

B. The maximum size limitations shall apply to each side of a structure, and billboards may be placed back to back, double faced, or in V-type construction with not more than two displays to each facing, but such structure shall be considered as one billboard.

C. The maximum height of any billboard shall be governed by the height regulations contained in the industrial or commercial zoning district where the billboard is to be erected.

Section 55.050. Spacing and Placement of Billboards.

A. No billboard shall be erected within six hundred (600) yards of an existing billboard on the same side of any interstate or primary highway.

B. The spacing between billboards shall not apply to billboards that are separated by buildings, natural surroundings, or other obstructions in such a manner that only one billboard or part of one billboard is visible at any one time on the same side of any primary or interstate highway. Directional or other official signs or those advertising the sale or lease of the property on which they are located, or those which advertise activities on the property on which they are located, including products sold shall not be counted, nor shall measurements be made from them for the purpose of compliance with spacing provisions.

C. No billboard shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign signal, or devise or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

D. No billboard shall be erected within 50 feet from the property line of any property zoned residential, provided, however, for billboards over 25 feet high, the billboard shall be placed, in addition to the 50 foot minimum setback, 2 feet farther from the property line for each 1 foot of height in excess of 25 feet;

E. No billboard shall be erected within 300 feet, or within a distance equal to the height of the billboard, whichever is greater, from any lot which is used or zoned residential, nor shall any billboard be located:

1. Within 50 feet of any property line of the lot on which the billboard is located;

2. Within 50 feet of the nearest building;

3. Within 100 feet of any on-premises sign;

4. In or within 300 feet of any park, playground, school, library, hospital, church, historic district, landmark, or an area on the National Register of Historic Places;

5. On the roof of a building.

F. The measurements in this section shall be the minimum distances between billboards, measured along the nearest edge of the pavement between points

directly opposite the billboards along each side of the highway and shall apply only to billboards located on the same side of the highway involved.

Section 55.060. Permits Required.

A. No billboard shall be erected without a one-time permanent permit issued by the state highway and transportation commission, as required in the most recently amended Section 226.550 of the Missouri Revised Statutes at the time of application.

B. No billboard shall be erected, constructed or altered unless the permit required in Section 6(a) has been acquired and unless a permit from the City of Webster Groves has first been obtained. Prior to the issuance of a City permit, an application shall be filed with the Building Commissioner, or such other City officer as the City Manager may from time to time direct. The application shall include the plans and specifications for each proposed billboard in a manner that will fully advise and acquaint the City with the location, dimensions, construction, material, method of support and manner of illumination proposed to be used. All billboards shall comply with all applicable City, county and state codes, including but not limited to building, electrical, and construction codes. All billboards that arc, to be illuminated by artificial light, require a separate electrical permit and inspection as provided in the City's Electrical Code.

C. A one-time permit and inspection fee of Seven Hundred Fifty Dollars ($750.00) shall be charged when a billboard is first erected or constructed.

D. No billboard erected before the effective date of the ordinance enacting this Chapter 55 shall be repaired, altered, or moved, nor shall a billboard, or any substantial part thereof, which is blown down, destroyed, or removed, be erected again, reconstructed, rebuilt or relocated unless it is made to comply with all applicable requirements of this Chapter; provided, however, that nothing herein shall be construed to prevent the repair or restoration, as directed by the Building Commissioner (or such other officer as the City Manger may from time to time direct) of any part of an existing billboard that is damaged by any act of God or accident. No fee will be charged for the inspection of an existing billboard.

Section 55.070. Unsafe and Unlawful Billboards.

The following billboards are hereby declared to be unsafe and dangerous:

When any billboard becomes insecure, in danger of falling or otherwise unsafe, or if any billboard shall be unlawfully entailed, erected, or maintained in violation of any of the provisions of this Chapter 55, the Building Commissioner (or such other officer as the City Manager may from time to time direct) shall give written notice to the owner or the person or firm maintaining such a billboard that requires the correction of such condition. If the billboard constitutes an immediate danger to the public health, safety or welfare, the City Manager (or such other officer as the City Manager may from time to time direct) shall order immediate correction or removal. In all other cases, the owner or persons or firm maintaining such billboard shall be required to correct the deficiencies or remove the billboard within ten (10) business days of the mailing of such written notice required by this section. If, within those ten (10) days, the order is not complied with, the City

Manager, or his or her designee, may cause such billboard to be removed and the expense for removing it may be assessed against the owner or occupant, jointly and severally, of the property upon which the billboard is located.

Section 55.080. Maintenance of Billboards, and Immediate Premises Occupied by Billboards.

A. All billboards, together with all their supports or structures, shall be kept in repair in accordance with the provisions of this Chapter and all applicable codes.

B. All billboards which are not galvanized or constructed of approved corrosion--resistant, noncombustible materials shall be painted whenever, in the opinion of the Building Commissioner (or such other officer as the City Manager may from time to time direct), it is necessary to prevent corrosion.

C. It shall be the duty and responsibility of the owner or lessee of every billboard to maintain the immediate premises occupied by the billboard in a clean and sanitary condition.

D. All wiring and electrical connections shall be in accordance with the Electrical Code of the City and all other laws or ordinances controlling wiring and electrical connections within the City.

Section 55.090. Right to Appeal.

Any person, firm, or corporation feeling itself aggrieved by any decision of the Building Commissioner (or such other officer as the City Manager has designated) may file an appeal directly to the Board of Adjustment of the City and the Board of Adjustment shall have the power to affirm, modify, or reverse the decision of the Building Commissioner (or such other officer as the City Manager may from time to time direct).

Section 55.095. Penalty.

Any person violating any of the provisions of this Chapter shall be deemed guilty of a violation of the City Code and, upon conviction thereof in the Municipal Court of the City of Webster Groves, shall be punishable by a fine of not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00).

Failure to pay for an assessment made pursuant to Section 55.070 above shall constitute a violation of the City Code subject to a fine of up to One Hundred Dollars ($100.00) per day for each day that payment is not made for the cost of the removal after written notice of the cost of the removal is provided to such an owner or occupant. This provision may be enforced through the Municipal Court of the City of Webster Groves.

(Ord. No. 7889, § 1, 11-7-95.)

CHAPTER 56. ARCHITECTURAL REVIEW BOARD

Section 56.010. Architectural Review Board.

There is hereby established the Architectural Review Board (ARB), which shall consist of five (5) members and two (2) alternate members to serve in the absence of or the disqualification of the regular members. Insofar as practical, alternate members shall be called upon to serve in the absence of or the disqualification of the regular members on a rotation basis. (Ord. No. 7565, §1, 9-19-89, Ord. No. 8849, §1, 7-15-2014)

Section 56.020. Members of the Board.

Each member shall be appointed by the Mayor, with the approval of the Council, for a term of three (3) years, provided that the terms of the first three (3) members appointed shall be for one (1), two (2) and three (3) years, respectively, and the last two appointed shall be for two (2) years and three (3) years, respectively. Members shall be removable without cause at the will of the Mayor with the consent of the Council. (Ord. No. 7465, § 1 10-20-87; Ord. No. 7565, § 2, 9-19-89)

Section 56.030. Qualifications of Members.

Only reputable architects, appropriately licensed, who are residents of the City or whose office is physically located within the City, shall be eligible as members of the Board, except that one (1) member may be a reputable landscape architect who is a resident of the City or whose office is physically located within the City. The number of members serving whose office is located within the City but who are not residents shall at no time exceed three (3) out of the seven (7) total members and alternate members. At least four (4) members out of the seven (7) shall also practice at least fifty (50) percent of the time in connection with residential architectural projects.
(Ord. No. 7388, § 1, 6-17-86, No. 8849, §2, 7-15-2014)

Section 56.040. Meetings of the Board.

Meetings of the Board shall be held at the call of the chairman, who shall be designated by the Mayor, and at such other times as the Board may determine. Three (3) shall constitute a quorum, and, in the absence of the chairman, the member next in seniority shall be the acting chairman. Meetings of the Board may be called by the Mayor. No official action of the Board shall be taken except at a meeting 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 if failing to vote, indicating such fact. A majority of the Board may adopt rules and regulations to govern the procedure before the board. (No. 8849, §3, 7-15-2014)

Section 56.050. Building, Sign and Retaining Wall Applications Submitted to the Board.

Every application for a permit, or any amendment thereto, under Chapters 20 and 54 of the Code of Webster Groves for a building, sign or retaining wall that raises the finished grade three (3) feet or more in height above the finished grade of adjacent properties, shall be submitted, along with the plans, elevations, detail drawings and specifications, to the Department of Planning and Development. Amendments or additions to the

property may be approved by staff if they are:

1. Alterations and repairs not affecting the outward appearance of an existing building, sign or retaining wall; or
2. All of the following:
   a. Not located within a Historic District; and
   b. An addition of less than two hundred (200) square feet; and
   c. Not located on the primary front elevation and/or not readily visible from the public right of way.

Staff will determine if those amendments or additions will require additional review by the ARB based on guidelines to be promulgated by the Director of Planning and Development and approved by motion of the City Council, from time to time. All other applications shall be forwarded to the ARB before being approved by the Building Commissioner. (No. 8849, §4, 7-15-2014)

Section 56.060. Review Procedure.

Upon submittal of a completed permit application, plans shall be forwarded to the Board in compliance with the Missouri Sunshine Law, Chapter 610 et seq., as amended from time to time, for examination and, determination of whether the proposed structure, sign or retaining wall will conform to proper architectural standards, appearance and design, will be in general conformity with the style and design of surrounding structures, signs and/or retaining walls and conducive to the proper architectural development of the City. If, in the opinion of a majority of the members of the Board, the proposed structure, sign or retaining wall will so conform, the Chairman shall approve the application and return the same to the Building Commissioner forthwith. The Board shall act as expeditiously as practicable under the existing circumstances with respect to each application, and in no event shall any applicant be caused unnecessary or unreasonable delay. (No. 8849, §5, 7-15-2014)

Section 56.070. Review Procedure.

If, in the opinion of the Board, the proposed structure, sign or retaining wall will not so conform, the chairman shall call a meeting of the Board and notice of the time and place of the meeting shall be given to the applicant. At the meeting the Board shall examine the plans, elevations, detail drawings and specifications, hear the applicant in reference thereto and any other evidence that may be pertinent.

Section 56.080. Approval by Board.

At the meeting required by Section 56.070 and after the hearing at that meeting, or at any meeting held within fifteen (15) days of the first meeting, the Architectural Review Board shall approve the application if, in its opinion, the proposed structure, or sign or retaining wall will conform to proper architectural standards of appearance and design and will be in general conformity with the style and design of surrounding structures and conducive to the proper architectural development of the City.

Section 56.090. Disapproval by Board.

The Board shall disapprove the application if it determines that the proposed structure, or sign or retaining wall will constitute an unsightly, grotesque or unsuitable proposed

structure, or sign or retaining wall in appearance, detrimental to the welfare of surrounding property or residents, and may make recommendations in regard to said application if it sees fit.

Section 56.100. Recommendations by Board.

If the Board cannot decide that the proposed structure, or sign or retaining wall will come within either classification provided in Section 56.080 or Section 56.090, it shall return the application, together with the plans, elevations, detail drawings and specifications, to the Building Commissioner without either the approval or disapproval of the Board, but shall make such suggestions and recommendations in regard thereto as it may see fit.

Section 56.110. Action by Building Commissioner.

If the Board returns the application to the Building Commissioner without disapproval, the Building Commissioner may issue the permit. Failure by the Board to act within thirty (30) days after the Building Commissioner shall have delivered the plans to the Board shall constitute action under Section 56.100 hereof.

Section 56.120. Action by Building Commissioner.

If the Board shall return the application to the Building Commissioner with disapproval and recommendations, the Building Commissioner may issue the permit, provided that the applicant shall make appropriate changes in the drawings and specifications and agree to comply with the recommendations of the Board.

Section 56.130. Action by Building Commissioner.

If the Board shall return the application to the Building Commissioner with its disapproval and without recommendations, or with its disapproval with recommendations and the applicant shall refuse to comply with the recommendations, the Building Commissioner shall refuse to issue the permit.

Section 56.140. Appeal to Council.

In the event any application is refused by the Building Commissioner under the provisions of Section 56.130, the applicant may appeal to the Council of the City to review the decision of the Architectural Review Board. An appeal may be taken by an applicant by filing with the Clerk of the City, together with the payment of a fee of Fifty Dollars ($50.00), a letter asking for a public hearing before the Council of the City and attaching to said letter a copy of the report of the board. (Ord. No. 7294, § 1, 3-6-84)

Section 56.150. Notice of Hearing.

Upon an appeal being taken, the City Clerk shall publish once a week for two (2) consecutive weeks, in a newspaper of general circulation in the City, notice of the hearing, together with a copy of the report of the Architectural Review Board. The hearing shall be before a regular or special meeting of the Council held not more than sixty (60) days nor less than thirty (30) days after the date of the taking of the appeal.

Section 56.160. Action by Council.

The Council, at such hearing, shall hear such interested parties as may desire to be heard and after said hearing shall approve or disapprove the application, or shall approve same subject to recommendations or conditions. If the Council approves the application, or approves same subject to conditions, and the applicant complies with the conditions, the permit shall be issued forthwith; otherwise no permit shall be issued until thirty (30) days after the action of the Council. The action of the Council in regard to the application, together with the report of the Architectural Review Board, shall be spread on the minutes of the Council.

Section 56.170. Certificate of Appropriateness Applications.

A. **Approval of Alterations or New Construction in Historic Districts or Involving Landmarks.** A certificate of appropriateness must be approved by the Architectural Review Board before any of the following actions may be taken to a landmark or to a building, structure, or feature of the land located within a historic district:

1. Material change in the exterior appearance by additions, reconstruction, alteration, or maintenance.

2. New construction of a principal building or accessory building within a historic district or on the property of a landmark.

The Board may delegate the authority to approve applications for certificates of appropriateness to the Building Commissioner for changes not visible from the street frontage, excluding changes to the primary structure. (Ord. No. 7605, § 2, 9-4-90)

B. **Guidelines for Rehabilitation.** The Secretary of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be the Board's general guide concerning landmarks and older buildings in historic districts.

C. **Variety of Styles in New Construction.** The Board shall consider the following in passing upon the appropriateness of architectural features in new buildings: the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, placement, and use of a new building or structure in relationship to existing buildings and structures and to the setting thereof.

D. **Submission of Plans to Board**. An applicant for a certificate of appropriateness must submit proposed plans to the board in sufficient detail for the board to have full knowledge of the requested alteration, particularly as to how the proposed actions will affect the appearance, materials and architectural design of the landmark, or the buildings, structure or land within a historic district.

E. **Public Hearings on Applications for Certificate of Appropriateness**. The board shall consider applications for certificates of appropriateness at its regular meetings. Each applicant for a certificate of appropriateness shall be notified of the board meeting at which his application will be considered at the time that the applicant files his application. A notice which states that an application is pending and also states the date of the board hearing at which such application will be considered shall be posted conspicuously on the property at least one (1) week in advance. In addition, notice of the applications to be considered at the board meeting will be posted, prior to the day of the meeting, on the bulletin board at city hall.

At the board hearing at which his application is considered, an applicant shall have the opportunity to make a statement and shall have the opportunity to examine any witnesses who may testify at the hearing. In addition, the applicant shall have the opportunity to discuss the application with the members of the board.

F. **Acceptable Board Actions.** The board may approve, deny, or approve in amended form the proposed plans subject to the acceptance of the amendment by the applicant. If an applicant chooses not to accept a proposed amendment, the application is considered denied.

G. **Report on Determination**. A written report of action taken or determination by the board shall be forwarded to the applicant and to the city plan commission and to the public works department not later than forty-five (45) days after receipt of the application by the board. The report must state reasons why an application is denied or amended. If action is not taken within forty-five (45) days after the receipt of the application, the application shall be deemed approved.

H. **Conformance to Certificate of Appropriateness.** All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate. It shall be the duty of the Department of Public Works to inspect from time to time any work performed pursuant to such certificate to assure such compliance. In the event work is performed not in accordance with such certificate, the Director of the Department of Public Works or his designated representative shall issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such project as long as such stop work order shall continue in effect. (Ord. No. 7313, § 1, 8-21-84; Ord. No. 7341, § 1, 5-20-85; Ord. No., 7605, § 2, 12-11-90).

Section 56.180. Sign Applications.

Applications for sign permits involving landmarks or historic districts are reviewed under the standard procedures of the sign ordinance administered by the Architectural Review Board. The Historic Preservation Commission may make recommendations to the Architectural Review Board concerning the conformance of a sign with the character of a landmark or historic district. The Commission shall review sign applications for a certificate of appropriateness only if the sign is on a structure in a historic district whose written standards are more strict concerning signs than those of the sign ordinance. (Ord. No. 7313, § 1, 8-21-84; Ord. No. 7605, § 2, 9-4-90).

Cross reference--Comprehensive sign ordinance, § 54.010 et seq.

Section 56.190. Conditional Use Permit Applications.

Applications for conditional use permits for landmarks or buildings in a historic district shall be referred simultaneously to the Architectural Review Board and to the City Plan Commission. The Board shall not hold a public hearing and may review these applications using any format which it deems appropriate. Within forty-five (45) days after receipt of said applications, the board shall forward its comments to the City Council for its consideration in reviewing the recommendation of the City Plan Commission. (Ord. No. 7313, § 1, 8-21-84; Ord. No. 7605, § 2, 9-4-90).

Section 56.200. Development Plans.

The Board may review development plans involving landmarks or historic districts and forward recommendations to the City Plan Commission. Development plans adopted by the City Council concerning landmarks or historic district shall be amendments to the ordinance establishing individual landmarks or historic districts. (Ord. No. 7313, § 1, 8-21-84; Ord. No. 7605, § 2, 9-4-90).

Section 56.210. Maintenance of Historic Properties.

A. **Ordinary Maintenance Exclusion.** Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior element of any building or structure. "Ordinary maintenance" shall be defined as work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.

B. **Public Safety Exclusion.** This Chapter shall not be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which the authorized municipal officers shall certify as required by public safety. (Ord. No. 7313, § 1, 8-21-84; Ord. No. 7605, § 2, 9-4-90).

Section 56.220. Enforcement.

The Building Commissioner shall give written notification of any violation of this Chapter to the owner or lessor of or the trustee or other legally responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this Chapter. They shall state in the notification in clear precise terms a description or explanation of the violation. The property owner, trustee, lessor, or legally responsible party shall have thirty (30) days in which to correct such violation or to give satisfactory evidence that they have taken steps that will lead to correcting such violation within a stated period of time, which time must be agreeable to the public works department as being fair and reasonable. If after the thirty (30) day period an agreement is not reached, the City or any proper person may institute an appropriate action or proceeding to prevent or correct such unlawful action. The imposition of any penalty hereunder shall not preclude the city or any proper person from instituting any proper action or proceeding to require compliance with the provisions of this Chapter and with administrative orders and determination made hereunder. (Ord. No. 7313, § 1, 8-21-84; Ord. No. 7605, § 3, 12-11-90).

Section 56.230. Penalty Provision.

Any property owner, trustee, lessor, or legally responsible party violating any of the provisions of this Chapter shall be fined not less than Fifteen Dollars ($15.00), nor more than One Hundred Dollars ($100.00), for each offense. Each day's continued violation shall constitute a separate offense. (Ord. No. 7313, § 1, 8-21-84; Ord. No. 7605, § 2, 9-4-91).

Section 56.240. Appeal Provision.

Any person aggrieved by a decision of the Board, the City or any proper person acting on behalf of the City may, within thirty (30) days thereafter, apply to the City Council for review of the decision. Written requests for City Council review of said decision shall be filed with the City Manager. The City Council may, after a public hearing, reverse or modify the decision of the commission, but only if it finds that:

A. Every reasonable effort has been made by the applicant to agree to the requirements of the Board, or

B. Owing to special conditions pertaining to the specific piece of property, denial of the certificate of appropriateness will cause undue and unnecessary hardship.

Appeals from decisions of the City Council will be as provided by state law. (Ord. No. 7313, § 1, 8-21-84; Ord. No. 7605, § 2, 9-4-90).

Section 56.250. Validity.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter. (Ord. No. 7605, § § 2, 3, 9-4-90).

PART VII. TRAFFIC CODE

CHAPTER 60. TRAFFIC CODE

Article I. Definitions

Section 60.010. Definitions.

Article II. Administration and Enforcement of Traffic Regulations

Section 60.050. Police to Direct Traffic.
Section 60.055. Obedience to Police.
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CHAPTER 60. TRAFFIC CODE

Article I. Definitions

Section 60.010. Definitions.

As used in this Chapter, the following words shall be defined as follows:

"**Authorized Emergency Vehicle**" means vehicles of the Fire Department, police vehicles, Underwriters' Salvage Corps vehicles, emergency repair vehicles of public service corporations, ambulances, and city emergency vehicles.

"**Automated Enforcement System**" means a system that:

1. Consists of a camera and vehicle sensor or sensors, installed to work in conjunction with an electrically or mechanically operated signal device; and

2. Is capable of producing exactly two (2) high resolution color digital Recorded images that show: (1) the signal device while it is indicating an approaching Train; (2) the offending vehicle; and (3) the license plate of the offending vehicle. All three of these elements are required in a single recorded image from the same camera unit which captured each of the two (2) images. One of the images must be of sufficient resolution to clearly show all three elements in either the first image captured immediately prior to the violation, or in the second image captured sequentially after the first image, and while the vehicle is in the railroad crossing while the signal device is indicating an approaching Train.

3. No Recorded images will be taken of the occupants of the vehicle.

"**Commercial Vehicle**" means a motor vehicle designed or regularly used for carrying freight and merchandise, or for carrying more than eight passengers.

"**Crosswalk**" means that portion of a roadway ordinarily included within the prolongation or connection of curb and property lines at intersections, or any portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

"**Curb**" means the lateral boundaries of that portion of the street designated for the use of vehicles, whether marked with curbstones or not.

"**Department**" means the Police Department of the City of Webster Groves, Missouri.

"**Intersection**" means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then of the lateral boundary lines, or two (2) or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other.

"**Motorcycle**" means a motor vehicle operated on two (2) wheels.

"**Motorized Play Vehicle**" includes mini-motorcycles, pocket bikes, and any other vehicle that is capable of transporting a person or persons at a speed in excess of five (5) miles per hour; that is self propelled by a motor or engine and that is not otherwise defined by Missouri Statutes or the Webster Groves Code as a vehicle, motorcycle, motor tricycle, bicycle, or motorized bicycle.

"**Motor Tricycle**" means a motor vehicle operated on three wheels, including a motorcycle when operated with any conveyance, temporarily or otherwise, requiring the use of a third wheel.

"**Official Traffic Signal**" means all signals placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning, or regulating traffic.

"**Official Traffic Signs**" means all signs, markings, and devices, other than signals placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning, or regulating traffic.

"**Operator**" means any person who is in actual physical control of a vehicle.

"**Owner**" means the owner of a motor vehicle as shown on the motor vehicle registration records of the Missouri Department of Revenue or the analogous department or agency of another state or country. The term "**Owner**" includes (i) a lessee of a motor vehicle under a lease of six (6) months or more or (ii) the lessee of a motor vehicle rented or leased from a motor vehicle rental or leasing company, but does not include the motor vehicle rental or leasing company itself.

"**Parking**" means the standing of a vehicle, whether occupied or not, upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to traffic regulations or traffic signs or signals.

"**Parking Meter**" means a device or devices which shall indicate thereon, the length of time during which a vehicle may be parked in a particular place which shall have as a part thereof, a receptacle or chamber for receiving and storing coins of the United States money, a slot or place in which said coin may be deposited, a timing mechanism to indicate the passage of the interval of time during which parking is permissible and which shall also display an appropriate signal when the aforesaid interval of time shall have elapsed, as well as brief instructions as to their operation.

"**Parking Meter Space**" means a certain designated and marked off section of the public street within the marked boundaries where the vehicle may be temporarily marked and allowed to remain for such period of time as the parking meter attached thereto may indicate.

"**Pneumatic Tires**" means tires of rubber or other substance and fabric, inflated with air.

"**Police Officer**" means every officer of the Police Department, or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

"**Railroad**" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

"**Railroad Crossing**" or "**Railroad Grade Crossing**" means the general area where a public roadway crosses a stationary railway.

"**Railroad Signal Device**" or "**Signal Device**" means any sign, signal or device erected by authority of a public body or by a railroad intended to give notice of the presence of railroad tracks or the approach of a Train, whether or not a gate is lowered.

"**Railroad Train**" or "**Train**" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon stationary rails, except streetcars.

"**Recorded Image**" means an image recorded by an automated enforcement system that depicts the rear of a motor vehicle and is automatically recorded on a digital image.

"**Right-of-Way**" means the privilege of the immediate use of the street or highway.

"**Roadway**" means that portion of a street between the regularly established curb lines or that portion improved and intended to be used for vehicular travel.

"**Sidewalk**" means that portion of a street between the curb lines and the adjacent property lines.

"**Solid Tires**" means tires of rubber or other resilient material, other than pneumatic tires.

"**Street**" means every way set apart for public travel, except foot paths, and alleyways.

"**System Location**" means the approach to a railroad crossing toward which an automated enforcement system is directed and in operation.

"**Traffic**" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together while using any street for purposes of travel.

"**Vehicle**" means any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, motorized scooters, motorized play vehicles, 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. (Ord. No. 8469 §1, 7-19-05, Ord. No. 8520 §1, 11-21-06)

Article II. Administration and Enforcement of Traffic Regulations

Section 60.050. Police to Direct Traffic.

It shall be the duty of the Police Department to enforce the provisions of this Article. The Police Department is hereby authorized to direct all traffic by voice, hand or signal in conformance with the provisions of this Article, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police or Fire Departments may direct traffic as conditions may require, notwithstanding the provisions of this Article.

Section 60.055. Obedience to Police.

No person may refuse or fail to comply with any lawful order, signal, or direction of a Police officer or officer of the Fire Department who is directing traffic in accordance with the provisions of this Article.

Section 60.060. Public Employees to Obey Traffic Regulations.

The provisions of this Article shall apply to the operator of any vehicle owned by or in the service of the United States Government, the State of Missouri, or of any County or City, and it shall be unlawful for any such operator to violate any of the provisions of this Article, except as otherwise permitted in this Article.

Section 60.065. Exceptions of Authorized Emergency Vehicles.

The provisions of this Article regulating the movement, parking, and standing of vehicles shall not apply to any authorized emergency vehicle while the driver is operating it in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

Section 60.070. Persons Propelling Push Carts or Riding Bicycles or Animals to Obey Traffic Regulations.

Every person propelling any push cart or riding a bicycle or animal, or driving any animal shall be subject to the provisions of this Chapter, except those provisions which by their very nature can have no application.

Article III. Traffic Control Devices

Section 60.110. Designation of Signs and Signals.

The Department of Public Works and Police shall determine and designate the type and location of official traffic signs and signals. All signs and signals for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the City.

Section 60.115. Traffic Control Signal Legend.

Whenever traffic at any intersection is controlled by traffic control signals exhibiting colored lights or the words "**Go**," "**Caution or Wait**," "**Stop**," and "**Left Turn**," such lights and terms indicate as follows:

Green or "**Go.**" Traffic facing the signal may proceed, except that vehicular traffic shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time the signal was exhibited.

Yellow or "**Caution**" **or** "**Wait.**" When shown following the green or "Go" signal, traffic approaching the signal shall stop, before entering the nearest crosswalk at the intersection, unless so close to the intersection that a stop cannot be made in safety.

Left Turn, or "**Arrow**" Traffic intending to make a left turn shall face the signal with the left side of the vehicle nearest the center line of the street in the "**left turn**" lane, and turn left when the signal so indicates. No vehicle may occupy or pass through a left turn lane at any time, unless intending to make a left turn therefrom. No left turn may be made from the extreme right hand side of a roadway at any time.

Red or "**Stop**" Traffic facing the signals shall stop before entering the nearest crosswalk at the intersection or at such other point as may be designated and remain standing until the signal to proceed is shown, except that traffic which is stopped as close as practicable at the entrance to the crosswalk at the near side of the intersection, or if not, then at the entrance of the intersection in obedience to a red signal may cautiously enter the intersection and make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersections, except at the following intersections where such right turns on red are prohibited:

Intersection or Location	Turn Restriction on Red Light
Big Bend Boulevard, Key West Avenue and Shrewsbury Avenue	No right turn for vehicle Eastbound on Key West Avenue
Big Bend Boulevard, Laclede Station Road	No right turn for vehicle Southwest bound on Big Bend
	No right turn for vehicle Northeast bound on Big Bend
	No right turn for vehicle Southbound on Laclede Station Road
Big Bend Boulevard and Rock Hill Road	No right turn for vehicle Southbound on Rock Hill Road
Elm Avenue and Lockwood Avenue	No right turn for vehicle Westbound on Lockwood
Laclede Station Road, I 44 Ramp and Wilshusen Avenue	No right turn for vehicle Southbound on Laclede Station Road

(Ord. No. 7438, § 2, 5 16 89)

Section 60.120. Obedience to Traffic Signs and Signals Required.

No operator of any vehicle may disobey the instructions of any official traffic signal or signal placed in accordance with the provisions of this Article, unless otherwise directed by a police officer or officer of the Fire Department. However, this section may not be enforced against any person if, at the time and place in question, the sign or signal in question was not in its proper position and sufficiently legible to be seen by an ordinarily observant person.

Section 60.125. Interference With Signs and Signals Prohibited.

No person may willfully deface, injure, move, obstruct, or interfere with any official traffic sign or signal.

Section 60.130. Display of Unauthorized Signs and Signals Prohibited.

No person may, without authority from the Council, place or maintain, or display upon or in view of any street, any sign, signal, or device which purports to be or is in imitation of or resembles an official traffic 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 sign or signal.

Section 60.135. Designation of Additional Traffic Controls.

a. The City Council may from time to time designate:

1. One-way streets
2. Through streets and boulevards
3. Intersections where right or left turns are prohibited
4. Congested districts
5. School zones
6. School stop signs
7. The location of automatic traffic controls and stop signs
8. No parking zones limited parking zones
9. Zones in which parking meters will be installed or parking-meter zones
10. Zones for bus stops, service-car stops, and taxicab stands
11. Zones for angle parking
12. Crosswalks, traffic lanes, and parking and loading zones
13. The location of “yield right-of-way” signs
14. Other zones, lanes, streets and signals required for the public safety

b. All places so designated will be marked by signs or signals or appropriate devices, marks or lines upon the surface of the roadway, installed and maintained by the Director of Public Works, except that school stop signs will be under the supervision of the Chief of Police.

Section 60.140. Emergency Regulations.

The City Manager is authorized to designate by written order to the Department of Police and the Department of Public Works, with a copy to the City Council, and erection of any traffic control device listed in Section 60.135 of the Code of Webster Groves when, in the judgment of the City Manager, an emergency exists by reason of the necessity of providing for and protecting the safety of the public. Any such order shall have full force and effect as in the case of any duly enacted ordinance authorizing said traffic control device, for a period of forty-five (45) days from and after its execution by the City Manager, and shall terminate automatically upon the expiration of said period of forty-five (45) days unless the City Council duly enacts an ordinance amending the Code of Webster Groves to provide for said traffic control device.

Article IV. Speed Regulations

Section 60.150. Standard for Motorists.

Every person operating a motor vehicle in the City shall operate it in a careful and prudent manner, and in the exercise of the highest degree of care, at a rate of speed, and constructed and loaded, so as not to endanger the property of another or the life or limb of any person, taking into consideration the time of day, the amount of vehicular and pedestrian traffic, the condition of streets or highways, the atmospheric conditions and the location of intersecting streets or highways, curves, residences, schools or persons who may be nearby.

Section 60.160. Speed Regulation Generally.

No person may operate a motor vehicle (except emergency vehicles on emergency runs) on any street, or public or private way, place or lot at any time at a rate of speed in excess of twenty-five (25) miles per hour, unless a higher maximum rate of speed applicable to certain designated streets or portions thereof be fixed by ordinance and marked by signs erected at the beginning and end of such designated portions of such streets. The maximum speed limit upon such designated areas shall be as stated in Schedule A hereof.

Section 60.180. Motor Vehicles with Metal Tires.

No person may operate a motor vehicle equipped with iron or other metal tires at a greater rate of speed than six (6) miles per hour.

Section 60.185. Advertising Vehicles.

No person may operate a vehicle used primarily for advertising purposes, by displaying posters, placards, sound amplifying devices, or any article for sale, or for the inspection of the public on such vehicle or a part thereof without obtaining a permit therefor from the City Manager or his duly designated representative. No such permittee shall operate such vehicle at a speed less than six (6) miles per hour, and shall move it continuously, and may not park on any street, and may not stop in any congested district, except when stopped in accordance with traffic regulations, signs, signals or directions of police officers.

Section 60.190. Unnecessarily Slow Speed.

No person may drive at such a slow speed or in such position on the roadway as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or because upon a grade, or when the vehicle is a truck or truck and trailer necessarily in compliance with law proceeding at reduced speed. Traffic and police officers are authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith, the continued slow operation by an operator shall be unlawful. If any such vehicle, shall by reason of such slow speed, cause traffic to congest behind it, the police may also order and direct the operator of such vehicle to remove the same from the street until such congestion is relieved.

Section 60.195. Certain Kinds of Irregular Driving Prohibited.

No operator of a motor vehicle shall cause or permit it to be operated in any of the following ways:

a. Sudden starting from a stopped position or any other fast or sudden acceleration so as to cause the tires to emit loud noises; nor to make sudden or short turns for the same reason; nor any other sudden movement, including the above sometimes known as "peeling."

b. Racing with another vehicle or vehicles, by proceeding two (2) or three (3) abreast, and any other of the practices sometimes known as "dragging," "hot-rodding" or "chicken."

c. Following any other vehicle so closely as to be unable to bring such operator's vehicle to a normal stop in the event the vehicle being so closely followed is required to make a sudden stop; or to follow any vehicle closely for the purpose of harassing or annoying the operator or occupants thereof or by flashing lights or any of the practices commonly known as, or associated with, "tail-gating."

d. Operating any motor vehicle on any private place, way or lot in any manner prohibited for the operation of motor vehicles upon the streets or alleys of this City.

e. Operating a vehicle over, through or across private property for the purpose of avoiding, circumventing or contravening lawfully established traffic-control regulations, signs and signals. Driving upon private property without stopping to do business thereupon shall be prima facie evidence of the operator's intent to violate this ordinance.

Section 60.196. Special Enforcement Areas.

a. For purposes of this section, "**special enforcement area**" is defined as follows: Any public or private roadway or street where the speed limit has been established at twenty-five (25) miles per hour.

b. Upon conviction or a plea of guilty to a moving violation in a "special enforcement area," as defined by this section, any fine, however imposed, shall be assessed at a rate double the standard fine for such moving motor vehicle violation, but in no event to exceed One Thousand Dollars ($1,000.00).

(Ord. No. 8289, § 1, 08-06-02)

Article V. General Vehicular Regulations

Section 60.210. Drive on Right Side of Roadway.

a. Every vehicle when in operation must be driven upon the right half of the street, as close to the right hand side of the street as practicable, except upon designated one-way streets.

b. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, 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.

Section 60.215. Turning at Intersections.

An operator may turn at an intersection only as follows, unless a different method of turning is directed by buttons, markers, or signs at the intersection, in which event turns must be made in accordance with the directions of such markers, buttons, or signs:

a. Approach for a right turn shall be made in the lane for traffic nearest to the right hand side of the highway, and the right turn shall be made as closely as practicable to the right hand curb or edge of the highway or street.

b. Approach for a left turn shall be made in a lane for traffic to the right of and nearest to the center line of a street, and the left turn shall be made by passing to the right of such center line when it enters the intersection, and upon leaving the intersection by passing to the right of the center line of the street or highway then entered, and in no event shall a left-turning vehicle proceed into the path of oncoming traffic, but shall yield the right-of-way to such traffic.

Section 60.220. Passing Vehicles.

An operator overtaking another vehicle going in the same direction and desiring to pass it shall pass only to the left of the vehicle so overtaken; if the way ahead is not clear of approaching traffic he shall not pass unless the width of the roadway is sufficient to allow his vehicle to pass to the right of the center thereof in the direction in which his vehicle is moving.

Whenever any vehicle has stopped to permit a pedestrian to cross the roadway, the operator of another vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

No driver may pass a vehicle from the rear at the top of a hill or on a curve where the view ahead is in any way obscured, or while the vehicle is immediately approaching or

crossing an intersecting street. An operator overtaking and desiring to pass a vehicle may sound his signaling device and the operator of the vehicle overtaken shall promptly upon such signal turn his vehicle as far as reasonably possible to the right in order to allow free passage on the left of his vehicle. Upon a street where more than one line of vehicles traveling in the same direction are possible, or on a one-way street, when any vehicle has slowed down or stopped and the operator thereof has signaled for making a left hand turn the operator of any vehicle following may pass on the right, but must slow down and proceed cautiously.

Section 60.225. Signals.

Unless a motor vehicle is equipped with functioning mechanical or electrical signal devices which will display a signal plainly visible from the rear and indicating intention to turn or stop or that the rate of speed is being slowed, the operator shall give signals with hand and arm as follows:

a. **Signal for Slowing Down or Stopping.** An operator 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 vehicle.

b. **Signal for Right Turn.** An operator intending to turn his vehicle to the right shall extend his arm at an angle above horizontal, so that the same may be seen in the rear of his vehicle, and shall slow down and approach the intersecting street as near as practicable to the right side of the street along which he is proceeding before turning.

c. **Signal for Left Turn.** An operator intending to turn his vehicle to the left, or to make a U turn, must extend his arm in a horizontal position so that the same may be seen in the rear of his vehicle and must slow down and approach the intersecting street so that the left side of his vehicle will be as near as practicable to the center line of the street along which he is proceeding, and must run beyond the center of such intersection, passing to the right thereof, before turning.

Section 60.230. Operation of Vehicles on Approach of Authorized Emergency Vehicles.

Upon the approach of any authorized emergency vehicle giving audible signal by bell, siren, light or whistle, the operator of every other vehicle shall immediately drive to a position as near as possible and parallel to the right hand edge or curb of the street, clear of any intersection, and shall stop and remain there until the authorized emergency vehicle has passed, unless otherwise directed by a police officer or officer of the Fire Department. No person shall interfere with or obstruct the progress of any emergency vehicle being driven in emergency service. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

a. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not

less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

b. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible. (Ord. No. 8507, § 1, 7-18-06)

Section 60.235. Following Fire Apparatus Prohibited.

No operator of any vehicle, other than one on official business, shall follow more closely than five hundred (500) feet any fire apparatus traveling in response to a fire alarm, or may drive into, or stop any vehicle within a block of a place where fire apparatus has stopped in answer to a fire alarm.

Section 60.240. Crossing Fire Hose.

No person may drive any vehicle over any unprotected hose of the Fire Department when laid down on any street or driveway to be used in any fire or alarm of fire, without the consent of the Fire or Police Department official in command.

Section 60.245. U-Turns.

No person operating any vehicle except emergency vehicles may turn it so as to proceed in the opposite direction, unless such movement can be made without backing or otherwise interfering with other traffic.

Section 60.250. Scraping Curb.

No person may operate any vehicle so as to cause or allow any one of its wheels to rub or scrape while in motion against the curbing of any street for the purpose of checking or impeding the motion of the vehicle.

Section 60.255. Driving on Sidewalk Prohibited.

The operator of a vehicle may not drive within or upon any sidewalk area except a permanent or temporary driveway.

Section 60.260. Obstruction of View.

a. No person may operate a vehicle when his view is obstructed, or his control over the driving mechanism is interfered with by the method of loading of the vehicle, by the number of persons in the vehicle or by other obstruction whatever.

b. No passenger in any vehicle may ride in such position as to interfere with the operator's view ahead, or to the side, or to interfere with the operator's control over the driving mechanism of the vehicle. No person may ride upon the handlebar, frame, or tank of any bicycle or motorcycle.

Section 60.265. Funeral Processions.

The operator of a vehicle may not proceed between the vehicles comprising a funeral or other authorized procession while they are in motion, if those vehicles are conspicuously

so designated. Each operator of a vehicle in a funeral or other procession shall drive as closely to the right curb line of the roadway as practicable and shall follow the vehicle ahead as closely and safely as practicable. All vehicles, while in procession, shall proceed with headlights on full.

Section 60.270. Motor Vehicles Left Unattended, Brakes to be Set and Motor Stopped.

No person having control or charge of a motor vehicle may allow it to stand on any street unattended without first setting the brakes, stopping the motor of the vehicle and removing the ignition key, or, when on a perceptible grade, without turning the wheels of the vehicle to the curb or the side of the street or highway.

Section 60.280. Vehicles to Stop When School Buses Receiving or Discharging; Scope; Exceptions.

The driver of a vehicle upon any public or private street, road or alley, including State and U.S. marked highways, upon meeting or overtaking from either direction any school bus which has stopped on a public or private street, road or alley for the purpose of receiving or discharging any school children and whose driver has 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. The driver of a vehicle upon a highway, street or road with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway 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, but shall reduce speed and proceed with caution.

For the purpose of this section and Section 60.285, the term "**school bus**" shall include any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes. The provisions of this section and Section 60.285 shall apply to all school buses used for the transportation of school children when owned and operated by any school district and to all buses used for the transportation of school children when owned and operated by, or operated under contract with, any private school.

Section 60.285. School Bus Regulations.

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: "STOP WHILE BUS IS LOADING AND UNLOADING." Each school bus subject to the provisions of this section shall be equipped with a mechanical or electrical signaling device, which will display a signal plainly visible from the front and rear and indicating intention to stop.

Section 60.286. School Crossing Guards.

An operator of a motor vehicle shall obey the lawful commands of a school crossing guard while such school crossing guard is on duty.

School Crossing Guards shall be responsible for the orderly movement of pedestrian and vehicular traffic consistent with the safety of children attending school in the City of Webster Groves. A school crossing guard shall have, but not necessarily limited to, the authority to cause a vehicle to come to a complete stop and remain in the stopped position at an established stop sign or school stop sign in the City of Webster Groves in order that school children may safely cross a street or intersection within the City. (Ord. No. 7670, § 142, 9-3-91)

Section 60.290. One-Way Streets.

Upon those streets designated as one-way, 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. Said one-way streets and the direction of permitted movement shall be as enumerated in Schedule B hereof.

Section 60.291. Crosswalks.

Every person operating a vehicle approaching any lawfully placed crosswalk on a street within the City shall stop and yield the right-of-way to any pedestrian who is within or on any part of such a crosswalk. The locations designated as "**Crosswalks**" shall be described in Schedule P, contained in Section 60.999 in Article 15 of Chapter 60. (Ord. No. 7919, § 1, 4-16-96).

Section 60.295. Driving Over Certain Portions of Parks and School Grounds Prohibited.

No automobile, motorcycle, motor bike or motor propelled vehicle of any type shall be operated on, over or upon any portion of any City park or property of a public or private school (paved or unpaved) other than that portion of such property specifically paved, striped and/or designated for public parking and vehicular use.

Article VI. Stop and Yield Intersections

Section 60.310. Vehicles to Stop at Designated Through Streets.

Every person operating a vehicle on a street must stop the vehicle at the place where the street meets the prolongation of the nearest property line of any through street, unless directed to the contrary by any traffic control sign or signal or any police officer. The streets designated as through streets shall be as described in Schedule C hereof.

When two (2) through or boulevard streets intersect, the intersection is known as a Four-way stop; the operator of any vehicle on either street must stop at the intersection in the same manner as an operator of a vehicle traveling upon a street intersecting any through street. Four-way stop intersections shall be designated in Schedule D hereof.

Section 60.320. Vehicles to Stop at Designated School Stops.

An operator of a vehicle approaching any school stop sign which is turned so that the word "stop" is clearly visible to him shall stop his vehicle at the place indicated, before

proceeding further unless otherwise directed by a traffic officer. The locations designated as school stop shall be as designated in Schedule E hereof.

Section 60.321. Vehicles to Obey Orders of School Crossing Guards.

As used in this section, the term "**school crossing guard**" shall mean an individual who is approved by the School Board of the Webster Groves School District and the Chief of Police of Webster Groves to direct vehicular traffic at school crossings.

An operator of a vehicle approaching a school crossing shall follow the orders of a school crossing guard, to include stopping at the location indicated by a school crossing guard holding a sign with the word "stop" clearly visible, before proceeding further as directed by the school crossing guard.

(Ord. No. 8009, § 1, 11-18-97)

Section 60.330. Miscellaneous Stop Intersections.

Every person operating a vehicle approaching any other lawfully erected official stop sign of the City of Webster Groves shall stop the vehicle at the place indicated, before proceeding further. Said locations designated as miscellaneous stop intersections shall be described in Schedule F hereof.

Section 60.340. Notice of Stop Intersections.

The Director of Public Works shall maintain on each street intersecting a through street, at or near the property line of the through street, and at all other designated stop intersections an appropriate sign or signs, bearing the word "Stop" and located in such position and provided with letters of such size to be clearly legible from a distance of at least one hundred (100) feet along the street intersecting the through street. Each sign shall be illuminated at night, or so placed as to be illuminated by the headlights of an approaching motor vehicle or by street lights. In addition he may maintain any appropriate devices or marks in the roadway.

School stop signs, except hand signs, shall be so constructed that the portion of the sign containing the word "Stop" may be turned to be either parallel with or at right angles to the street upon which it is installed, so as to be clearly visible to the operator of an approaching vehicle during the hours when pupils are going to and from the several schools in the City of Webster Groves. Hand signs used by school-crossing guards shall be so designated and held as clearly to indicate the signals required by the operator thereof.

Section 60.350. "Yield Right-of-Way" Intersections.

At any intersection where a "Yield-Right-of-Way" sign is erected, or when entering the road from a driveway or parking lot, any driver of a vehicle shall yield the right-of-way to any vehicle approaching on any intersecting street, and may not enter or cross the road until that driver can do so safely and without interfering with vehicular traffic on any intersecting street. At such intersections, the driver who is not confronted by such a sign, or the driver already on the roadway intersecting with a driveway or parking lot will

have the right-of-way. All intersections so posted shall be as listed in Schedule G of this Chapter 60. Ord. No. 8694, § 1, 11-16-10.

Section 60.355. Right-of-Way Between Vehicles.

a. **Vehicles Approaching an Intersection.** The operator of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection. When two (2) vehicles enter an intersection at the same time, the operator of the vehicle on the left shall yield to the operator on the right.

b. **Vehicle Entering a Through Highway.** The operator of any vehicle who has stopped as required by law at the entrance to a through highway shall yield to other vehicles within the intersection or approaching so closely on the through highway as to constitute an immediate hazard, but, having so yielded, he may proceed, and other vehicles approaching the intersection on the through highway shall yield to his vehicle.

c. **Vehicle Turning Left at an Intersection.** The operator of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but, having so yielded and having given a signal when, and as required by law, he may proceed to make a left turn, and if such vehicle has clearly commenced to turn other vehicles approaching the intersection from the opposite direction shall then yield to such left-turning vehicle.

Section 60.360. Vehicles to Proceed Cautiously at Railroad Crossings.

The operator of every vehicle, including emergency vehicles, shall approach every railroad grade crossing with the greatest care. If, for any reason, the view of any tracks, from such vehicle, to either side is obscured, including obstruction, weather, grade light, darkness or curve, within a distance of four hundred (400) feet in any direction, then the operator of any vehicle shall stop short of the tacks and wait, alighting therefrom if necessary, until he is certain that no vehicle is approaching on said tracks. The operator of any vehicle which shall be struck by a train at a grade crossing shall be deemed prima facie guilty of violating this section, provided that the operation of the approaching railroad vehicle shall have complied with all regulations of competent jurisdiction concerning the blowing of whistles, sounding of horns, lowering of gates, flashing of lights, flashing of warning signals and ringing of bells.

Section 60.365. Obstruction of Intersections Prohibited.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space for the vehicle he is operating to proceed completely through the other side of the intersection or crosswalk and there is sufficient space to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians through the intersection, notwithstanding any traffic control signal indication to proceed. (Ord. No. 7582, § 1, 12-19-89.)

Article VII. Stopping, Standing and Parking Regulations

Section 60.410. Stopping Prohibited in Specified Places.

No person may stop, stand or park a vehicle in any place included in Schedule H hereof or in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police or traffic control sign or signal:

a. Within an intersection.

b. On a crosswalk or at any intersection, within twenty (20) feet of a crosswalk.

c. Within fifteen (15) feet of the intersection of curb lines, or if no curbs, then within fifteen (15) feet of the intersection, of property lines at the intersection, except at alleys, or in the alternative, there shall be no parking within a distance not exceeding seventy-five (75) feet of street intersections, when the Chief of the Police Department finds that traffic or topographical conditions are such as to create traffic hazards and causes to be erected a suitable sign reading “No Parking Here to Corner.”

d. Within thirty (30) feet of any flashing beacon, stop sign, or traffic control signal located at the side of the roadway.

e. Within ten (10) feet of the driveway entrance to any fire station.

f. Within ten (10) feet of a fire hydrant.

g. In front of a driveway, or the minimum number of feet required but not to exceed thirty (30) feet of either side of a driveway entrance where the Police Department has determined that stopped vehicles constitute a hazardous view obstruction to those persons exiting a driveway. The latter locations, so determined by the Police Department, shall be posted.

h. Within ten (10) feet of any United States mail box.

i. On a sidewalk.

j. Alongside or opposite any street excavation or obstruction, when such stopping, standing or parking would obstruct travel.

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

l. At any place where official traffic signs have been erected prohibiting or limiting stopping, standing and parking, in accordance with ordinance directions. Said locations shall be as designated in Schedule H hereof.

m. Within fifty (50) feet of the nearest railway crossing, except as required by ordinance.

n. In any place marked as a passenger or no parking zone not to exceed three (3) minutes.

o. In any place marked as a loading zone for a period of time longer than is necessary for the expeditious loading or unloading of passengers, or for the unloading and delivery, or pickup and loading of merchandise, and in no case for more than thirty (30) minutes.

Street	Regulation
The West Side of Gray Avenue from the south curb line of Lockwood Avenue southwardly a distance of forty-two (42) feet.	Loading Zone – thirty (30) minutes
North side of Lockwood Avenue from the west curb line of North Gore Avenue westwardly a distance of eighty-eight and one-half (88.5) feet.	Loading Zone
West side of S. Old Orchard from the fire hydrant to the driveway on the north side of 47 S. Old Orchard, A total of thirty-five (35) feet.	Loading Zone

(Ord. No. 7864, § 1, 4-4-95)

p. At any place marked as a fire lane and in addition to other enforcement provisions, the City shall have the power to remove any vehicles parked or stopped in said fire lanes at the expense of the owner thereof. (Ord. No. 7558, § 1, 9-5-89.)

Section 60.420. Other Vehicles Prohibited From Parking in Bus Stops or Taxicab Stands.

No person may stand or park any vehicle except a bus or service car in an officially designated bus or service car stop, or any vehicle except a taxicab in an officially designated taxicab stand, except that the operator of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers; except that at bus stops on routes where there is no scheduled Sunday bus service, parking may be allowed on Sunday, and shall be posted to permit such parking, upon recommendation of the Traffic Safety Advisory Commission or the City Police Department and upon approval by the City Manager. (Ord. No. 7541, § 1, 6-6-89)

Section 60.425. Buses and Taxicabs Prohibited From Parking Except in Designated Stands.

No operator of a bus or taxicab may stand or park on any street in any business district at any place, except a bus or taxicab stand, respectively, except that the operator of any such vehicle may temporarily stop for the purpose of, and while actually engaged in, loading or unloading passengers.

Section 60.430. Angle Parking Regulation.

No person may stop, stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic and with the curb side wheels of the vehicle within six (6) inches of the edge of the roadway, except in obedience to traffic regulations or traffic signs or signals; as provided in the following paragraphs:

a. Upon streets designated for angle parking vehicles shall be parked at an angle indicated by the official signs there posted.

1. In places where and at hours when stopping for loading or unloading of merchandise or materials is permitted, a vehicle used for the transportation of merchandise or materials may back into the curb to take on or discharge a load, if the owner of the vehicle holds a permit granting him such privilege, and the permit is either in possession of the operator or on the vehicle at the time.

2. The Director of Public Works may issue to the owner of a vehicle used to transport merchandise or materials a special permit, renewable annually, allowing the operator of the vehicle the privilege of loading or unloading while the vehicle is backed against the curb if in his opinion such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic. Such a permit may be revoked at any time by the City Council, or by the Director of Public Works.

Section 60.435. Parking Vehicle for Display Advertising or to Prepare Merchandise Prohibited.

No person may stop or park a vehicle on any street at any time for the purpose of displaying advertising, or of allowing the occupant thereof to wrap, pack, roll or otherwise prepare therein goods, wares, merchandise, books, papers, magazines, periodicals or other articles for distribution from vehicles of dairy or agricultural products or produce, to licensed peddlers and hawkers, or to charitable or civic organizations not required to be licensed.

Section 60.440. Parking Vehicle for Certain Purposes Prohibited.

No person shall park on a street any vehicle displayed for sale or inspection, nor for greasing or repairing any vehicle except for emergency repair.

Section 60.445. Parking Close to Curb Required.

No person may stop, stand, or park any vehicle upon a street under conditions which leave less than ten (10) feet of the width of the roadway available for free movement of vehicular traffic, except that an operator may stop temporarily during the actual loading or unloading of passengers, or in obedience to traffic regulations, signs, signals, or police officers, and shall park at all times as near to curb as possible.

Section 60.450. Overnight Parking.

No person, firm, association or corporation shall park or store a truck or other vehicle used for commercial or industrial purposes, with the exception of a passenger car or station wagon, or any service or emergency vehicle there and then performing, preparing to perform, or completing the performance of, such service or emergency function, on any public or private street, road or lane between the hours of 12:00 a.m. midnight and 5:00 a.m. the following morning.

Section 60.455. Street and Municipal Off-Street Parking Spaces.

The City Engineer shall designate and mark off such individual parking spaces as he deems proper along the street and in municipal off-street parking lots in parking zones for the parking of vehicles and shall have markings painted or placed on the pavement or curbs indicating each individual parking space. At each place where an individual parking space is so marked any vehicle shall be parked entirely within an individual parking space, but not otherwise. No person may park any vehicle across any such marking, or park any vehicle in such position that it is not entirely within the area so designated by such markings. (Ord. No. 7325, § 1(D), 12-18-84)

Section 60.460. Residential Parking Zones Near Congested Districts.

a. **Creation of a Residential Parking Zone.** There shall be residential parking zones in certain areas of the city located in or within three hundred (300) feet of a Congested District. The Council may create such residential parking zones only when one or more of the residents of a qualifying area petition the Chief of Police so requesting. The locations designated as residential parking zones shall be set forth in Schedule Q of this Code. Within such residential parking zones there shall be no parking at designated times except for residents and their bona fide visitors.

b. **Definitions.** As used in this section the following terms shall have the following meanings:

1. **Congested District.** Those areas of the City designated as congested districts on the zoning maps of the City of Webster Groves.

2. **Residential Parking Zone.** Those areas of the city so designated in Schedule Q of this code.

3. **Resident.** A resident shall be any person who lives in property abutting a street within a designated residential parking zone, as set forth in the occupancy permit for such property.

4. **Bona Fide Visitor.** A bona fide visitor shall be any person who is a household guest, a workman performing services for, or a person providing domestic help for, a resident.

c. **Issuance of Parking Permit.** In order to identify the vehicles of residents and bona fide visitors, the Police Department shall issue resident parking permits and bona fide visitor parking permits for the residential zones to a resident of any

street designated as a residential parking zone. A parking permit for one residential parking zone shall not be valid in a different residential parking zone. (Ord. No. 8250, § 1, 1-8-02)

Section 60.470. Parking Prohibited on Public Rights of Way for Vehicles Licensed for a Gross Weight of 18,000 Pounds or More.

Vehicles that are licensed for a gross weight of 18,000 pounds or more, local or beyond local, are prohibited from parking on any public right of way within the City of Webster Groves at any time, excepting only limited times during which deliveries or services to customers are being provided.

Article VIII. Residential Parking Permits

Section 60.560. Definitions.

For the purpose of this Article, the following words and phrases shall have the following meanings:

"**Residential District**" shall mean an area within one thousand (1,000) feet of a private educational institution with a combined staff, faculty, employee and/or student population equal to or greater than one thousand (1,000) persons and in which at least fifty percent (50%) of the buildings contained therein are used for residential purposes.

"**Permit Parking District**" shall mean a residential district in which parking is prohibited except in accordance with this article.

"**Visitor**" shall mean a person who stays temporarily at a residence but is domiciled elsewhere outside the residential district.

Section 60.561. Parking in Permit Parking Districts.

Whenever the City Council, of its own initiative or upon a petition signed by at least thirty percent (30%) of the property owners within a residential district, shall determine that the streets of a particular residential district are being used for parking by operators of motor vehicles who are nonresidents of that residential district, and the total number of spaces actually occupied by any vehicles exceeds seventy-five percent (75%) of the number of spaces on such streets, the City Council may by ordinance prohibit parking in a particular district during hours specified by the Council for that district. In such case, the City Council shall cause appropriate signs, which give notice of the prohibition, to be posted on those streets restricting all parking, except parking by holders of permits granted under the following conditions:

a. There may be issued one color-coded permit for each vehicle permitted per resident pursuant to Section 70.054 of the Webster Code belonging to a person who resides in the particular district.

b. Each resident within a permit parking district shall be issued two (2) visitors permits. Such permits shall be limited to that particular permit parking district for a stated period not to exceed one (1) year. One additional permit for visitors to a particular residence within a permit parking district may be issued for a stated period but not more than thirty (30) days.

Permits shall be color-coded to identify the permit parking district in which they shall be valid for parking. Each permit parking district shall be assigned a different color or series of colors for the purpose of identifying the districts in which such permits apply.

Section 60.562. Exceptions.

a. The parking prohibitions contained herein shall not apply to service or delivery vehicles which are being used to provide services or make deliveries in a permit parking district.

b. A petition requesting the exception of a particular block of a permit parking district, signed by more than fifty percent (50%) of residents of that block, will authorize the City Manager to except that particular block from the restricted parking regulations.

Section 60.563. Issuance of Permits to Residents.

a. After the City Council adopts an ordinance designating a permit parking district the City Clerk shall issue parking permits to the residents of that district. This issuance shall take place upon proof of the applicant's residence.

b. Whenever a person is no longer a resident of Webster Groves, the person holding such a permit issued under this section shall surrender it to the City Clerk or his or her authorized representative. No permit issued hereunder shall be valid for more than one (1) year, but may be renewed upon its expiration, provided that the conditions for the eligibility continue to exist.

c. It shall be unlawful for any person to represent that he or she is entitled to such a permit when he or she is not so entitled or to fail to surrender a permit in which he or she is no longer entitled. It shall also be unlawful for any person to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

Section 60.564. Issuance of Permits to Visitors.

On the application of any resident of the restricted district, the City Clerk or his or her authorized representative shall issue two (2) visitor permits limited to a particular residence in the particular parking district. These visitor permits shall be for a period of no more than one (1) year. One additional visitor permit may be issued to a particular residence within such permit parking district and shall be limited to a period of no more than thirty (30) days.

Section 60.565. Special Events Parking.

The City Manager may waive the enforcement of the residential permit parking system in any permit parking district for the purpose of providing parking for special events. Normally this waiver will be valid for one (1) day only, but in no event for more than three (3) consecutive days.

Section 60.566. Parking Signs.

Following the adoption of the ordinance designating an area a permit parking district, the City Manager shall cause parking signs to be posted in the district indicating the parking restrictions. It shall be unlawful thereafter to park in these districts without a permit.

Section 60.567. Changing Permit Parking District Boundaries.

Following the designation of a permit parking district, the City Council, upon receipt of a petition signed by more than fifty percent (50%) of the residents of a block contiguous to the district may by ordinance alter the boundaries of the district to include within it any such block.

Section 60.568. Penalties.

Any person who shall violate any provision of Section 60.560 through Section 60.568 shall, upon conviction, be subject to a fine of not less than Ten Dollars ($10.00) and not more than Three Hundred Dollars ($300.00) per conviction.

(Ord. No. 8122, § 1, 11-2-99)

Article IX. Pedestrians' Rights and Duties

Section 60.570. Pedestrians' Right-of-Way.

a. The operator of any vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk, or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by police officers or traffic control signals, or at any point where a pedestrian tunnel or overhead crossing has been provided.

b. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right-of-way to any vehicle upon the roadway, but this provision shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of a pedestrian, particularly the aged, infirm or very young.

Section 60.575. Pedestrians' Rights and Duties at Controlled Intersections.

At any intersection where traffic is controlled by traffic control signals or by police officers, any operator of a vehicle shall yield the right-of-way to a pedestrian who is crossing, or has started to cross, the roadway upon a green, or "Go," signal; and in all other cases pedestrians shall yield the right-of-way to any vehicle lawfully proceeding directly ahead on a green or "Go" signal.

Section 60.580. Pedestrians to Use Right Half of Crosswalk.

A pedestrian in a crosswalk shall proceed, whenever practicable, in the right half of the crosswalk.

Section 60.585. Pedestrians Soliciting Rides.

No person may stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle.

Section 60.590. Pedestrians to Cross at Intersection.

No pedestrian shall cross any street, within one hundred (100) feet of an intersection except by proceeding to, and crossing at, the nearest intersection. Such offense, commonly known as "jay-walking," shall be punished as otherwise provided herein.

Article X. Miscellaneous Regulations

Section 60.610. Trespassing on Vehicle Prohibited.

No person may without the permission of the owner or person in charge climb upon or into or swing upon any vehicle, whether it is in motion or at rest, or sound the horn or other sound producing device, or attempt to manipulate any of the levers, starting device, brakes or machinery, or set the machinery in motion.

Section 60.615. Adhering to Vehicle Prohibited.

No person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle may cling to or attach himself or his vehicle to any other moving vehicle upon any street.

Section 60.620. Boarding or Alighting From Moving Vehicles Prohibited.

No person may board or alight from any vehicle when it is in motion.

Section 60.625. Unlawful Riding.

No person may ride on any portion of a moving vehicle not designed or intended for the use of passengers, except an employee engaged in the necessary discharge of a duty, or riding within a truck body in space intended for merchandise.

Section 60.630. Railroad Trains Not to Block Street.

The directing officer or the operator of any railroad train or car shall not direct the operation of or operate it in such a manner as to prevent the free use of any street for purposes of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to trains or cars in motion at normal speed other than those engaged in switching. No railroad train or car may stop within an intersection or on a crosswalk for the purpose of receiving or discharging passengers. The bell of a railroad locomotive may be constantly sounded while said locomotive is approaching and passing through all crossings within the City of Webster Groves. The whistle or horn of a railroad locomotive shall not regularly be sounded.

Section 60.635. Use of Motorized Play Vehicles, Roller Skates, Coasters and Similar Devices.

No person upon roller skates, or riding in or by means of any coaster, or similar device may go upon any roadway, except when crossing a street or crosswalk, nor may any person operate a motorized scooter or motorized play vehicle upon any street, highway, roadway or sidewalk within the City, or within the boundaries of any City park, unless in an area of a park specifically designated for such use. Use of Roller Skates, Coasters and Similar Devices Restricted. (Ord. No. 8469, § 2, 7-19-05)

Section 60.637. Solicitation Limited in Public Rights-of-Way.

The sale of goods and services for profit within the rights-of-way is prohibited except that solicitations of contributions from the occupant of any vehicle by a person standing on or in proximity to a street or highway will be permitted only at an intersection which is controlled by a stop sign and shall meet the following conditions:

a. A permit is obtained from the Director Finance, or their designee, of the City of Webster Groves;

b. Volunteers must dress uniformly.

c. The soliciting organization is a bona fide charitable organization as documented by having obtained tax exempt status under Section 501C(3) from the Internal Revenue Service;

d. All solicitors must be eighteen (18) years of age or older, or sixteen (16) years of age or older with written parental consent, and there shall be a designated supervisor on site at all times who is at least twenty-one (21) years of age;

e. Solicitors may not approach specific vehicles or pedestrians;

f. Only two (2) solicitations per organization annually will be approved and each solicitation may not last longer than one (1) week;

g. The soliciting organization shall submit a written agreement wherein it will hold harmless the City of Webster Groves from any and all liability arising out of the solicitation by its members in the City of Webster Groves and shall carry liability insurance equal to that required by the City for special events as determined by the Director of Finance;

h. All locations of such solicitations must be approved and monitored by the Chief of Police or his designee based on proper traffic and safety conditions, and the Chief of Police or his designee shall have the authority to terminate any solicitation permit if necessary to preserve proper traffic and safety conditions;

(Ord. No. 8399, § 1, 4-20-04)

Section 60.640. Use of Safety Belts.

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 motor-cycles, motorized bicycles, motor tricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

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 each front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this county, and persons less than eighteen (18) years of age operating or riding in a truck as defined in Section 301.010 R.S.Mo., 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 60.685. Each driver of a motor vehicle transporting a child four (4) years of age or more, but less than sixteen (16) years of age, shall secure the child in a properly adjusted and fastened safety belt. The provisions of this section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his or her body or to persons operating or riding a motor vehicle being used in agricultural work-related activities.

c. Each person who violates the provisions of subsection b of this section shall upon conviction be fined not more than ten dollars ($10.00). Court costs will not be assessed for this violation. In no case shall points be assessed against any person, pursuant to Section 302.302 R.S.Mo., for violation of this section. (Ord. No. 8699, § 1, 12-7-10)

(Ord. No. 7443, §1, 6-16-87; Ord. No. 8514, § 1, 9-5-06 Ord. No. 8699 § 1)

Article XI. Regulation Of Operators

Section 60.650. License Required.

It shall be unlawful for any person to drive, or permit the use or operation of, any motor vehicle upon any street or public or private way, place or lot, in the City of Webster Groves, unless the operator thereof carries a temporary instruction permit or a valid license issued to him as an operator or chauffeur under the provisions of the Statutes of the State of Missouri.

A valid license as an operator or chauffeur issued under the provisions of the Statutes of the State of Missouri shall be carried at all times by the holder thereof while driving a motor vehicle in the City of Webster Groves, and shall be displayed upon demand of any police officer, peace officer or any other duly authorized person, for inspection when demand is made therefor. Failure of any chauffeur or operator of a motor vehicle to exhibit his license to any of the aforesaid officers, or other duly authorized officer, shall be presumptive evidence that said person is not a duly licensed chauffeur or motor vehicle operator.

Section 60.651. Proof of Insurance Required.

It shall be unlawful for any person to drive, or permit the use or operation of, any motor vehicle upon any street or public or private way, place or lot in the City of Webster Groves, unless the operator thereof carries proof of automobile insurance as required by Section 303.024 R.S.Mo. (as amended). (Ord. No. 7984, § 1, 6-10-97)

Section 60.652. Driving with a Canceled, Suspended or Revoked Driver's License.

It shall be unlawful for any person whose license and driving privilege as a resident or nonresident has been canceled, suspended, or revoked under the provisions of Sections 302.0101 through 302.340, Sections 302.500 through 302.540, Section 544.046 or Chapter 577 of the Revised Statutes of Missouri, as amended, or under the laws of any other state, to drive any motor vehicle upon any highway, street, or public or private way, place or lot, in the City of Webster Groves, while such license and privilege is canceled, suspended or revoked and before an official reinstatement notice or termination notice is issued by the Missouri Director of Revenue or his authorized agent or officer. (Ord. No. 7975, § 1, 5-6-97)

Section 60.655. Minimum Age Requirement.

Any person under the age of sixteen (16) years shall not operate a motor vehicle anywhere in this city.

Section 60.660. Requirements with Respect to Displaying State Registration Plates.

Before being parked or operated on any street, alley, roadway, public driveway, public parking lot, municipal parking lot, or municipal permit parking lot, every motor vehicle or trailer shall have displayed thereon valid license plates or temporary permit issued by the director entirely unobscured, unobstructed, all parts thereof plainly visible and kept reasonably clean, and fastened in such a manner that the letters or numerals are right side up and the plate does not swing. On all motor vehicles one plate shall be displayed on the front and the other on the rear of the motor vehicle, not less than eight (8) nor more than forty-eight (48) inches above the ground, except that on trailers, motorcycles, motor-tricycles and motor scooters one plate shall be so displayed on the rear thereof.

No person is guilty of a violation of this section for failure to display license plates on the front of any motor vehicle until he has received two (2) plates for that vehicle. (Ord. No. 7372, § 1, 2-4-86)

Section 60.665 Using Counterfeit License Plate Prohibited.

No person may make a replica, facsimile, or counterfeit of any number plate issued by the city, the State of Missouri, or any other state, or erase, change, or alter the number of any such plate, or knowingly use or display on any motor vehicle a replica, facsimile or counterfeit number plate or any plate on which the number has been erased, changed, or altered.

Section 60.670. Driving While Under Influence of Intoxicating Liquor or Drugs Prohibited.

No person may operate a vehicle on the streets while under the influence of intoxicating liquor or drugs. By the term "**under the influence of intoxicating liquor or drugs**" is meant that degree of influence which affects to an appreciable degree the ability of the operator to operate his vehicle in a manner in which an ordinarily prudent and cautious person in full possession of his faculties would operate his vehicle under like conditions. Any person who by reason of thickness of speech, or incoherence, or visible degree of lack of muscular coordination, or by other, customary indicia of excessive use of alcohol or drugs shall be prima facie considered to be "under the influence."

Section 60.671. Alcohol Content in Blood.

No person shall drive a motor vehicle when the person has eight-hundredths of one percent (1%) or more by weight of alcohol in his blood. 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 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 tests shall be conducted in accordance with the provisions of Sections 564.441, 564.442, and 564.444 of the Revised Statutes of Missouri in 1969, as amended.

A person shall not be convicted under Sections 60.670 and 60.671, but shall be convicted under only one of said sections. (Ord. No. 8227, § 1, 10-16-01)

Section 60.672. Consumption of Alcoholic Beverages.

No person shall consume any alcoholic beverage while operating a moving motor vehicle upon any street or public or private way, place or lot in the City of Webster Groves. (Ord. No. 8054, § 1, 10-6-98)

Section 60.675. Collision or Accident – Leaving the Scene Thereof.

The operator of any vehicle involved in any accident resulting in injury or death to any person, or damage to any property, shall immediately stop the vehicle at the scene of the accident, and give his name, residence (including street number and city), registration number of his vehicle, and chauffeur's or registered operator's number, if any, to the person struck or to the driver or occupants of any vehicle collided with, to the owner of the damaged property, or to police officer, or if no police officer is in the vicinity, then to the Webster Groves Police Station or Webster Groves officer, and he shall render to any person injured in the accident reasonable assistance, including transporting the person to a physician or surgeon for medical or surgical treatment, if it is apparent that such treatment is necessary, or is requested by the injured person. Even where no damage or injury results from any collision between a vehicle and any other object whatever, including any other vehicle, the operator of such vehicle shall, within one (1) hour after such collision, notify, in person, a police officer of this city and shall execute such forms and give such information as may be requested by the police officer.

Section 60.680. Protective Headgear Required of Operators and Passengers of Motorcycles.

a. Every person operating or riding as a passenger on any motorcycle, as defined in subsection (2) hereof, upon any public street, alley or way of this city shall wear protective headgear at all times said vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director of revenue of the State of Missouri.

b. A "**motorcycle**" is hereby defined as a motor vehicle operated on two (2) wheels.

Section 60.685. Use of Child Restraint Devices.

a. Every person transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that person, for providing for the protection of the child. Every child under the age of four (4) years shall be protected by a child passenger restraint system appropriate for that child.

b. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.

c. Children at least four years of age but less than eight years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds, and who are also less than four feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child.

d. Children at least eighty (80) pounds or children more than four feet, nine inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.

e. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

f. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this subsection is not in violation of this section.

g. Any person who violates this section may upon conviction be fined fifty-five dollars ($55.00) and court costs. The charges shall be dismissed or withdrawn if the driver prior to or around his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court.

h. This section does not apply to any public carrier for hire. The provisions of this section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as defined in Section 301.010 R.S.Mo.

i. For repeat offenders this ordinance shall allow for the escalation of the fine from the minimum of $55.00 to a maximum of $100.00. (Ord. No. 8699, § 1, 12-7-10.)

(Ord. No. 8514, § 2, 9-5-06 Ord. No. 8699 § 2).

Article XII. Licensing Of Vehicles

Section 60.710. License Required.

No person may stop, park or operate a motor vehicle upon the streets of Webster Groves unless:

a. The vehicle displays a metallic license plate securely attached to a state issued plate, or a license sticker securely and permanently affixed by pasting or gluing to 1the lower right corner of the windshield, unobstructed and in plain view, issued by the City of Webster Groves to owner of the vehicle; or

b. The owner of the vehicle resides outside the City of Webster Groves, and

1. The vehicle does not remain in the City of Webster Groves for as many as twenty (20) consecutive days; and

2. The owner has complied with any state or local laws effective at his place of residence requiring licensing of motor vehicles; and

3. A registration number and initial abbreviation of the state or city of the owner's residence is displayed on the vehicle. (Ord. No. 7254, § 1(a), 3-1-83)

Section 60.715. License Fees.

Every owner of a motor vehicle which is stopped, parked or operated upon the public streets of Webster Groves, except vehicle owners exempted under Section 60.710, shall obtain an annual license, offered for sale on the first day of December in each year, and due by the following first day of March of each year, at a fee in accordance with the following schedule:

For motor vehicles other than motorcycles and motor tricycles: Six Dollars and Fifty Cents ($6.50).

For motorcycles and motor tricycles: Three Dollars ($3.00).

If application for license that is not delinquent is made during the period beginning on the first day of September and ending on the last day of November, only one-half (1/2) of the full annual fee need be paid.

License fees due hereunder shall become delinquent first day of March of each year in which due and shall be subject to a penalty of Two Dollars ($2.00) per license. (Ord. No. 7254, § 1(b), 3-1-83; Ord. No. 7323, § 1, 11-19-85; Ord. No. 7362, § 1, 11-19-85)

Section 60.720. Issuance of License.

The Director of Finance, upon payment of the license fee, shall issue a metal license plate that can be securely attached to a state issued license plate, or a license sticker printed on paper or fabric and made and designed so that it will adhere to the windshield of the vehicle. Such a metallic license plate shall have cast or impressed thereon and such a sticker shall have printed thereon, so as easily distinguishable, the number of the plate in arabic numerals, together with the words “City of Webster Groves” and the year for which the license is issued.

No license may be assigned or transferred or used by any person other than the one to whom it was issued. The metal license plate or the license sticker must be affixed to the licensed vehicle in the manner required by Section 60.710 by no later than first day of March in the case of an annual license and immediately upon issuance in the case of those licenses issued for a portion of the year. (Ord. No. 7254, § 1(c), 3-1-83)

Section 60.730. Dealer’s Licenses.

Every person in the business of manufacturing, dealing in, selling or offering for sale any motor vehicles within the City of Webster Groves shall be required to have a separate city dealer’s plate for each of its motor vehicles stopped, parked or operated upon the streets of Webster Groves. Such person shall annually make to the director of finance a verified application, upon a blank [form] to be furnished by the city, which will contain (a) the name and business address of such dealer, (b) a brief description of each style or type of motor vehicle manufactured or customarily dealt in by such dealer, and (c) the number of city plates requested. A fee of Five Dollars ($5.00) shall be charged to process the application which will be filed in the office of the director of finance who will thereupon issue to the dealer a certificate of registration. The director of finance shall maintain a record of which dealer plates are issued to the dealer. Each dealer’s plate shall bear an assigned number in Arabic numerals, together with the letter “D,” the words “Webster Groves,” and the year for which it is issued. It shall be of such size to permit it being securely attached to every state dealer plate attached to motor vehicles of the manufacturer or dealer when it is stopped, parked or operated upon the streets of Webster Groves. No such vehicle may be so stopped, parked or operated upon the streets unless the numbered plate is on the vehicle. The dealer must obtain a numbered plate for each state issued dealer plate. A license fee of Two Dollars and Fifty Cents ($2.50) shall be charged for each city dealer plate issued. The numbered plate may be used only upon motor vehicles owned or controlled by the dealer for the primary purpose of the sale thereof in connection with the regular conduct of the dealer’s business. Dealer’s licenses shall be offered for sale on the first day of December in each year and shall be required to be displayed by the following first day of March of each year. (Ord. No. 7254, § 1(d), 3-1-83)

Article XIII. Equipment, Size and Weight Regulations

Section 60.810. Lights, Lamps and Reflectors.

The equipment required on all motor vehicles shall be the same as required by the Statutes of the State of Missouri.

Section 60.815. Bicycles.

Every bicycle or other vehicle propelled or moved by human power over the streets, whether moving or stopped, parked, or otherwise left standing upon a street, during the period intervening between one-half hour after sunset and one-half hour before sunrise, and at all other times when fog or other atmospheric conditions render the operation of such vehicles upon the streets dangerous, shall carry at least one white light, so constructed or mounted and adjusted that it will be visible, under normal atmospheric conditions, for a distance of at least one hundred (100) feet in the direction in which the vehicle is moving. On the rear of each such vehicle during said period there shall be mounted either a red light or a red reflector, directed to the rear. Spot lights may not be used upon any such vehicle at any time.

Section 60.820. Horns.

Every motor vehicle shall be equipped with a horn, directed forward, capable of emitting a sound adequate in quantity and volume to give warning of the approach of the vehicle to other users of the street and to pedestrians. It shall be used for warning purposes only and may not be used for making any unnecessary noise, and no other sound-producing signaling device may be used at any time except upon emergency vehicles.

Section 60.825. Mufflers.

Muffler cut-outs may not be used at any time. No vehicle may be driven in such manner or condition that excessive and unnecessary noises will 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. Any cut-out or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open, or be opened or operated, while the vehicle is in motion.

Section 60.830. Brakes.

Every motor vehicle, except a motorcycle, shall at all times have two (2) sets of adequate brakes, in good working order, and motorcycles shall have one set of adequate brakes in good working order.

Section 60.835. Mirrors.

Every motor vehicle so constructed or loaded that the operator cannot see the road behind by looking backward or around the side of the vehicle shall have a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.

Section 60.840. Projections.

Every motor vehicle carrying a pole or other object which projects more than five (5) feet from the rear of the vehicle shall, during the period when lights are required by this Article, carry a red light at or near the rear end of the pole or other object so projecting, located so as to be visible from either side of the vehicle and from the rear. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of the projection.

Section 60.845. Tow Lines.

When one vehicle is being towed by another, they shall be coupled by a line so that the two (2) vehicles will be separated by not more than fifteen (15) feet, and there shall be displayed on the tow line a white cloth or paper so that the same will be clearly visible to other users of the highway. During the time lights are required, lights shall be displayed on both vehicles.

Section 60.850. Lugs, Flanges, Etc.

No metal-tired vehicle may be operated over any street if it has on the periphery of any road wheels any lug, flange, cleat, ridge, belt, or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the street is protected by putting down solid planks or other suitable material, or by attachments to the wheels to prevent the vehicle from damaging the street. However, a tractor or traction engine or similar vehicle equipped with what is known as caterpillar treads may be operated on the streets if the caterpillar does not contain any projection of any kind likely to injure the surface of the street, or if it has upon its wheels “V” shaped, diagonal, or other cleats arranged in such manner as to be continuously in contact with the road surface, and the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.

Section 60.855. Restrictions Upon Use of Streets by Commercial Vehicles of Certain Weight.

The Council may designate those streets which shall be prohibited for through traffic purposes to commercial vehicles of heavy weights. Said streets and the types of commercial vehicles restricted therefrom shall be as ordered by the Council. Said streets shall be as designated in Schedule J hereof.

Section 60.860. Operation of Vehicle in Dangerous Condition Prohibited.

No person may operate any vehicles, nor may any owner, superintendent, or foreman in charge of or having control over a vehicle and driver knowingly permit the vehicle to be driven, in such condition or so constructed or so loaded as to be likely to cause delay in traffic or accident to man, animal, or property, or to spill or dump any litter or trash.

Article XIV. Penalties and Procedure Upon Violation of Regulations

Section 60.910. Penalties.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine, unless provided otherwise in any Section of this Chapter, not exceeding the sum of Three Hundred Dollars ($300.00) or by imprisonment in jail for a period of not exceeding fifteen (15) days, or by both such fine and imprisonment, unless a higher penalty is authorized by any section of the Revised Statutes of the State of Missouri, in which case said higher penalty may be imposed. If any person shall fail to pay any fine imposed upon him, the Municipal Judge shall conduct a hearing to inquire into the ability of the convicted person to pay said fine. If the Municipal Judge finds and believes that the convicted person can pay the fine, then such person shall be confined to jail until such fine is paid, provided that each day of confinement, after conviction, shall reduce the fine by the sum of Ten Dollars ($10.00). If the Municipal Judge finds and believes that the confinement to jail of any person will create an undue hardship on such person's dependents, the Judge may authorize, on condition of good behavior, the release of such person during the hours of 7:00 a.m. to 6:00 p.m. for the sole purpose of permitting such prisoner to continue and/or obtain employment, provided that compensation earned shall be applied solely for the support of said dependents. (Ord. No. 7982, § 1, 6-10-97)

Section 60.915. Procedure Upon Violation.

a. Whenever a police officer halts a person for the violation of any of the provisions of this Chapter, other than for the purpose of giving him a warning and does not take such person in immediate custody, the officer shall issue to said violator a complaint and summons which shall be in the form, known as the "Uniform Traffic Ticket," substantially in accordance with the provisions for same set forth in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts, promulgated by the Supreme Court of Missouri. Upon receiving the written promise of such person to appear in response to the charge against him, as specified in said citation, the officer may release such person. Any person who willfully violates his written promise to appear, given in accordance with this provision, shall be deemed guilty of a misdemeanor and upon conviction thereof, be subject to the penalties hereinabove provided, regardless of the disposition of the offense for which he was originally charged.

b. If the person charged resides outside the City of Webster Groves, the arresting officer may (and if such person lives outside the State of Missouri, shall) require that he enter into a recognizance with sufficient security conditioned that he will appear before the Municipal Judge at the time and place appointed before such person is released from custody and if such violator fails or refuses to enter into such recognizance he may be committed to jail and held to answer to the charge at the next session of the Municipal Court.

c. Whenever any motor vehicle without an operator is found parked in violation of any of the parking restrictions of this Chapter, the officer finding same shall take its registration number and any other information displayed on the vehicle which may identify its user, and affix conspicuously to the vehicle a notice in writing on a form provided by the City for the operator to answer to the charge against him at the time and place specified in said citation. Any operator of a motor vehicle who willfully neglects to answer the charge set forth in said citation shall be

deemed guilty of a misdemeanor and, upon conviction thereof, be subject to the penalties hereinabove provided, regardless of the disposition of the charge for which the citation was originally issued. If any vehicle is found in violation of the provisions of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, or person in whose name such vehicle is registered, shall be prima facie responsible for such violation.

Section 60.920. Traffic Violations Bureau.

a. The Municipal Court shall by order, which may from time to time be amended, supplemented or repealed, designate the traffic offenses within the authority of the violations clerk, provided that such designated offenses shall in no event include traffic cases involving property damage or personal injury, operation of a motor vehicle while under the influence of intoxicating liquor or drugs or permitting another person under such influence to operate a motor vehicle owned by the defendant or in his custody or control, speeding in excess of ten (10) miles an hour above the legal speed limit, any second speeding offense in a two (2) year period, driving without license but not expired license when within sixty (60) days after expiration, driving when license is suspended or revoked, or leaving the scene of an accident. The Court, by published order to be prominently posted in the place where fines are to be paid, shall specify by suitable schedules, the amount of fines to be imposed for first and subsequent offenses, designating each offense specifically in the schedules, provided such fines are within the limits declared by law. Fines and costs shall be paid to, receipted by and accounted for by the violations clerk.

b. Within five (5) days after the service of a traffic ticket, any person charged with any traffic offense within the authority of the violations clerk may appear by attorney or in person before the violations clerk with his driver's license and, upon signing a plea of guilty and waiver of trial, pay the fine established for the offense charged and costs, if any. He shall, prior to such plea, waiver and payment, be informed of his right to stand trial, that his signature to the plea of guilty will have the same force and effect as a judgment of the court, and that the record of conviction may be sent to the State office from which he received his driver's license.

Section 60.930. Repealed.

(Ord. No. 7896, § 3, 2-20-96)

Article XV. Enforcement of Railroad Crossings

Section 60.935. Obedience to Signal Devices at Railroad Crossings Required.

All persons shall obey signal devices at railroad crossings and, in any event, no vehicle shall be driven through, around or under a crossing gate or barrier at a railroad crossing while that gate or barrier is closed or is being opened or closed, or through a railroad crossing at which a signal device is installed during the time such signal device is indicating an approaching Train.

Section 60.936. Automated Enforcement System Authorized.

The Department is authorized to install and operate an automated enforcement system within the City for the purpose of enforcing obedience to signal devices at railroad crossings as provided in Section 60.935.

Section 60.937. Rebuttable Presumption.

a. If the City proves: (1) that a motor vehicle was being operated or used; (2) that the operation or use of the motor vehicle was in violation of Section 60.935; and (3) that the defendant is the Owner of the motor vehicle, then:

b. A rebuttable presumption exists that the Owner of a motor vehicle operated or used in violation of Section 60.935 was the operator of the vehicle at the time and place the violation was captured by a Recorded Image.

Section 60.938. Enforcement Procedures.

a. The Department is responsible for the enforcement and administration of this Article. Except as otherwise provided herein, upon review of recorded image(s) showing an infraction under this section, a police officer of the City Police Department shall complete a violation notice in a form approved by the City (which form may be completed electronically or online) and the City shall cause the completed violation notice to be mailed to the owner at its last known address by first class U.S. mail, postage prepaid.

1. Pursuant to Section 60.938, and based upon the information obtained from the recorded image, the police officer may obtain any additional information about the Owner, which is necessary to complete the violation notice, from the records of the Missouri Department of Revenue or any other legal means; or, if the motor vehicle is registered to another state or country, from the motor vehicle registration records of the department or agency of the other state or country analogous to the Missouri Department of Revenue or any other legal means.

2. If there is more than one Owner of the motor vehicle, the violation notice will be addressed to the primary Owner, or the first-listed Owner if there is no primary Owner.

b. The violation notice shall contain, at a minimum, the following information:

1. A statement that the Recorded Images are evidence of the violation of Section 60.935; and

2. A statement that if, at the time of the violation, the motor vehicle was being operated by a person other than the Owner, the Owner may transfer responsibility for the violation to the person who was in possession and control of the motor vehicle at that time and place, if the Owner, or the Owner's representative where the Owner is not a natural person, submits to the City by affidavit, on a form provided by the City, or

under oath at the municipal court proceeding, the name and current address of the person:

A. Having possession and control of the vehicle at the time and place of the violation;

B. Who was the lessee of the vehicle at the time of the violation, if the vehicle was rented or leased from a person in the business of renting or leasing motor vehicles at that time; or

C. Who was the subsequent owner of the motor vehicle, if ownership of the vehicle was transferred by the owner before the time of the violation.

c. Any sworn statement provided by an owner shall be examined by the City Prosecuting Attorney. If the City Prosecuting Attorney determines that a statement is sufficient, then the citation shall be withdrawn and a letter to that effect shall be sent to the owner by the City. If the City Prosecuting Attorney determines that a statement is insufficient, including, but not limited to, a determination based upon a comparison of the statement to the recorded image(s), then a letter shall be sent to the owner (any or all of them) at its last known address by first-class U.S. Mail, postage prepaid by the City indicating that the statement was insufficient and the fine specified must be paid at the appropriate time and place stated in the letter. If the statement timely provides the name, address and operator's license number of any person renting, leasing, or having control of the motor vehicle at the time the violation occurred, then the citation may be withdrawn, a letter to that effect may be sent to the owner by the City, and a new citation may be issued to the identified person together with a copy of the identifying statement, which person shall be liable hereunder as if an owner. If the operator of a stolen vehicle or a vehicle bearing stolen license plates or tags that violates this ordinance is identified, such person shall be liable as if an owner.

d. Any notice mailed under this Section is presumed to have been received by the Owner on the 5th day after the date the notice is mailed.

e. In lieu of issuing a violation notice, the Department may mail to the Owner a warning notice, on a form created by the Department.

f. Any person who shall fail to respond to a violation notice or letter issued under this section by timely payment of fine or by timely and sufficient statement of an affirmative defense as described herein, or who shall submit a false sworn statement hereunder, shall be subject to prosecution for failure to respond to a violation notice in the municipal court for violation of this section subject to the general penalty provisions of the City.

Section 60.939. Affirmative Defenses.

a. In addition to all applicable affirmative defenses available by law, it shall be an affirmative defense to an information filed under this Section 60.935, to be proven by a preponderance of the evidence, that:

1. The signal device was not in proper position and sufficiently legible to an ordinarily observant person; or

2. The operator of the motor vehicle was acting in compliance with the lawful order or direction of a police officer; or

3. The operator of the motor vehicle violated the instruction of the signal device so as to yield the right-of-way to an immediately approaching authorized emergency vehicle; or

4. The motor vehicle was being operated as part of a funeral procession pursuant to Missouri Revised Statute 194.503; or

5. The motor vehicle was being operated as an authorized emergency vehicle as defined and in compliance with Missouri Revised Statute 304.022; or

6. The motor vehicle was a stolen vehicle and being operated by a person other than the Owner of the vehicle without the effective consent of the Owner; or

7. The license plate depicted in the recorded image of the violation was a stolen plate and being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued; or

8. The motor vehicle was being operated by a person other than the Owner of the vehicle, provided that the Owner, or the Owner's representative in the circumstance where the Owner is not a natural person, submits to the City by affidavit, on a form provided by the City, or under oath at the municipal court proceeding, the name and current address of the person (1) who had possession and control of the motor vehicle at the time of the violation; or (2) who was the lessee of the motor vehicle at the time of the violation, if the motor vehicle was rented or leased from a person in the business of renting or leasing motor vehicles at that time; or (3) who was the subsequent owner of the motor vehicle, if ownership of the vehicle was transferred by the Owner before the time of the violation; or

9. The presence of ice, snow, unusual amounts of rain or other unusually hazardous road conditions existed that would make compliance with Section 60.935 more dangerous under the circumstances than non-compliance.

b. To demonstrate that at the time of the violation the motor vehicle was a stolen vehicle or the license plate displayed on the motor vehicle was a stolen plate, the Owner must submit proof acceptable to the municipal court that the theft of the vehicle or license plate had been timely reported to the appropriate law enforcement agency.

c. The existence of affirmative defenses as provided in this Section shall not be construed to preclude the defendant from introducing any other evidence of

innocence which may be weighed by the court pursuant to existing procedures. (Ord. No. 8520, §§ 2-6, 11-21-06)

Article XVI. Schedules

Section 60.940. Schedule A – Maximum Speed for Designated Streets.

a. In accordance with Article IV of this Chapter, all vehicles operating on and within the limits of the following designated streets or portions thereof shall operate at speeds as hereinafter provided in this and the following subsection:

Street	Maximum Speed Limit
Berry Road	Thirty (30) miles per hour
Big Bend Boulevard between Berry Road and Gore Avenue, Maple Avenue and Lockwood Avenue, Laclede Station Road and Key West Avenue	Thirty (30) miles per hour
Brentwood Boulevard between Marshall Road and North Elm Avenue	Thirty-five (35) miles per hour
North Elm Avenue, Lockwood Avenue to Kirkham Avenue/Brentwood Boulevard	Thirty-five (35) miles per hour
South Elm Avenue, Big Bend Boulevard to Watson Road	Thirty (30) miles per hour
South Elm Avenue between Lockwood Avenue and Big Bend Boulevard	Twenty-five (25) miles per hour
Glendale Road, Edgar Road to Big Bend Boulevard	Thirty (30) miles per hour
I-44, westwardly and eastwardly between Berry Road and the City of Shrewsbury City limits (Ord. No. 7924, § 1, 5-21-96)	Sixty (60) miles per hour
I-44, Expressway ramps at Elm Avenue, Berry Road and Laclede Station Road	Thirty (30) miles per hour
I-44, eastwardly and westwardly within the City limits of Webster Groves	Minimum speed – forty (40) miles per hour
Kirkham Avenue, Gore Avenue to Western City limits	Thirty (30) miles per hour

Street	Maximum Speed Limit
West Kirkham, eastbound and westbound, from City limits at Glendale to North Rock Hill Road	Twenty-five (25) miles per hour
Laclede Station Road on the west side of Murdoch Avenue southwardly to Highway 66	Forty (40) miles per hour
North Laclede Station Road between Big Bend and Marshall	Thirty-five (35) miles per hour
Lockwood Avenue, Berry Road to Rock Hill Road, Plant Avenue to Summit Avenue	Thirty (30) miles per hour

b. The City Manager shall cause to be posted at all entrances to the City signs with black letters four (4) inches high and one (1) inch wide, on a white background, indicating the maximum speed of twenty-five (25) miles per hour unless otherwise posted, and shall cause to be posted upon all of the streets listed in Paragraph 1 above similar signs with the designated speed for said streets thereon.

Congested Districts.

Beginning on the east side of Maple Avenue at a point in the prolongation of the south line of Cedar Avenue at said intersection, and extending westwardly along the sough side of Cedar Avenue to its intersection with the east line of Gore Avenue; thence southwardly along the east line of Gore Avenue at a point which would be the prolongation of the south line of Cedar Avenue at its intersection with said Gore Avenue; thence west along the south line of Cedar Avenue to the east line of Gray Avenue; thence over and across said Gray Avenue in a westwardly direction to a point, which would be the prolongation of the south line of Cedar Avenue; thence northwardly along the west line of Gray Avenue to its intersection with the south line of Cedar Avenue; thence westwardly along the south line of Cedar Avenue to the east line of Jefferson Road; thence westwardly and across said

Jefferson Road to a point in the west line of Jefferson Road, which would be the prolongation of the south line of said Cedar Avenue; thence northwardly along the west line of Jefferson Road to the south line of Lockwood Avenue; thence westwardly along the south line of Lockwood Avenue to the center of the intersection of said Lockwood Avenue and Rock Hill Road; thence northwardly in a straight line to the north line of Lockwood Avenue; thence eastwardly and along the north line of Lockwood Avenue to the intersection of the north line of Lockwood Avenue with the west line of Gore Avenue; thence northwardly along the west line of Gore Avenue to its intersection with the south line of Kirkham Avenue; thence eastwardly across said Gore Avenue in a straight line to a point, which would be the prolongation of the south line of said Kirkham Avenue to the east line of said Gore Avenue; thence southwardly along the east line of said Gore Avenue to the north line of Moody Avenue; thence eastwardly along the north line of Moody Avenue to a point in the east line of Elm Avenue, which would be the

prolongation of the north line of Moody Avenue; thence southwardly along the east line of Elm Avenue to the north line of Lockwood Avenue; thence eastwardly along the north line of Lockwood Avenue to the east line of Glen Road; thence in a straight line across Lockwood Avenue to the south line thereof, which would be the intersection of the east line of Plant Avenue and the south line of Lockwood Avenue; thence westward and along the south line of said Lockwood Avenue to the east line of Maple Avenue; thence southwardly along the east line of Maple Avenue to the point of beginning.

Beginning at the intersection of the southwestern line of Maple Avenue and the southeastern line of Big Bend Boulevard; thence southwestwardly along the southeast line of Big Bend Boulevard and its southwestwardly prolongation to the west line of Gore Avenue; thence north along the west line of Gore Avenue to the southwest prolongation of the northwestern line of Big Bend Boulevard; thence northeastwardly along the southwestward extension of the northwestern line of Big Bend Boulevard and continuing northeastwardly along the northwest line of said Big Bend Boulevard to the northwestward prolongation of the southwestern line of Maple Avenue; thence southeastwardly along the northwestward prolongation of the southwestern line of Maple Avenue to point of beginning.

All that portion of Big Bend Boulevard beginning at a line which is perpendicular to the southeastern line of Big Bend Boulevard at its intersection with the northeastern line of Chamberlain Place and extending southwestwardly to the south line of Lockwood Avenue and all that portion of Lockwood Avenue beginning in the northwestern line of Big Bend Boulevard and extending westwardly to its intersection with the eastern line of Summit Avenue.

Beginning at the intersection of the northern line of Kirkham Avenue and the western line of Rock Hill Road; thence westwardly along the northern line of Kirkham to the western City Limits; thence southwardly along the western City Limits to the southern line of Kirkham Avenue; thence eastwardly along the southern line of Kirkham Avenue to the western line of Rock Hill Road; thence northwardly along the western line of Rock Hill Road to the point of beginning.

(Ord. No. 7598, § 2, 5-1-90; Ord. No. 8649, § 2, 9-1-09)

Section 60.945. Schedule B – One-Way Streets.

In accordance with Article V of this Chapter, traffic shall move only in the direction indicated upon the following streets:

Name of Street	Direction of Traffic Movement
Cornell Avenue between North Elm and Ravine Avenues	East and northbound only
Upon Glencoe Avenue between Gore and Allen Avenues	Westwardly
Upon that portion of Kirkham Avenue from Lincoln Avenue to College Avenue lying southwardly from the former St. Louis Public	Eastwardly direction

Service Company's right-of-way	
The northern two lanes of Lockwood Avenue lying between Rock Hill Road and Swon Avenue	Westwardly and Southwardly
The southern two lanes of that portion of Lockwood Avenue lying between Rock Hill Road and Swon Avenue	Northwardly and Eastwardly
Upon that portion of Lockwood Avenue lying eastwardly and southwardly from the St. Louis Public Service Company's right-of-way between Swon Avenue and the western City Limits	Northwardly and Eastwardly direction
Upon that portion of Lockwood Avenue lying westwardly and northwardly from the St. Louis Public Service Company's direction right-of-way between Swon Avenue and the western City Limits	Westwardly and Southwardly
Entrance to municipal parking lot on the west line of North Gore Avenue	Westwardly only
Outer roadway of South Elm Avenue for a distance of two hundred twenty-six (226) feet, north of the north line of Old Watson Road	Northbound only
East Lockwood Avenue between Big Bend Boulevard And South Old Orchard	Eastbound only

(Ord. No. 7238, § 1, 11-16-82; Ord. No. 7631, § 1, 11-20-90; Ord. No. 8137 § 1, 2-1-00)

Section 60.950. Schedule C – Through Streets.

In accordance with Article VI of this Chapter, vehicles shall be brought to a full and complete stop before entering or crossing the following designated streets or locations:

Big Bend Boulevard from the eastern city limits to the western city limits except at the intersections of Glendale Road, Elm Avenue, South Laclede Station Road, and the traffic signal complex at North Laclede Station Road, Newport Avenue and Wilshusen Avenue.

Bompart Avenue between Big Bend Boulevard and Marshall Avenue, except at the intersections of Lockwood Avenue and Newport Avenue.

Edgar Road between Big Bend Boulevard and U.S. Highway 66, except at the intersection of Jackson Road.

Elm Avenue between the north city limits and U.S. Highway 66, except at the intersections of Kirkham Avenue/Brentwood Boulevard, Lockwood Avenue, Swon

Avenue, Big Bend Boulevard, the on and off ramps for eastbound and westbound Interstate 44, Glendale Road, Old Watson Road, and Thornton Avenue.

Glendale Road between Big Bend Boulevard and Edgar Road, except at the intersection of Elm Avenue.

Gore Avenue between Rock Hill Road and Lockwood Avenue, except at the intersections of Kirkham Avenue and West Jackson Road.

Grant Road between Big Bend Boulevard and U.S. Highway 66.

Hampshire Court and East Rose Avenue, between Elm Avenue and Edgar Road.

Kirkham Avenue from Elm Avenue to the Western City Limits, except at the intersections of Gore Avenue and Rock Hill Road.

Laclede Station Road from the northern city limits to U.S. Highway 366, except at the intersections of Marshall Avenue, Newport Avenue, Big Bend Boulevard, Jackson Road, and Watson Road (U.S. Highway 366).

Lockwood Avenue between Berry Road and Big Bend Boulevard, except at its intersections with Rock Hill Road, Gore Avenue, Elm Avenue, Jefferson and South Maple.

Marshall Avenue between Brentwood and Big Bend Boulevard, except at the intersections of Glen Road (east side of the railroad overpass), Laclede Station Road, Bompart Avenue, and Summit Avenue.

Newport Avenue between Brentwood Brentwood and Big Bend Boulevard, except at the intersections of West Glen Road for Westbound only Newport traffic; East Glen Road; and Bompart Avenue.

Old Watson Road between Rock Hill Road and Elm Avenue except at the intersection of Holly Drive.

Rock Hill Road from the northern city limits to Old Watson Road, except at the intersections of Kirkham Avenue, Lockwood Avenue, Swon Avenue, Big Bend Boulevard, Gore Avenue and West Jackson Road.

Summit Avenue between Newport Avenue and Marshall Avenue.

Swon Avenue between Lockwood Avenue and Big Bend Boulevard, except at the intersections of Gray Avenue, Gore Avenue, Elm Avenue, Rock Hill Road, Sylvester Avenue and Jefferson Road.

Thornton Avenue from the west line of Brentwood Boulevard through the east line of Ennis Avenue.

(Ord. No. 7255, § 1, 3-1-83; Ord. No. 7333, § 1, 4-2-85; Ord. No. 7334, § 1, 4-2-85; Ord. No. 7462, § 1, 10-6-87; Ord. No. 7575, § 1, 12-5-89; Ord. No. 8649, § 2, 9-1-09)

Section 60.955. Schedule D – Four-Way Stop Intersections.

In accordance with Article VI of this Chapter, vehicles shall be brought to a full and complete stop before entering the following intersections:

Atlanta Avenue and Margaret Avenue
Big Bend Boulevard and Elm Avenue
Big Bend Boulevard and Glendale Road
Big Bend Boulevard and South Laclede Station Road
Big Bend Boulevard and South Rock Hill Road
Bompart Avenue and Marshall Avenue
Bompart Avenue and Newport Avenue
Bristol Road and Jefferson Road
Cannonbury and Culver Hill
Dale Avenue and Spring Avenue
East Swon Avenue and South Maple Avenue
Edgar Road and Glendale Road
Edgar Road and Jackson Road
Elm Avenue and Big Bend Boulevard
(controlled by electric signal)
Elm Avenue and Glendale Road
Elm Avenue and the on and off ramps for westbound Interstate Highway 44
(controlled by electric traffic signal)
Elm Avenue and the on and off ramps for westbound Interstate Highway 44
(controlled by electric traffic signal)
Elm Avenue and Kirkham Avenue/Brentwood Boulevard
(controlled by electric traffic signal)
Elm Avenue and Lockwood Avenue
(controlled by electric traffic signal)
Elm Avenue and Old Watson Road
Elm Avenue and Swon Avenue
(controlled by electric signal)
North Elm Avenue and Thornton Avenue
Gore Avenue and Rock Hill Road
Gore Avenue and West Jackson Road
North Gore Avenue and Kirkham Avenue
North Gore Avenue and Lockwood Avenue
Gray Avenue and Jackson Road
Innisfail Drive and Selma Avenue
Brentwood Brentwood and Marshall Avenue and Atlanta Avenue
(controlled by electric traffic signal)
Kirkham Avenue and Rock Hill Road
North Laclede Station Road and Marshall Avenue
(electric signals as installed)
North Laclede Station Road and Newport Avenue
(electric signals as installed)
South Laclede Station Road and Jackson Road
(controlled by electric traffic signal)
Lockwood Avenue and Bompart Avenue
Lockwood Avenue and Rock Hill Road

Lockwood Court and Hollywood Place
Marshall Avenue at Glen Road
(east side of the railroad overpass)
Marshall Avenue and North Laclede Station Road
Marshall Avenue and Summit Avenue
Newport Avenue and Summit Avenue
(former Bi State right-of-way north of Newport Avenue)
South Old Orchard Avenue and East Jackson Road
West Old Watson Road and Holly Drive
Rock Hill Road and Baker Avenue
Rock Hill Road and Swon Avenue
Swon Avenue and South Gore Avenue
Swon Avenue and Gray Avenue
Swon Avenue and Jefferson Road
Swon Avenue and Selma Avenue
Swon Avenue and Sylvester Avenue
Sylvester Avenue and Lockwood Avenue
S. Elm Avenue and Glendale Avenue
(controlled by electric traffic signal)

(Ord. No. 7255; § 2, 3-1-83; Ord. No. 7288, § 2, 2-21-84; Ord. No. 7297, § 2, 4-17-84; Ord. No. 7316, § 2, 9-4-84; Ord. No. 7333, § 2, 4-2-85; Ord. No. 7334, § 2, 4-2-85; Ord. No. 7462, § 2, 10-6-87; Ord. No. 7563, § 1, 9-19-89; Ord. No. 8103, § 1, 6-22-99; Ord. No. 8570, § 1, 10-2-07; Ord. No. 8663, § 2, 4-6-10; Ord. No. 8649, § 2, 9-1-09)

Section 60.960. Schedule E – School Stops and School Zones.

In accordance with Article VI of this Chapter, vehicles shall be brought to a full and complete stop before entering or crossing any of the following streets or locations at all times when school stop signs are so turned as to be facing the driver of the oncoming vehicle:

Big Bend Boulevard at Plymouth Avenue
Bompart Avenue at Atalanta Avenue
Edgar Road at entrance to Edgar Road School
Edgar Road at Florence Avenue

(northernmost intersection)
Elm Avenue at Cedar Avenue
Elm Avenue (northbound traffic) at its intersection with Euclid Avenue
South Elm Avenue At Cedar Avenue 7:30 a.m. to 4:00 p.m.
Gore Avenue at Cedar Avenue
Gray Avenue at Cedar Avenue
Jefferson Road at West Cedar Avenue
Lockwood Avenue at east entrance to Mary Queen of Peace School
Lockwood Avenue at west entrance to Mary Queen of Peace School
Lockwood Avenue at Selma Avenue 7:30 a.m. to 8:30 a.m.; 2:30 p.m. to 4:00 p.m.

In accordance with Article III of this Chapter the following areas are designated school zones and shall be posted accordingly:

Marshall Avenue between Brentwood Boulevard and Summit Avenue
Northbound Bompart Avenue south of Atalanta
Southbound Bompart Avenue north of Marshall Avenue

(Ord. No. 7288, § 1, 2-21-84; Ord. No. 7598, § 1, 5-1-90; Ord. No. 7632, §§ 1-2, 11-20-90; Ord. No. 8215, § 2, 8-21-01; Ord. No. 8649, § 2, 9-1-09)

Section 60.965. Schedule F – Miscellaneous Stops.

In accordance with Article VI of this Chapter every vehicle proceeding on the streets listed in the left hand column below shall be brought to a full and complete stop before entering or crossing the street opposite in the right hand column below:

Baker Avenue	Gore Avenue
Baker Avenue	Gray Avenue
Bell Avenue	Almentor
Belton Avenue (north and southbound traffic)	East Drake Avenue
Big Bend Boulevard (westbound traffic)	Berry Road (at electric signals)
Big Bend Boulevard	Edgar Road (pedestrian activated electric signals)
Big Bend Boulevard (westbound traffic only)	Gray Avenue
Big Bend Boulevard	At Key West, electric signals as installed
Big Bend Boulevard	Lockwood Avenue
Big Bend Boulevard	Rock Hill Road (at electric signals)
Big Bend Boulevard	Windsor Court (at pedestrian activated electric signals)
Big Bend Boulevard	At pedestrian activated electric signals as installed in Old Orchard Business district
Bompart Avenue	Lockwood Avenue
Bradford Avenue	Big Bend Boulevard
Bradford Avenue	Selma Avenue
Bridle Avenue	Three way stop signs at intersection of Fieldcrest Avenue

Brentwood Boulevard	3251 S. Brentwood Boulevard at all times when Church Stop Signs are so turned as to be facing the driver of the on coming vehicle
Cedar Avenue	Gore Avenue
Cedar Avenue	Gray Avenue
Chestnut Avenue	Selma Avenue
Chestnut Avenue (at east intersection with)	Colebrook Drive (East and West)
Columbine Drive	W. Old Watson Road
Colebrook Drive	Chestnut Avenue
Cornell Avenue (northbound traffic)	Ravine Avenue
Cornell Avenue (north and southbound)	Waymire Avenue
Edgar Road (north and southbound traffic)	Florence Avenue
Edgar Road	Garden Avenue
Edgar Road	South end of Edgar Road School Driveway
Eldridge Avenue	Bell Avenue
Eldridge Avenue	Plateau Avenue
Eunice	Summit
Glendale Road	Frisco R.R. overpass
Grant Road (north and southbound traffic)	Fieldcrest Drive West
Grant Road (from the north)	Liggett Drive
Gray Avenue (Northwest corner)	Baker Avenue
Greeley Avenue (from the east)	Summit Avenue
Greeley Avenue (from the west)	Public Service Co. right-of-way
Hawken Court	South Rock Hill Road

Hampshire Court	Cheshire Lane
Hampshire Court	At the Eastbrook intersection with a mid-block sidewalk
Jefferson Road	Jackson Road
Joy Avenue (northbound traffic)	Oakwood Avenue
Kenilworth Place	Gray Avenue
Kirkham Avenue	North Gore Avenue
Lilac Avenue (north and southbound traffic)	Florence Avenue
Lithia Avenue	Bell Avenue
E. Lockwood Avenue	Selma Avenue
Lockwood Avenue	Berry Road
Lockwood Avenue (northwest bound)	Berry Road
Lockwood Avenue (eastbound traffic)	Big Bend Boulevard
Lockwood Avenue	Jefferson Road (at pedestrian activated electric signals)
Lockwood Avenue	Maple Avenue (at pedestrian activated electric signals)
Lockwood Avenue	Plant Avenue at all times when Church Stop Signs are so turned as to be facing the driver of the oncoming vehicle
Lockwood Avenue	Selma Avenue at all times when Church Stop Signs are so turned as to be facing the driver of the oncoming vehicle
Lockwood Court	Berry Road
Maple Avenue	Jackson Road
Maple Avenue	Cedar Avenue
Margaret Avenue	Clark Avenue
Mason Avenue (northbound traffic)	Oakwood Avenue

Memorial Field (parking lot)	Colebrook Avenue
North Elm Avenue (from the north)	Euclid Avenue
Oak Tree Drive	Selma Avenue
Park Avenue	Summit
Plateau	Lithia
Public Service Company right-of-way (from the south)	Greeley Avenue
Ravine Avenue	Holland Avenue
Reavis Place	South Rock Hill Road (North and South)
Rock Hill Road	West Jackson Road
Sanquinet Avenue	South Iola Avenue
Selma Avenue (north and southbound)	Chestnut
Simmons Avenue	Gray Avenue
Sherwood	Lockwood Ave
Slocum Avenue	Foote Avenue
South Elm Avenue	South Elm Avenue between a point two hundred two (202) feet south of the south line of Lockwood Avenue and a point ninety (90) feet south thereof controlled by electric traffic signal
South Forest Avenue	Selma Avenue
South Rock Hill Road	West Old Watson Road
Summit Avenue	Tuxedo Boulevard
Swon Avenue (East and West)	Plant Avenue
Tuxedo Boulevard	Laclede Station Road
Waymire	Cornell
West Old Watson Road	South Rock Hill Road
Willis Avenue (from the west)	Highland Avenue

Yeatman Avenue	Tuxedo Boulevard
Yorkshire Place	At its intersection with West Jackson Road

(Ord. No. 7238, § 2, 11-16-82; Ord. No. 7297, § 1, 4-17-84; Ord. No. 7316, § 1, 9-4-84; Ord. No. 7333, § 3, 4-2-85; Ord. No. 7366, § 1, 1-7-86; Ord. No. 7387, § 1, 6-17-86; Ord. No. 7484, § 1, 5-3-88; Ord. No. 7599, § 1, 5-1-90; Ord. No. 7625, § 1, 9-4-90; Ord. No. 7860, § 1, 4-4-95; Ord. No. 7863, § 1, 4-4-95; Ord. No. 7884, § 1, 10-3-95; Ord. No. 7909, § 1, 3-5-96; Ord. No. 7915, § 1, 3-19-96; Ord. No. 8048, § 1, 9-1-98; Ord. No. 8158, § 2, 6-20-00; Ord. No. 8182, § 2, 12-5-00; Ord. No. 8214, § 1, 8-21-01; Ord. No. 8447, § 1, 2-15-05, Ord. No. 8436, § 1, 12-7-04; Ord. No. 8437, § 1, 12-7-04, Ord. No. 8501, § 1, 5-16-06, Ord. No. 8551, § 1, 6-5-07; Ord. No. 8571, § 1, 10-16-07; Ord. No. 8649, § 2, 9-1-09).

Section 60.970. Schedule G – Yield Right-of-Way Intersections.

In accordance with Article VI of this Chapter, a driver of a vehicle confronted by a yield right-of-way sign at the following designated locations shall yield the right-of-way to all vehicles approaching on said intersecting streets and shall not enter or cross said intersections hereinafter designated until same can be done safely and without interfering with vehicular traffic on said intersecting streets:

Albany Court at its intersection with Oak Tree Drive
Albany Court at its intersection with St. George Place
Azalea Drive at its intersection with Tulip Drive
Cannonbury Drive at its intersection with Glendale Road
Colebrook Drive at its intersection with Oak Tree Drive
Culverhill Drive at its intersection with the north line of Sunningwell Drive
East Drake Avenue at its intersection with Wells Avenue
Glen Road at its intersection with Oakwood Avenue
Gray Avenue at its intersection with Reavis Place
Greeley Avenue from the west at its intersection with Summit Avenue
Lockwood Avenue at its intersection with Old Orchard Avenue
Plant Avenue at its intersection with Portland Terrace
Old Orchard Avenue at its intersection with Florence Avenue
Rock Hill Road at its intersection with Old Watson Road
Selma Avenue at its intersection with Cheshire Lane
Spring Avenue at its intersection with Oakwood Avenue
Windsor Court at its intersection with Glendale Road
Caroline at its intersection with Greely Avenue
Caroline at its intersection with Providence Avenue

(Ord. No. 7515, § 1, 12 20 88; Ord. No. 7956, § 1, 11-19-96; Ord. No. 8104, §§ 1-2, 6-22-99).

Section 60.975. Schedule H – Parking Prohibited.

In accordance with Article VII of this Chapter, parking shall be prohibited or limited as described in this schedule.

Street	**Regulation**
On west side of Albany Court from East Glendale to Oak Tree Drive	No parking at any time
On north side of Almentor west of Bell Avenue for a distance of one hundred ninety (190) feet	No parking at any time
East side of Alma Avenue	No parking any time
On the south side of Almentor Avenue from Bell Avenue to the west end of Ivory Crockett Park	No parking at any time
On north side of Amelia Avenue between Spring Avenue and Fairlawn Avenue	No parking – Fire Lane
West side of Arthur	No parking at any time
North side of Atalanta Avenue between Bompart Avenue and East Glen Road	No parking, standing or stopping
North side of Atalanta Avenue from the west curb line of Glen Road to the east curb line of Lafayette Avenue	No parking at any time
On north side of Atalanta from west curb line of Summit to east curb line of Glen Road	No parking at any time
On south side of Atalanta from west curb line of Yeatman to east curb line of Summit	No parking at any time
Both sides of Barron Lane from the south line of Lee Avenue to the north line of Bacon Avenue	No parking at any time
On the west of Bell Avenue from Almentor Avenue to the south end of Ivory Crockett Park	No parking at any time
Barbara Jean Court	Half of cul-de-sac to be signed, posted and painted for four head-in parking spaces at top of cul-de-sac circle (in front of 610 and 611 Barbara Jean Court); and remainder of cul-de-sac to remain parallel parking
On the east and west sides of Bell Avenue from the north curb line of Madison Avenue to the south curb line of Thornton	No parking at any time

Street	**Regulation**
Avenue	
On the east side of Bell Avenue between Thornton Avenue and Almentor Avenue	No parking at any time
On the west side of Bell Avenue from the north curb line of Thornton Avenue to the south curb line of Waymire Avenue	No parking at any time
On the north and south sides of Big Bend Boulevard from the east right-of-way line of Berry Road to a point seven hundred thirty-five (735) feet east of the center line of Glendale Road, with the exception that parallel parking shall be permitted within a ten (10) foot wide parking apron south of and adjacent to the traveled roadway fronting along the following properties:	No parking at any time
(a) Clark School (two hundred sixty-five (265) feet in length)	
(b) Church of the Open Door (one hundred ten (110) feet in length)	
South side of Big Bend Boulevard from a point two hundred thirty (230) feet East of the centerline of Windsor Court eastwardly fifty (50) feet	No parking 2:30 p.m. – 3:30 p.m. school days – school bus stand
Northwesterly side of Big Bend Boulevard from the intersection with the west curb line of Bradford Avenue to its intersection with the east curb line of Elm Avenue	No parking at any time
North side of Big Bend Boulevard between Elm Avenue and South Gore	Two (2) hour parking except No Parking 4:00 p.m. – 6:00 p.m. Monday through Friday
South side of Big Bend Boulevard between Elm Avenue and South Gore	Two (2) hour parking except No Parking 7:00 a.m. – 9:00 a.m. Monday through Friday
Big Bend Boulevard, north side only, from a point two hundred twenty-five (225) feet east of the center line of Dale Avenue, westwardly to a point seventy (70) feet west of the center line of Dale Avenue	No parking at any time
Big Bend Boulevard, both sides, from a point one hundred fifty (150) feet west of Edgar Road eastwardly to a point four hundred seventy (470) feet east of Bompart Avenue	No parking at any time

Street	Regulation
Southeasterly side of Big Bend Boulevard from its intersection with the west curb line of Edgar Road to its intersection with the east curb line of Elm Avenue	No parking at any time
On north side of Big Bend Boulevard from east curb line of Laclede Station Road to a point three hundred forty-six (346) feet east of said curb line	No parking at any time
Big Bend Boulevard, north side only, from the center line of Laclede Station Road westwardly four hundred (400) feet	No parking at any time
Big Bend Boulevard, north side only, from a point seventy (70) feet west of the center line of Dale Avenue, westwardly to a point two hundred seventy-five (275) feet west of the center line of Murdoch Avenue	No parking 4:00 p.m. to 6:00 p.m.
South side of Big Bend Boulevard from the west sidewalk line of South Rock Hill Road to a point two hundred forty-five (245) feet west of the west sidewalk line of South Rock Hill Road	No parking 7:00 a.m. to 9:00 a.m. except Saturdays, Sundays and public holidays
Southeasterly side of Big Bend Boulevard from its intersection with the eastern City Limits to its intersection with the east curb line of Edgar Road	No parking 7:00 a.m. – 8:30 a.m. except Saturdays, Sundays and legal holidays
Northwesterly side of Big Bend Boulevard from its intersection with the eastern City Limits to its intersection with the east curb line of Bradford Avenue	No parking 4:30 p.m. – 6:30 p.m. except Saturdays, Sundays and legal holidays
Big Bend Boulevard, north side only, from a point four hundred (400) feet west of the center line of Laclede Station Road westwardly to a point two hundred twenty-five (225) feet east of the center line of Dale Avenue	No parking 4:00 p.m. to 6:00 p.m.
Big Bend Boulevard, north side, from East Lockwood Avenue eastwardly to a point one hundred forty (140) feet east of South Old Orchard Avenue	No Parking Any Time
Big Bend Boulevard, north side, from a point one hundred forty (140) feet east of South Old Orchard Avenue eastwardly twenty-two (22) feet	Two (2) hour parking except No Parking 4:00 p.m. – 6:00 p.m. Monday through Friday
Big Bend Boulevard, north side, from a point one hundred sixty-two (162) feet east of South Old Orchard Avenue eastwardly sixty-five (65) feet	No Parking Any Time

Street	Regulation
Big Bend Boulevard, north side, from a point two hundred seven (207) feet east of South Old Orchard Avenue eastwardly eighty-six (86) feet	Two (2) hour parking except No Parking 4:00 p.m. – 6:00 p.m. Monday through Friday
Big Bend Boulevard, north side, from a point thirty-five (35) feet west of North Old Orchard Avenue eastwardly to a point forty-five (45) feet east of North Old Orchard Avenue	No Parking Any Time
Big Bend Boulevard, north side, between Lockwood and Bompart	No parking 7:00 a.m. – 9:00 a.m., Monday through Friday
Big Bend Boulevard, north side, from a point forty-five (45) feet east of North Old Orchard Avenue eastwardly one hundred ten (110) feet	Two (2) hour parking except No Parking 4:00 p.m. – 6:00 p.m. Monday through Friday
Big Bend Boulevard, north side, from a point one hundred fifty-five (155) feet east of North Old Orchard Avenue eastwardly to a point two hundred seventy-five (275) feet east of the centerline of Murdoch Avenue	No Parking Any Time
Big Bend Boulevard, south side, from East Lockwood Avenue to a point one hundred (100) feet east of South Old Orchard Avenue	No Parking Any Time
Big Bend Boulevard, south side, from a point one hundred (100) feet east of South Old Orchard Avenue eastwardly forty-four (44) feet	Two (2) hour parking except No Parking 7:00 a.m. – 9:00 a.m. Monday through Friday
Big Bend Boulevard, south side, from a point one hundred forty-four (144) feet east of South Old Orchard Avenue eastwardly seventy (70) feet	No Parking Any Time
Big Bend Boulevard, south side, from a point two hundred fourteen (214) feet east of South Old Orchard Avenue eastwardly forty-four (44) feet	Two (2) hour parking except No Parking 7:00 a.m. – 9:00 a.m. Monday through Friday
Big Bend Boulevard, south side, from a point forty-five (45) feet west of Log Cabin Lane eastwardly to Murdoch Avenue	No Parking Any Time
Big Bend Boulevard, south side, from Murdoch Avenue eastwardly to a point one hundred seven (107) feet east of the centerline of Oakwood Avenue	No parking any time
Big Bend Boulevard, south side, from a point one hundred	No parking 7:00 a.m. –

Street	Regulation
seven (107) feet east of the centerline of Oakwood Avenue, a distance of two hundred twenty-four (224) feet eastwardly	8:30 a.m., Monday through Friday
Big Bend Boulevard, south side, from a point three hundred thirty-one (331) feet east of the centerline of Oakwood Avenue, a distance of three hundred forty-six (346) feet eastwardly	No parking any time
Big Bend Boulevard, south side, from a point six hundred seventy-seven (677) feet east of the centerline of Oakwood Avenue, a distance of sixty-nine (69) feet eastwardly	No parking 7:00 a.m. – 8:30 a.m., Monday through Friday
Big Bend Boulevard, south side, from a point seven hundred forty-six (746) feet. east of the centerline of Oakwood Avenue, to a point seventy-eight (78) feet west of the centerline of Dale Avenue	No parking any time
Big Bend Boulevard, south side, from a point seventy-eight (78) feet west of the centerline of Sale Avenue, to a point one hundred twenty-eight (128) feet east of the centerline of Dale Avenue	No parking 7:00 a.m. – 8:30 a.m., Monday through Friday
Big Bend Boulevard, south side, from a point one hundred twenty-eight (128) feet east of the centerline of Dale Avenue, a distance of thirty-nine (39) feet eastwardly	No parking any time
Big Bend Boulevard, south side, from a point one hundred sixty-seven (167) feet east of the centerline of Dale Avenue, a distance of five hundred twelve (512) feet eastwardly	No parking 7:00 a.m. – 8:30 a.m., Monday through Friday
Big Bend Boulevard, south side, from a point six hundred seventy-nine (679) feet east of the centerline of Dale Avenue, to Laclede Station Rd.	No parking any time
Both sides of Bompart Avenue from the north line of Lockwood Avenue to a point seventy-one (71) feet north of the north line of Lockwood Avenue	No parking at any time
600 North Bompart, four (4) spaces in front	Handicapped Parking Only
East side of Bompart Avenue between Lockwood and Sunnyside Avenue	No Parking Any Time
West side of Bompart Avenue from a point one hundred thirty (130) feet north of Atalanta Avenue to a point fifteen (15) feet south of Marshall Avenue	Fifteen (15) minute loading zone 8:00 a.m. – 4:00 p.m. school days
West side of Bompart Avenue from a point thrity (30) feet	No Parking or stopping

Street	Regulation
north of Atalanta Avenue to a point one hundred thirty (130) feet north of Atalanta Avenue	8:00 a.m. to 4:00 p.m. school days
On the east and west sides of Bompart Avenue from a point fifty-eight (58) feet south of the south line of Lockwood Avenue for a distance of one hundred sixty-eight (168) feet south thereof	No parking except Sundays and holidays
Both sides of Bompart Avenue from a point seventy-one (71) feet north of the north line of Lockwood Avenue to a point two hundred eleven (211) feet north of the north line of Lockwood Avenue	One (1) hour parking 8:00 a.m. to 9:00 p.m. except Sundays and legal holidays
Bompart Avenue, east side only, between Lockwood Avenue and Lake Avenue	No parking at any time
South side of Bradford Avenue from the east curb line of Selma Avenue to the west curb line of Big Bend Boulevard	No parking between 7:00 a.m. – 9:00 a.m. and 3:00 p.m. – 4:00 p.m. on school days
North side of Bradford Avenue for a distance of fifty (50) feet East of the right-of-way of Selma Avenue	Fifteen (15) minute loading zone 9:00 a.m. – 12:00 p.m. noon school days
North side of Bradford Avenue for a distance of fifty (50) feet East of the Loading Zone	Handicapped Parking Only
South side of Bradford Avenue from the west curb line of Big Bend Boulevard to the east curb line of Selma Avenue	No parking at any time
EXCEPT	
On the south side of Bradford Avenue from a point twenty-five (25) feet east of curb line of Selma Avenue for a distance of seventy-five (75) feet eastward	Fifteen (15) minute loading zone – 9:00 a.m. – 12:00 p.m. noon school days only
On north side of Brookside Avenue between Laclede Station Road and Robinson Avenue	No parking at any time
On the north side of Buesse Lane, from the west curb line of Selma Avenue to the east curb line of Sylvester Avenue, and on the south side of Buesse Lane, from the west curb line of Selma Avenue to a point three hundred twenty-five (325) feet west of the west curb line of Selma Avenue	No parking at any time

Street	Regulation
On the east side of California Avenue from the south curb of Catalina Avenue to the south curb of Pasadena Avenue	No parking at any time
The east side of Catalina Avenue from a point one hundred thirty-four (134) feet south of Big Bend Boulevard for a distance of forty-two (42) feet in a southeasterly direction	No parking at any time
On the south side of Catalina Avenue from the west curb of Edgar Road to the southwest curb of Big Bend Boulevard	No parking at any time
On the south side of Cedar from Plant to Elm	No parking at any time
North side of West Cedar from Jefferson to Gray	No parking 8:00 a.m. to 4:00 p.m. on any school day
South side of West Cedar from Jefferson to Gray	Two(2) hour parking 8:00 a.m. – 4:00 p.m. on any school day
On east side of Chamberlain Place	No parking any time
Both sides of 500 block of Clairmont	No parking any time
South side of Clairmont between Hammel and N. Iola	No parking any time
On northwest side of Clara Avenue between Gray Avenue and West Glendale Road	No parking any time
On the north side of Clark Avenue from the west curb line of Margaret Avenue to the east curb line of Glen Road	No parking any time
On the south side of Clark Avenue from the west curb line of Yeatman Avenue to the east curb line of Margaret Avenue	No parking any time
East side of Colebrook Drive between South Forest and Chestnut	No parking any time
West side of Colebrook Drive from the north curb line of Chestnut Avenue to the south curb line of South Forest Avenue	No parking between 7:00 a.m. – 9:00 a.m. and 3:00 p.m. – 4:00 p.m. on school days
East side of Cornell across from Webster Groves Methodist Church for distance of three hundred (300) feet in each direction from north and south boundary lines of church property	No parking at any time on Sunday mornings
On the east side of Cornell Avenue from the north line of	No parking any time

Street	Regulation
Ravine Avenue to the south line of Allison Avenue	
Both sides of Crofton Avenue between Sheffield Avenue and Olive Court	No parking any time
North side of Dawson Court from the west terminus of Dawson Court a distance of one hundred (100) feet eastwardly	No parking at any time
East side of Denver Place	No parking any time
On both sides of East Avenue between Brentwood Boulevard and Lafayette Avenue	No parking any time
On the west side of Edgar Road from the south curb line of Big Bend Boulevard to the north curb line of Catalina Avenue	No parking any time
West side of Edgar Road from the south curb line of Catalina Avenue to the northern terminus of the Edgar Road Bridge	No parking any time
West side of Edgar Road from the south curb line of Garden Avenue to the north curb line of Catalina Avenue	No parking any time
West side of Edgar Road from the cutaway parking lane in front of Edgar School southward to Hampshire, a total distance of one hundred seventeen (117) feet	No parking at any time
On east side of Edgar Road from Garden Avenue to Frisco R.R.	No parking any time
West side of Edgar Road from Glendale Road to Crabtree Court	No parking 7:00 a.m. and 4:00 p.m. to 6:00 p.m., except Saturdays, Sundays and Legal Holidays
On west side of Edgar Road from East Jackson Road to Florence Avenue	No parking any time
East side of Edgar Road from the north curb line of Ridge Avenue to the southern terminus of the Edgar Road Bridge	No parking any time
West side of Edgar Road from the north curb line of Ridge Avenue to the southern terminus of the Edgar Road Bridge	No parking any time
East side of the Edgar Road Bridge from the northern terminus of the bridge to the southern terminus of the bridge	No parking, stopping or standing on bridge – Tow-Away Zone
West side of the Edgar Road Bridge from the northern	No parking, stopping or

Street	Regulation
terminus of the bridge to the southern terminus of the bridge	standing on bridge – Tow-Away Zone
On the west side of Edgar Road between Garden Avenue and Catalina Avenue	No parking 7:00 a.m. to 9:00 a.m., 4:00 p.m. to 6:00 p.m. except Saturdays, Sundays and Holidays
Elbart Avenue	Resident Only parking 9:00 a.m. – 2:00 p.m. on school days
East side of Elm Avenue from the south line of Big Bend Boulevard to the north curb line of Frisco Avenue	No parking at any time
On the west side of Elm Avenue between the center line of Big Bend Boulevard and a point three hundred (300) feet northwardly	No parking at any time
On the east side of Elm Avenue, from the center line of Big Bend Boulevard to a point two hundred ten (210) feet northwardly	No parking at any time
Both sides of Elm Avenue between the north line of Glendale Road and a point two hundred forty-six (246) feet north thereof	No parking, stopping or standing at any time
Both sides of Elm Avenue between a point seven hundred (700) feet north of the north line of Glendale Road and the south line of Big Bend Boulevard	No parking, stopping or standing at any time
Outer roadway from Elm Avenue to Hixson Junior High School, east side, northeastwardly from Elm Avenue a distance of six hundred ninety (690) feet	No parking at any time
Both sides of Elm Avenue two hundred (200) feet southwardly from the south curb line of Lockwood Avenue	No parking at any time
West side of North Elm Avenue from #1 through #55	Resident parking only 11:00 a.m. to 12:00 a.m. midnight
West side of South Elm Avenue just north Of the entrance to Webster Oaks Condominiums For a distance of sixty (60) feet	No parking at any time
1600 Block of South Elm Avenue between West Old Watson and Watson Road on both sides of the street	No parking at any time

Street	Regulation
West side of South Elm Avenue from the south curb line of Lockwood Avenue, southwardly two hundred seventy-five (275) feet	No parking at any time
West side of South Elm from Webster Knolls to West Rose	No parking at any time
Elm, on both sides, from Lockwood to Moody	No parking at any time
On South Elm Avenue, on both sides, for a distance of seventy-five (75) feet south of the south line of Lockwood Avenue	No parking at any time
South Elm Avenue, east side only, from a point two hundred (200) feet north of the north curb line of Roseacre Lane and a point two hundred (200) feet north thereof	No parking, stopping or standing at any time
East side of North Elm Avenue from the north curb line of Fox Avenue to the south curb line of Ravine Avenue	No parking 7:00 a.m. – 9:00 a.m. and 3:00 p.m. – 4:00 p.m. on any school day
East side of North Elm Avenue from the intersection of Brentwood Boulevard and North Elm to the intersection of Cornell and North Elm	No parking at any time
West side of North Elm Avenue between Ravine Avenue and Euclid Avenue	No parking at any time
Both sides of Elm Avenue between appoint two hundred forty-six (246) feet north of the north line of Glendale Road and a point seven hundred (700) feet north of said north line	No parking 7:00 a.m. to 9:00 a.m., 4:00 p.m. to 6:00 p.m. except Saturdays, Sundays and holidays
South Elm Avenue, east side only, between the north curb line of Roseacre Lane and a point of two hundred (200) feet north thereof	Passenger loading and unloading zone – three (3) minutes
East side of South Elm Avenue from a point seventy-five (75) feet south of the south line of Lockwood Avenue, for a distance of one hundred thirty-eight (138) feet south thereof	Fifteen (15) minutes free parking 8:30 a.m. to 4:30 p.m. Sundays and holidays excepted
On the east side of Elm Avenue from a point two hundred thirty-four (234) feet south of the south curb line of Lockwood Avenue to the north curb line of Cedar Avenue	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays

Street	Regulation
On the west side of Elm Avenue from a point one hundred sixty-nine (169) feet south of the south curb line of Lockwood Avenue to the north curb line of Cedar Avenue	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
South side of Elm Place from the west curb line of Elm Avenue to a point three hundred eighteen (318) feet west of the west curb line of Elm Avenue	No parking at any time
Front of the property at 511 North Elm Avenue	One parking space restricted to handicapped parking
North side of Elmwood Avenue from the west curb line of Spring Avenue to the east curb line of Fairlawn Avenue	No parking any time
On the east side of Ennis Avenue from the north curb line of Almentor Avenue to the south curb line of Reasnor Avenue	No parking any time
22 Euclid Avenue to the south side of Euclid Avenue east of Polk Avenue	Two handicapped only parking spaces
East side of Fairlawn Avenue from Newport Avenue to Oakwood Avenue	No parking 8:00 a.m. – 12:00 p.m. Sundays
North side of Fair Oaks Avenue	Residential permit parking Only from 7:00 a.m. to 9:00 a.m. And 1:00 p.m. to 3:00 p.m. On school days
South side of Fair Oaks Avenue	No parking at any time
On the north side of Fairview Avenue from Bompart Avenue to Theatre Lane	No parking at any time
North side of Florence Avenue from Selma Avenue to Edgar Road	No parking at any time
On north side of North Forest Avenue between Summit Avenue and Bompart Avenue	No parking – Fire Lane
On the north side of Fox Avenue between the west curb line of Holland Avenue and the east curb line of North Elm Avenue	No parking at any time
South side of Frisco from Berry Road to where Frisco curves into Oakland	No parking at any time

Street	Regulation
North side of Garden Avenue twenty (20) feet east of the front drive to the theatre for a distance of two hundred forty (240) feet	Fifteen (15) minute loading and unloading only
North side of Garden Avenue from a point 220 feet from the southernmost end of the rounding of the driveway entrance to the parking lot at 627 Garden Avenue to the point of beginning; westward to a point seventeen (17) feet west of the western end of rounding on Garden Avenue, a distance of approximately 111 feet	No parking at any time
North side of Garden Avenue beginning at the entrance/exit of parking lot "**L**" and continuing sixty (6) feet east thereof	No parking at any time
South side of Garden Avenue from the east curb of Edgar Road to the west curb of Hazel Avenue	No parking at any time
South side of Garden Avenue from the east line of Hazel Avenue to the west line of South Old Orchard Avenue	No parking at any time
Both side of the street on East Glen Road at Marshall Avenue for a distance of eighty-five (85) feet south of the stop sign at the southeast corner	No parking at any time
Glen Road, east and west sides beginning at a point two hundred twenty-five (225) feet southwest of the south line of Oakwood Avenue for a distance of one hundred (100) feet	No parking any time
North side of Glencoe Avenue between Gore and Allen Avenues (being the entire length of the street)	No parking at any time
South side of Glencoe Avenue adjacent curbing of Municipal Parking Lot	No parking – fire lane
On south side of East Glendale from Albany Court to Colebrook Drive	No parking at any time
On the north side of East Glendale Road from the east curb line of Elm Avenue to the west curb line of Edgar Road	No parking at any time
North side of Glendale Road from the east curb line of Elm Avenue, eastwardly to the western curb of the entrance of the Memorial Field Parking Lot	No parking or standing at any time
South side of West Glendale Road from a distance of three hundred thirty-seven (337) feet west of the intersecting curb line with South Elm Avenue to a distance five hundred ninety-seven (597) feet west of the intersecting curb line of	No parking 6:30 a.m. to 9:00 a.m. Monday through Friday

Street	**Regulation**
South Elm Avenue	
The north side of West Glendale Road from South Gore Avenue to Old Elm Lane	No parking at any time
On south side of Glendale Road from east line of Rock Hill Road to west line of Big Bend Boulevard	No parking at any time
South side of East Glendale Road from Elm Avenue to Albany Court	No parking at anytime between April15 and December 1
12 West Glendale Road (Annunciation Church)	3 handicapped only spaces from Saturday at 4:00 p.m. though Sunday at 12:00 p.m. noon
On east side of Gore Avenue for distance of one hundred fifty (150) feet south of Lockwood (except where parking meters are provided)	No parking at any time
East side of South Gore Avenue, from the point two hundred fifty-three (253) feet south of Lockwood Avenue northwardly to Lockwood Avenue	No parking at any time
Both sides of North Gore from Lockwood to Missouri Pacific Railroad tracks	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
East side of South Gore Avenue from a point two hundred fifty-three (253) feet south of Lockwood Avenue to the intersection of South Gore Avenue with West Cedar Avenue	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
West side of South Gore Avenue from a point two hundred thirty-nine (239) feet south of Lockwood Avenue to the intersection of South Gore Avenue with West Cedar Avenue	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
West side of North Gore Avenue adjacent 101 West Lockwood Avenue	Loading Zone – thirty (30) minutes
West side of North Gore Avenue Parking space immediately in front of 34 North Gore Avenue	Handicapped Parking Only
North Gore Avenue from the northern line of the Missouri Pacific tracks to the south line of Kirkham Avenue on the	Two (2) hour parking 8:00 a.m. – 6:00 p.m.

Street	Regulation
north	except Sundays and holidays
Both sides of Grant Road between Big Bend and Forest Green Drive and between Linum Lane and Crabapple Lane	No parking
East side of Gray in front of Bristol School from the north corner of the Bristol School driveway for a distance of two hundred (200) feet northwards	No parking, school bus zone from 2:45 p.m. to 4:00 p.m., Monday through Friday
Both sides of Gray from Lockwood southwardly, three (3) spaces east side, five (5) spaces west side	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
On east side of Gray Avenue for distance of one hundred twenty-five (125) feet south of Lockwood (except where parking meters are provided)	No parking at any time
East side of Gray from a point twenty (20) feet north of the south line of West Cedar extended east to south line of alley located south of Lockwood	No parking 8:00 a.m. to 4:00 p.m. on any school day
East side of Gray Avenue from the north line of Cedar Avenue to a point one hundred twenty-five (125) feet south of the south line of Lockwood Avenue	No parking between7:00 a.m. – 9:00 a.m. and 3:00 p.m. – 4:00 p.m. on school days
South side of Greeley Avenue from the west line of Cornelia Avenue to the east line of Glen Road	No parking at any time
North side of Greeley Avenue from the west line of North Laclede Station Road to the east line of Bompart Avenue	No parking at any time
West side of Hammel Avenue	No parking at any time
West side of Harper Avenue	No parking at any time
South side of Harper Avenue	No parking at any time
Both sides of 600 block of Harper	No parking at any time
West side of Hart Avenue	No parking at any time
On the east side of Hazel Avenue from the south curb line of Garden Avenue to the east line of Edgar Road	No parking at any time

Street	Regulation
On the north side of Helfenstein Avenue between Rock Hill Road and Jefferson Road	No parking at any time
The west side of Hillside Avenue between Kirkham Avenue and Summit Place	Parking prohibited
West side of Hull Avenue from the north line of Kirkham Avenue to the south line of Brainard Avenue	No parking at any time
West side of North Iola Avenue	No parking at any time
West side of South Iola Avenue	No parking at any time
West side of Ivanhoe Place	No parking any time
Entire public right-of-way that abuts to the residential property at 140 E. Jackson Avenue for so long as the resident of 140 E. Jackson Avenue remains handicapped	Handicapped parking zone
East Jackson Road on both sides, from east line of Edgar Road to West line of Hazel Avenue	No parking at any time
North side of East Jackson Road from Edgar Road for a distance of two hundred forty (240) feet West	No Parking here to corner
On south side of East Jackson Road between Selma and Edgar	No parking at any time
Both sides of East Jackson Road from South Old Orchard Avenue for a distance of two hundred fifty-five (255) feet east; and from South Laclede Station Road for a distance of one hundred fifty-five (155) feet west	No parking 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. except Saturdays, Sundays and Legal Holidays
North side of Jackson Avenue from one hundred (100) feet east of Jefferson Avenue to fifty (50) feet west of Jefferson Avenue	No parking at any time
North side of West Jackson Road for a distance of 250 feet east of the centerline of Jefferson Road and a distance of 150 feet west of the centerline of Jefferson Road.	No parking at any time
South side of West Jackson Road for a distance of 250 feet east of the centerline of Jefferson Road and a distance of 150 feet west of the centerline of Jefferson Road.	No parking at any time
On east side of Jefferson Road for distance of one hundred fifty (150) feet south of Lockwood	No parking at any time

Street	**Regulation**
East side of Jefferson Road from W. Lockwood Avenue to Cedar	Two (2) hour parking 7:30 a.m. to 5:00 p.m. Mondays through Fridays
On west side of Jefferson from Lockwood to Helfenstein	No parking at any time
Intersection of Jefferson Road and West Lockwood Avenue to a distance twenty-five (25) feet east	No parking at any time
East side of Joy Avenue beginning one hundred (100) feet North of the "**No Parking Here To Corner**" sign and continuing north to the intersection of Joy and Oakwood	No parking 8:00 a.m. – 9:00 a.m. and 2:00 p.m. – 3:00 p.m. on school days
West side of Joy Avenue from the north curb line of Lockwood Avenue to the intersection of Joy Avenue and Oakwood Avenue	No parking between 7:00 a.m. – 4:00 p.m. Monday – Friday
West side of Joy Avenue facing south, adjacent to the Holy Redeemer Church	Handicapped Parking
From a point one hundred twenty (120) feet north of the intersecting curb line of Joy Avenue and East Lockwood Avenue to a point two hundred (200) feet north of the intersecting curb line of Joy Avenue and East Lockwood Avenue. (Equal to three parking spaces) west side of street	Handicapped Parking Saturday and Sunday Only
North side of Kerruish Place from the west curb line of Sylvester Avenue to a point two hundred fifty-two (252) feet west of the west curb line of Sylvester Avenue	No parking at any time
South side of Kerruish Place from the west curb line of Sylvester Avenue to a point two hundred fifty-two (252) feet west of the west curb line of Sylvester Avenue	No parking 7:00 a.m. – 9:00 a.m. on any school day
On the north side of Kuhlman Lane from the west curb line of Laclede Station Road to the east curb line of Marshall Avenue	No parking at any time
On the east side of Laclede Station Road from north curb line of Big Bend Boulevard to a point three hundred forty-two (342) feet north of said curb line	No parking at any time
On the west side of Laclede Station Road from the north curb line of Highway 66 to a point eight hundred (800) feet north of the north curb line of Highway 66	No parking at any time

Street	Regulation
On west side of Laclede Station Road from easterly curb line of Newport Avenue to a point three hundred five (305) feet north of said curb line	No parking at any time
On west side of Laclede Station Road northward from Garden Avenue for two hundred (200) feet	No parking at any time
North Laclede Station Road (both sides)from the centerline of Big Bend Boulevard northwardly a distance five hundred (500) feet thereof	No parking at any time
North Laclede Station Road (both sides) from a point three hundred eighty (380) feet south of the centerline of Marshall Avenue, northwardly to the corporate limits of the city	No parking at any time
501 Lake Avenue along the entire public right-of-way that abuts the residential property at 501 Lake	Handicapped zone at all times
514 Lake Avenue along the entire public right-of-way that abuts the residential property at 514 Lake as long as resident remains handicapped	Handicapped zone at all times
Lake Avenue	Permit Parking District for Resident Only Parking, Monday through Friday 8:00 a.m. to 8:00 p.m. pursuant to Section 60.561.
On north side of East Lockwood between Big Bend Boulevard and South Old Orchard Avenue on the north side of the street from 1:30 P.M. to 8:00 p.m. on Thursdays only from May 1 through October 31 of each year.	No parking any time
On north side of East Lockwood along the curb line from a point twenty-five (25) feet east of the east entrance of Eden Seminary	No parking any time
On north side of East Lockwood along the curb line from a point twenty-five (25) feet west of the east entrance of Eden Seminary	No parking any time
North side of Lockwood Avenue one hundred ninety (190) feet eastwardly from the east curb line of Elm Avenue and both sides of Lockwood Avenue two hundred (200) feet westwardly from the west curb line of Elm Avenue	No parking any time

Street	Regulation
On south side of Lockwood Avenue from the prolongation of the west curb line of Rock Hill Road to a point, as measured along the curb of the sidewalk, three hundred twenty (320) feet west thereof	No parking any time
On south side of Lockwood Avenue westward from a point ninety-five (95) feet from Bompart Avenue to a point two hundred seventy-five (275) feet west of Bompart	Fifteen (15) minute loading zone between the hours 8:00 a.m. and 4:00 p.m. Monday through Friday
On south side of Lockwood Avenue from Bompart Avenue to Big Bend Boulevard	No parking any time
South side of Lockwood Avenue, between Big Bend Boulevard and South Old Orchard Avenue	Two (2) hour parking, 8:00 a.m. to 6:00 p.m. except Sundays and holidays
South side of East Lockwood Avenue from Plymouth Avenue for a distance of approximately four hundred eighty (480) feet west	No parking any time
Median on West Lockwood Avenue between Swon Avenue and Oaks Court	No parking or stopping at any time
North side of Lockwood from west line of Joy to a point two hundred thirty (230) feet west of west line of Joy	No parking 8:00 a.m. to 4:00 p.m. on any school day
North side of Lockwood from Big Bend to Bompart	No parking between 7:00 a.m. – 9:00 a.m. and 3:00 p.m. – 4:00 p.m. on school days
South side of Lockwood from a point seventy-five (75) feet west of west curb of Selma to a point one hundred thirty-eight (138) feet west thereof	No parking 7:00 a.m. – 9:00 a.m. on any school day
North side of Lockwood Avenue along the curb from Algonquin Lane to Berry Road	No parking on Sunday from 6:00 a.m. to 2:00 p.m.
South Side of Lockwood Avenue along the curb from Oaks Court to Hollywood Place	No parking on Sunday from 6:00 a.m. to 2:00 p.m.
South side of East Lockwood between Bompart and Summit	Permit parking only for Old Orchard Business

Street	Regulation
	District Employers and Employees Monday – Saturday, 7:00 a.m. – 5:00 p.m.
The north side of Lockwood Avenue from Glen Road to North Maple; from North Maple westwardly toward North Elm; from North Elm to North Gore; from North Gore westwardly toward Allen; from Allen to McClure	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
The south side of Lockwood Avenue from Plant to South Maple; from South Maple to South Elm ten (10) spaces; from South Elm to South Gore; from Gore to Gray; from Gray to Jefferson Road	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
South side of Lockwood Avenue from a point one hundred eighty (180) feet west of the west line of Bompart Avenue to a point two hundred sixty-seven (267) feet west of the west line of Bompart Avenue	Fifteen (15) minute parking 8:00 a.m. to 12:00 p.m. Monday through Friday, passenger loading zone
South side of East Lockwood Avenue in front of City Hall a distance of ninety-seven (97) feet	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Saturdays and Sundays
North side of West Lockwood between Rock Hill and McClure	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
North side of West Lockwood Avenue East of North Gore Avenue, first parking space adjacent bus stop	HANDICAPPED PARKINGONLY
From a point thirty (30) feet East of the intersecting curb line of West Lockwood Avenue and South Rock Hill Road commencing Eastward for approximately sixty (60) feet toward the entrance of Rockwood Court Apartments at 330 West Lockwood Avenue. (Equal to two (2) parking spaces) south side of street.	No Parking – Loading and Discharging Passengers Only
South side of West Lockwood Avenue from Jefferson Avenue westward to the east end of the loading zone in Front of 330 West Lockwood Avenue	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sunday and holidays
North side of Lockwood Court just East of West Lockwood Avenue for a distance of one hundred (100) feet	Handicapped Parking Only

Street	Regulation
North side of Lockwood Court further East of above for distance sixty-four (64) feet	No Parking Loading and Discharging Passengers Only
North side of Lockwood Court beginning Just east of the existing passenger loading And unloading zone to a distance of one hundred eighty (180) feet, which is just east of the driveway at 661 Lockwood Court	No parking, stopping or standing Monday through Friday, 7:00 a.m. through 5:00 p.m.
South side of Lockwood Court beginning At the corner of Lockwood Court and Westborough And extending westward for a distance of one hundred forty (140) feet, Which is just west of the driveway at 571 Westborough	No Parking, Stopping or Standing
Front of the property located at 40 East Lockwood Avenue	On parking space restricted to handicapped parking
604 East Lockwood immediately east of the crosswalk	One handicapped parking space
Front of the property located at 337 W. Lockwood Avenue – three (3) spaces	One (1) hour parking limit, one space Handicapped parking only
South side of W. Lockwood Avenue immediately east of Rock Hill at west end of loading zone	One (1) hour parking
South side of West Lockwood Avenue3 parking spaces in front of 124 West Lockwood Avenue (distance of sixty-six feet and four inches (66’4”)	Loading Zone – fifteen (15) minutes
North side of Lockwood Avenue in front of the Public Library from the east corner of the intersection with Orchard for a distance of twenty-five (25) feet east of the easternmost portion of the service driveway of the Library	No Parking Zone from 9:00 a.m. to 9:00 p.m. each day of the week
On the east side of Log Cabin Lane from the south curb line of Big Bend Boulevard to the north line of Frisco Avenue	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and public holidays
On the west side of Log Cabin Lane from the south curb line of Big Bend Boulevard to the north line of Frisco Avenue	No parking at any time
On the east side of Lucille Avenue from the north curb line of Westside Avenue for a distance of ninety (90) feet south	No parking any time

Street	Regulation
thereof	
On the west side of Lucille Avenue from the north curb line of Big Bend Boulevard for a distance of one hundred fifty-one (151) feet north thereof	No parking any time
On the east side of Lucille Avenue, sixty-six (66) feet from the sidewalk running along Big Bend Boulevard	Handicapped Parking Space
On the east side of Lucille Avenue, ninety-three (93) feet from the sidewalk running along Big Bend Boulevard	Handicapped Parking Space
On east side of Maple from Cedar to Lockwood	No parking at any time
Maple, on both sides, from Lockwood to Rosemont	No parking at any time
Entire public right-of-way that abuts to the residential property at 501 Marshall Avenue for so long as the resident of 501 Marshall Avenue as of November 16, 1999, remains handicapped	Handicapped Parking Only
South side of Marshall Avenue from west line of Laclede Station Road to east line of Summit Avenue	No parking at any time
North side of Marshall Avenue from west line of Laclede Station Road to a point three hundred thirty-three (333) feet east of the east line of Dutton Avenue	No parking at any time
South side of Marshall from west line of Summit for a distance of two hundred seventy-five (275) feet	One (1) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and public holidays
South side of Marshall Avenue from a point seventy-five (75) feet west of the west curb line of Summit Avenue to a point two hundred seventy-five (275) feet west thereof	No parking 7:00 a.m. – 9:00 a.m., 4:00 p.m. – 6:00 p.m., One (1) hour parking 9:00 a.m. – 4:00 p.m. except Saturday, Sunday and holidays
On north side of Marshall Place from a point forty-eight (48) feet east of the east curb of Gore Avenue to a point one hundred fifty-six (156) feet east thereof	No parking for more than one (1) hour during any day
505 Marshall as close to the residence as possible	One handicapped only parking space
731 Marshall north side of street east of driveway	One handicapped only

Street	Regulation
	parking space
East side of Mason Avenue from the north curb line of Lockwood Avenue to the south curb line of Oakwood Avenue	No parking between 7:00 a.m. – 9:00 a.m. and 3:00 p.m. – 4:00 p.m. on school days
West side of Mason Avenue between Lockwood and Oakwood	Resident only parking 8:00 a.m. – 9:00 a.m. and 2:00 p.m. – 3:00 p.m. on school days
West side of McClure Avenue from the north curb line of West Lockwood Avenue to a point one hundred fifty-six (156) feet north of the north curb line of West Lockwood Avenue	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
Five spaces on the west side of McClure Avenue From a point one hundred fifty-six (156) feet north of the north curb line of West Lockwood Avenue to the Missouri Pacific Railroad r.o.w.	Permit Parking Only
On the south side of Moody Avenue, between the west curb line of Elm Avenue and a point two hundred forty-seven (247) feet west thereof	No parking at any time
On north side of Moody Avenue from west curb line of North Elm Avenue to a pointone hundred thirty-five (135) feet west of the west curb line of North Elm Avenue	No parking at any time
The north side of Moody from North Elm two (2) spaces	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
On north side of Moody Avenue for distance of one hundred (100) feet east of Gore	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
South side of Moody Avenue from west curb line of North Gore Avenue westwardly for a distance of seventy-nine (79) feet	No parking from 6:00 a.m. – 6:00 p.m. except for loading or unloading, delivery or pickup of freight or merchandise. Thirty (30) minutes while loading or unloading, delivery, or pickup of freight or

Street	Regulation
	merchandise during the hours of 6:00 a.m. – 6:00 p.m.
North side of Moody Avenue from the west curb line of North Gore Avenue to a point seventy-five (75) feet west thereof	Loading zone – thirty (30) minutes
North side of Moody Avenue from a point one hundred nine (109) feet west of the west curb line of North Gore Avenue to a point eighty (80) feet west thereof	Loading zone – thirty (30) minutes
South side of Moody Avenue from the west curb line of North Gore Avenue to a point ninety-eight (98) feet west thereof	No parking any time
South side of Moody Avenue from a point one hundred eighteen (118) feet west of the west curb line of North Gore Avenue to a point one hundred twenty-five (125) feet west thereof	Loading zone – thirty (30) minutes
The south side of Moody Avenue from parking lot of Webster Groves Trust Company easterly one hundred sixty(160) feet to parking lot of Webster Groves Presbyterian Church	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
Third parking space to the east of the North Gore and Moody Avenue Intersection In front of 54 Moody Avenue	Handicapped Parking Only
South side of Newport Avenue from a point one hundred fifty (150) feet in both Easterly and Westerly directions from Fairlawn Avenue	No parking at any time
On the north side of Newport Avenue from the west curb line of Brentwood Boulevard to the east curb line of North Elm Avenue	No parking at any time
The north side of Oak Street between Rock Hill Road and Cherry Avenue	No parking at anytime
From a point fifty (50) feet West of the intersecting curb line of Oak Tree Drive and Edgar Road to a point one hundred forty-six (146) feet west of the intersecting curb line of Oak Tree Drive Edgar Road. (Equal to three (3) parking spaces) north side of street	Handicapped Parking Saturday and Sunday Only
West side of Oaks Court from Lockwood Court to Lockwood Avenue	No parking on Sunday from 6:00 a.m. to 12:00 p.m.

Street	Regulation
North side of Oak Terrace	No parking anytime
681 to 685 Oakwood Avenue	No parking anytime
South side of Oakwood Avenue from the point eighty-eight (88) feet west of Big Bend Boulevard to Spring Avenue	No parking 9:00 a.m. – 4:00 p.m., Monday through Saturday
On the east side of Oakwood Avenue between a point one hundred twenty (120) feet north of the north line of Kingsville Court and a point two hundred ten (210) feet north thereof	No parking 9:00 a.m. – 4:00 p.m., Monday through Saturday
On the west side of Oakwood Avenue from the westerly edge of the Missouri Pacific Right-of-Way to a point three hundred thirty-six (336) feet west and north of the westerly curb line of Kingsville Court	No parking 9:00 a.m. – 4:00 p.m., Monday through Saturday
On the south side of Oakwood from Summit to Bompart	No parking 9:00 a.m. – 4:00 p.m., Monday through Saturday
In front of 216 and 220 N. Old Orchard	No parking at any time
Oakwood Avenue, between Spring Avenue and Fairlawn on the northeast	No parking, 9:00 a.m. – 4:00 p.m. Monday through Saturday
Commencing at the right-of-way on North Old Orchard and continuing southwesterly for approximately three hundred thirty-five (335) feet on northwest section of parking lot to the rear of 8100 block of Big Bend Boulevard	Two (2) hour parking 8:00 a.m. – 6:00 p.m. Monday through Saturday
East side of South Old Orchard Avenue from twenty-five (25) feet south of the centerline of East Lockwood Avenue to one hundred fifty (150) feet south of the centerline of Frisco Avenue and on the west side of the South Old Orchard Avenue from ninety-five (95) feet south of the centerline of East Lockwood Avenue to fifty (50) feet south of the centerline of Frisco Avenue	Three (3) hour parking 8:00 a.m. to 6:00 p.m., except Sundays and holidays
West side of South Old Orchard from the fire hydrant to the driveway on the north side of 47 South Old Orchard, a total of thirty-five (35) feet	Restricted parking to a maximum of thirty (30) minutes from 8:00 a.m. – 4:00 p.m. Monday through Friday
South Old Orchard between Big Bend and Garden	No Parking 3:00 a.m. - 9:30 a.m. Monday

Street	Regulation
	through Friday
South Old Orchard between Frisco and E. Lockwood, both sides	No Parking on Thursdays from May 1 – October 31 from noon to 8:00 p.m.
West Side of Orchard Avenue between Spencer and Lockwood	No Parking 8:00 a.m. – 9:00 a.m. and 2:00 p.m. – 3:00 p.m. school days
South side of East Pacific from east curb line of Summit to east property line of property numbered 810 East Pacific	No parking at any time 8:00 a.m. – 6:00 p.m. Monday through Friday
North side of East Pacific from east end of East Pacific Avenue to the west end at its intersection with Bompart Avenue	No Parking 8:00 a.m. – 6:00 p.m. Monday through Friday
South side of West Pacific between North Gore Avenue and South Rock Hill Road	No parking any time
North side of West Pacific from a point beginning approximately one hundred twenty-three (123) feet east of North Rock Hill and continuing eastward for one hundred twenty-six (126) feet	No parking at any time
On the north side of West Pacific eastward from Lincoln Avenue approximately fifty (50) feet	Fifteen (15) minute loading zone
West side of Parsons Avenue from Foote Avenue to Kirkham Avenue	No parking at any time
On the north side of Pasadena Avenue from the east curb of California Avenue to the south curb of Catalina Avenue	No parking at any time
On north side of Pasadena from Selma to California	No parking at any time
On the east side of Plant Avenue from the northeast curb of Big Bend Boulevard to the south curb of Swon Avenue	No parking at any time
On east side of Plant from south line of Lockwood to a point directly opposite north line of Cedar	No parking at any time
The west side of Plymouth Avenue between a point from the south curb line of Lockwood Avenue and a point one hundred fifteen (115) feet south of the south curb line of Lockwood Avenue	No parking any time tow-away zone

Street	Regulation
The west side of Plymouth Avenue between a point one hundred fifteen (115) feet south of the south curb line of Lockwood Avenue and a point eighty-five (85) feet south thereof	Angle parking only
Both sides of Plymouth Avenue between Lockwood Avenue and Big Bend Boulevard excepting there from the west side of Plymouth Avenue between a point one hundred fifteen (115) feet south of the south curb line of Lockwood Avenue and a point two hundred (200) feet south thereof	No parking at any time
South side of Pocahontas	No parking at any time
On the north side of Providence Avenue from the west curb of North Laclede Station Road to the east curb of Yeatman Avenue	No parking at any time
On the north side of Providence Avenue from the west curb line of Yeatman Avenue to the east curb line of Summit Avenue	No parking at any time
On the north side of Ravine Avenue from the west curb line of North Elm Avenue to the east curb line of Bell Avenue	No parking at any time
East side of driveway adjacent to the east wall of Roberts Gymnasium running north from Bradford Avenue to the north end of Roberts Gymnasium; and the west side of driveway from the north side of Roberts Gymnasium to a point one hundred (100) feet north thereof; and the east side of driveway from a point sixty (60) feet north of Roberts Gymnasium to a point one hundred (100) feet north of Roberts Gymnasium	No parking at any time
East side of Robinson Avenue from Tuxedo Boulevard to Brookside Avenue	No parking at any time
East side of S. Rock Hill Road from Dobbin to Reavis Place	No parking at any time
East side of Rock Hill Road from the south line of Big Bend Boulevard southwardly to a point one hundred eighty (180) feet from the said south line of Big Bend Boulevard	No parking at any time
On west side of Rock Hill Road from south boundary line of Helfenstein to north boundary line of West Swon	No parking at any time
On the east side of Rock Hill Road for a distance of one hundred fifty (150) feet south of Lockwood	No parking at any time

Street	Regulation
On west side of Rock Hill from Lockwood to Helfenstein	No parking at any time
On east side of Rock Hill Road from north boundary line of West Swon to south boundary line of West Jackson	No parking at any time
East side of Rock Hill Road from south boundary line of Lockwood to north boundary line of Helfenstein	Two (2) hour parking 8:00 a.m. – 5:00 p.m. except Saturday and Sunday
100 block and 400-900 blocks on Eastside South Rock Hill Road	No Parking this side 12:00 a.m. midnight to 12:00 p.m. noon
200-300 blocks on East side of South Rock Hill Road (between West Swon Avenue and West Jackson Road)	No Parking Any Time
100 block and 400-900 blocks on Westside South Rock Hill Road	No Parking this side 12:00 p.m. noon to 12:00 a.m. midnight
200 and 300 blocks on West side of South Rock Hill Road (between West Swon Avenue and West Jackson Road)	No Parking 4:00 p.m. – 6:00 p.m. Monday through Friday Except holidays
North side of Roseacre Lane from the west line of Elm Avenue to the east line of Gray Avenue	No parking at any time
North side of Roseacre Lane from Gray Avenue to Big Bend Boulevard	No parking at any time
North side of Rosemont Avenue	No parking any time
Rosemont, on both sides, for distance of twenty-five (25) feet west of west curb of Maple	No parking at any time
On north side of Rosemont from Maple to Elm	No parking at any time
South side of Sanguine	No parking at any time
East side of Selma Avenue between Swon and Big Bend	No parking at any time
West side of Selma from north line of Bradford extended northerly to point seventy-five (75) feet south of south line of Lockwood	No parking 8:00 a.m. to 4:00 p.m. on any school day
East side of Selma Avenue from Bradford Avenue to Lockwood Avenue	No parking 7:00 a.m. – 8:00 a.m. and 2:00 p.m. – 3:00 p.m. on any

Street	Regulation
	school day
West side of Selma Avenue beginning seventy-two (72) feet South of Lockwood and continuing three hundred forty (340) feet south to the north Selma Avenue closing gate and on the East side of Selma Avenue from the north closing gate for a distance of thirty-two (32) feet northwards of the gate	Two (2) hour parking maximum from 8:00 a.m. to 4:00 p.m. Monday through Friday, except when the gates are open
East side of Selma Avenue from the north gate to the alley north of the high school building	Two (2) hour parking Monday through Friday, 7:00 a.m. – 4:00 p.m.
East side of Selma Avenue from fifteen (15) feet north of the alley north of the high school building to a spot one hundred (100) feet south of Lockwood Avenue	Parking allowed
West side of Selma Avenue from a spot one hundred (100) feet south of Lockwood Avenue to a spot fifteen (15) feet north of the second church parking entrance.	Parking allowed
West side of Selma Avenue south of the second church parking entrance to the north gate	Two (2) hour parking Monday through Friday, 7:00 a.m. – 4:00 p.m.
The south side of Southside Avenue from the east curb line of Pine tree Lane to the west curb line of Edgar Road	No parking at anytime
681 Oakwood Avenue East along Spring Avenue, to the intersection with Dale Avenue	No parking 9:00 a.m. – 4:00 p.m. Monday through Saturday
East side of Summit Avenue(a) From a point forty-nine (49) feet north of E. Lockwood Avenue, north to a private driveway, a distance of eighty-two (82) feet;(b) From a point fifty-two (52) feet South of Fair Oaks, south sixty-eight (68) feet to a private driveway;	Two (2) hour parking 8:00 a.m. – 6:00 p.m. except Sundays and holidays
West side of Summit Avenue(a) From a point sixty-two (62) feet North of E. Lockwood Avenue, north for a distance of one hundred thirty (130) feet; (b) From a point thirty-three (33) feet south of Lake Avenue, south of Lake Avenue, south for a distance of ninety-four (94) feet.	
Summit Avenue, west side only, from the north side of the driveway at 536 Lake Avenue to a point twenty (20) feet north of said driveway	No parking at any time

Street	Regulation
On west side of Summit Avenue from north curb line of Marshall Avenue to south curb line of North Park Avenue	No parking any time
Summit Avenue, Fair Oaks to Sunnyside	Residential Permit Parking Only from 7:00 a.m. – 9:00 a.m. and 1:00 p.m. – 3:00 p.m. on school days
East side of former Bi-State Right-of-Way(west leg of Summit Avenue)	No parking – fire lane
West side of former Bi-State Right-of-Way (west leg of Summit Avenue from intersection with Newport Avenue for a distance of one hundred five (105) feet	No parking here to corner
West side of former Bi-State Right-of-Way (west leg of Summit Avenue) from intersection of Fairview Avenue for a distance of eighty (80) feet	No parking here to corner
On the north side of East Swon Avenue from the west curb line of Laclede Station Road to the east curb line of South Old Orchard Avenue	No parking at any time
North side of Swon Avenue from the west curb line of Selma Avenue to a point one hundred twelve (112) feet west of west curb line of Selma Avenue	No parking at any time
North side of Swon Avenue from a point one hundred twelve (112) feet west of the west curb line of Selma Avenue to the east curb line of Sylvester Avenue	No parking 8:00 a.m. to 4:00 p.m. on any school day
East side of Sylvester Avenue from the south curb line of Lockwood Avenue to the north curb line of Swon Avenue	No parking at any time
East side of Sylvester Avenue from Swon Avenue to Big Bend Boulevard	No parking 8:00 a.m. to 4:00 p.m. Mondays through Fridays
West side of Sylvester Avenue from East Lockwood Avenue to Swon Avenue	Resident Only Parking 8:00 a.m. – 9:00 a.m. on school days
On the south side of Thornton Avenue from the west curb line of Brentwood Boulevard to the east curb line of Lorraine Davis Drive	No parking at any time
On the north side of Thornton Avenue from the west curb line of Brentwood Boulevard to the east curb line of Waymire	No parking at any time

Street	**Regulation**
Avenue	
On north side of Tuxedo Boulevard from Bompart to Summit	No parking at any time
On south side of Tuxedo Boulevard from Glen Road to Bompart Avenue	No parking at any time
On north side of Tuxedo Boulevard from Laclede Station Road to Big Bend Boulevard	No parking at any time
On north side of Tuxedo Boulevard from Summit to Yeatman	No parking at any time
North side of Tuxedo Boulevard from Yeatman Avenue for a distance of three hundred (300) feet	No parking any time
North side of 300 block of Tuxedo Boulevard	No parking any time
On south side of Tuxedo Boulevard from Yeatman to Laclede Station Road	No parking at any time
North end of Tyler Avenue beginning at a point where barricades indicate the end of the paved street	No parking at any time
East side of Tyler Avenue	No parking at any time
West side of Tyler Avenue fifteen (15) feet from north end	No parking at any time
On the east and north sides of Waymire Avenue from the north curb line of Thornton Avenue to the east curb line of Cornell Avenue	No parking at any time
North side of Waymire Avenue from the Entrance to Waymire Apartments westward to Bell Avenue	No Parking
On the north side of Westside Avenue from South Rock Hill Road to Lucille Avenue	No parking anytime
On the north side of Willis Avenue from the west curb line of Waymire Avenue to the east curb line of Holland Avenue	No parking or stopping at any time
South side of Willis Avenue between Holland Avenue and Cornell Avenue	No parking any time
On west side of Wilshusen Avenue from south curb line of Big Bend Boulevard to a point one hundred seventy-five (175) feet south of said curb line	No parking at any time
On the north side of Woodlawn Avenue between West Lockwood Avenue and South Rock Hill Road	No parking at any time

Street	**Regulation**
Yeatman Avenue, east side only, between Marshall Avenue and Newport Avenue	No parking at any time
West side of Yeddo Avenue from the South curb line of Baker Avenue for a distance of four hundred twenty-eight (428) feet	No parking at any time
East side of Swon Avenue between Selma And Big Bend	No parking at any time
On all public streets parking of any vehicle licensed to carry in excess of twelve thousand (12,000) pounds	Two (2) hour parking, unless necessary for delivery or permitted construction, or repairs

(Ord. No. 7209, § 1, 12-15-81; Ord. No. 7232, § 1, 9-21-82; Ord. No. 7236, §§ 1-2, 11-3-82; Ord. No. 7237, §§ 1-2, 11-3-82; Ord. No. 7248, §§ 1-2, 12-21-82; Ord. No. 7263, § 1, 5-3-83; Ord. No. 7289, § 1, 2-21-84; Ord. No. 7296, § 1, 3-6-84; Ord. No. 7298, § 1, 3-20-84; Ord. No. 7325, § 1(B), 12-18-84; Ord. No. 7343, § 1, 6-4-85; Ord. No. 7367, § 1, 1-7-86; Ord. No. 7390, § 1, 7-1-86; Ord. No. 7391, § 1, 7-1-86; Ord. No. 7411, § 1, 12-2-86; Ord. No. 7431, § 1, 3-17-87; Ord. No. 7438, § 1, 5-16-89; Ord. No. 7463, § 1, 10-6-87; Ord. No. 7485, § 1, 5-3-88; Ord. No. 7486, § 1, 5-3-88; Ord. No. 7487, § 1, 5-3-88; Ord. No. 7514, § 1, 12-20-88; Ord. No. 7518, § 1, 1-17-89; Ord. No. 7523, § 1, 2-7-89; Ord. No. 7524, § 1, 2-7-89; Ord. No. 7525, § 1, 2-7-89; Ord. No. 7539, § 1, 5-16-89; Ord. No. 7542, § 1, 6-6-89; Ord. No. 7543, § 1, 6-6-89; Ord. No. 7547, § 2, 7-5-89; Ord. No. 7554, § 1, 8-15-89; Ord. No. 7556, § 1, 8-15-89; Ord. No. 7557, § 1, 9-5-89; Ord. No. 7560, § 1, 9-5-89; Ord. No. 7564, §§ 1-2, 9-19-89; Ord. No. 7571, § 1, 10-17-89; Ord. No. 7570, § 1, 10-17-89; Ord. No. 7576, § 1, 12-5-89; Ord. No. 7577, § 1, 12-5-89; Ord. No. 7578, § 1, 12-5-89; Ord. No. 7579, §§ 1-2, 12-5-89; Ord. No. 7590, §§ 1-2, 3-6-90; Ord. No. 7600, § 1, 5-1-90; Ord. No. 7601, § 1, 5-1-90; Ord. No. 7602, § 1, 5-1-90; Ord. No. 7603, § 1, 5-1-90; Ord. No. 7617, § 1, 7-3-90; Ord. No. 7618, §§ 1-2, 7-3-90; Ord. No. 7638, § 1, 2-19-91; Ord. No. 7643, § 1, 4-2-91; Ord. No. 7653, § 2, 7-2-91; Ord. No. 7659, §§ 2-3, 10-15-91; Ord. No. 7660, § 1, 7-16-91; Ord. No. 7661, § 1, 7-16-91; Ord. No. 7662, § 1, 7-16-91; Ord. No. 7663, § 1, 7-16-91; Ord. No. 7817, § 1,6-7-94; Ord. No. 7864, § 1, 4-4-95; Ord. No. 7885, § 1, 10-3-95; Ord. No. 7888, § 1, 10-17-95; Ord. No. 7910, § 1, 3-5-96; Ord. No. 7911, § 1, 3-5-96; Ord. No. 7957, § 1, 12-3-96; Ord. No. 7970, § 1, 4-15-97; Ord. No. 7971, § 1, 4-15-97; Ord. No. 800, § 1, 11-4-97;Ord. No. 8006, § 1, 11-18-97 ;Ord. No. 8019 § 1, 2-17-98; Ord. No. 8021 § 1, 3-3-98; Ord. No. 8063, § 1, 10-20-98;Ord. No. 8072 § 1, 1-19-99; Ord. No. 8083, § 1, 2-16-99; Ord. No. 8127 § 1, 12-7-99; Ord. No. 8126, § 1, 12-7-99; Ord. No. 8123, § 1, 11-16-99; Ord. No. 8105, § 1, 6-22-99; Ord. No. 8102, § 1, 6-22-99; Ord. No. 8149, § 1, 5-2-00, Ord. No. 8157, § 1, 6-20-00; Ord. No. 8179, § 1, 12-5-00; Ord. No. 8180, § 1, 12-5-00; Ord. No. 8181, § 1, 12-5-00; Ord. No. 8216, § 1, 8-21-01; Ord. No. 8217, § 1, 8-2-01; Ord. No. 8209, § 1, 7-10-01; Ord. No. 8237, § 1, 12-4-01; Ord. No. 8238, § 1, 12-4-01; Ord. No. 8253, § 1, 1-8-02; Ord. No. 8262, § 1, 2-19-02, Ord. No. 8281, § 1, 6-18-02; Ord. No. 8324, § 1, 1-7-03; Ord. No. 8347, § 1, 8-5-03; Ord. No. 8348, § 1, 8-5-03; Ord. No. 8349, § 1, 8-5-03; Ord. No. 8350, § 1, 8-5-03; Ord. No. 8351, § 1, 8-5-03; Ord. No. 8363, § 1, 12-16-03; Ord. No. 8397, § 1, 3-16-04; Ord. No. 8398, § 1, 3-16-04; Ord. No. 8318, § 1, 11-19-02; Ord. No. 8319, § 1, 11-19-02; Ord. No. 8319, § 1, 11-19-02; Ord. No. 8415, §

1, 8-17-04; Ord. No. 8416, § 1, 8-17-04; Ord. No. 8417, § 1, 8-17-14; Ord. No. 8418, § 1, 8-17-04; Ord. No. 8418, § 1, 8-17-04; Ord. No. 8419, §§ 1-2, 8-17-04; Ord. No. 8421, § 1, 8-17-04, Ord. No. 8466, § 1, 7-19-05, Ord. No. 8467, § 1, 7-19-05, Ord. No. 8468, § 1, 7-19-05, Ord. No. 8515, § 1, 9-5-06, Ord. No. 8516, § 1, 9-5-06, Ord. No. 8521, § 1, 11-21-06, Ord. No. 8522, § 1, 12-05-06, Ord. No. 8523, § 1, 11-21-06, Ord. No. 8524, § 1, 11-21-06; Ord. No. 8565, § 1, 9-4-07; Ord. No. 8569, § 1, 10-16-07; ;Ord. No. 8575, § 1, 12-4-07; Ord. No. 8649, § 2, 9-1-09; Ord. No. 8673, § 1, 7-6-10)

Section 60.976. Tow-Away Zones.

Any vehicle parked in violation of tow-away zones, as designated and established under Chapter 60, Article XV, Section 60.975 of the Code of Webster Groves, may be towed away and removed from said tow-away zone pursuant to Chapter 60, Article XIV, Section 60.930 of the Code of Webster Groves, in accordance with the schedule of fine and charges contained therein.

Any vehicle parked in violation of the tow-away zones designated and established under Chapter 60, Article XV, Section 60.975 of the Code of Webster Groves, which is not towed away or removed pursuant to the provisions of Section 60.930, shall be issued a ticket under the provisions of Chapter 60, Article XIV, Section 60.915, and the fine for conviction of said violation shall be assessed in the sum of Fifteen Dollars ($15.00) together with costs of court.

The city manager may designate on street parking spaces as reserved for the handicapped which shall be located nearest to curb cuts or the accessible entrance to a building. Such designation is not mandatory and, where possible, such handicapped parking spaces should be located in public off-street parking lots rather than on public streets. Any on street parking spaces so designated shall be posted as provided in Ordinance No. 7414 [Section 70.026] and shall be for the benefit of vehicles with identification as provided in Ordinance No. 7414 [Section 70.026]. Such handicapped parking spaces shall be placed by ordinance in Section 60.975 Schedule H of this Code by describing the adjacent street address and listing the regulation as "**Handicapped Parking Tow-Away Zone**." (Ord. No. 7415, § 1, 12-16-86)

Cross reference – Automobile trespass, Section 70.026.

Section 60.980. Schedule I – Parking Meter Zones.

In accordance with Article VII of this Chapter, parking meter zones are hereby established upon those streets or portions thereof hereinafter enumerated and the parking of vehicles thereon shall be regulated by parking meters between the hours specified of any day except Sundays and legal holidays as follows:

Between 8:00 a.m. and 6:00 p.m., with a maximum of two (2) hours continuous meter parking by any one vehicle:

Old Orchard District

The north side of Big Bend Boulevard: From Dale to Oakwood; from Old Orchard eastwardly toward Oakwood; from Old Orchard westwardly toward Lockwood; from Summit Avenue eastwardly.

The south side of Big Bend Boulevard: From Chamberlain to Murdoch Avenue; from Murdoch Avenue to Log Cabin Lane; from Log Cabin Lane to Old Orchard; from Old Orchard to Lockwood (along triangle).

The south side of Big Bend Boulevard: From Chamberlain Place easterly to a point one hundred sixty (160) feet.

The west side of Old Orchard: From Big Bend Boulevard southwardly three (3) spaces.

(Ord. No. 7209, § 2, 12-15-81; Ord. No. 7325, § 1(A), (C), 12-18-84; Ord. No. 7653, § 1, 7-2-91)

Section 60.982. Municipal Parking Lot Provisions.

In all municipal parking lots and spaces in the Old Webster Business District extended 4 hour parking in 2 and 3-hr parking spaces shall be allowed anywhere in the district with a permit (placard) issued by the City as set forth herein. Any legitimate representative of a city licensed business within the district may purchase permits (placards) from the city. The permits allow 4 hour parking in any 2 or 3 hr parking space within the district for customers and visitors to the district. Businesses may issue one permit per vehicle per day to any customer or visitor. The vehicle operator is responsible for legibly indicating the date and times in the appropriate place on the extended parking permit (placard) using indelible ink or marker. The permit must be displayed on the driver's side dashboard and clearly visible through the windshield. Altered or improperly dated and timed permits will be void, and the parked vehicle will be subject to the posted parking regulations for the occupied parking space. Permits purchased by a business can only be issued by that business to individuals for one time use as an extended parking permit. Permits may not be resold or transferred to another business or private person. A Business may recover the cost of a permit by charging an individual an amount not to exceed their original cost. From time to time, the Director of Finance shall submit a proposed fee to be charged for an extended parking permit for approval by motion by the City Council.

The Municipal off-street parking lot in the Gore-Lockwood Business District is hereby declared to be a three (3) hour continuous parking limit, and the limit of a maximum of three (3) hours continuous parking shall be indicated by appropriate signs or directions.

The Municipal off-street parking lot on South Gore Avenue, containing eighty-five (85) spaces, and the municipal off-street parking lot on Allen Avenue containing sixteen (16) spaces are hereby designated permit parking only at a rate of One Hundred and Fifty Dollars ($150.00) per year.

The Municipal off-street parking lot on South Gore Avenue located behind the Farm and Home Savings Association's Building at 110 Lockwood Avenue, containing 41 parking spaces, is hereby declared to be a three (3) hour continuous parking limit, and the limit of a maximum of three (3) hours continuous parking shall be indicated by appropriate signs or directions. The twenty parking spaces on the south side of the upper level public parking area shall be three (3) hour customer parking.

The Municipal off-street parking lot at 613 East Lockwood Avenue is hereby declared to be a two (2) hour continuous parking lot limit, and the limit of a maximum of two (2) hours continuous parking shall be indicated by appropriate signs or directions.

The Municipal off-street parking lot in the Old Orchard Business District located south of Big Bend Boulevard just off of Log Cabin Lane into a lot with a three (3) hour continuous parking limit, and the limit of a maximum of three (3) hours continuous parking shall be indicated by appropriate signs or directions, except for six (6) spaces closest to the mail drop off at the south end of the lot, which will be all day parking by permit only.

Parking Lot	**Regulation**
Municipal Parking Lot in Old Orchard Business District located south of Big Bend Boulevard just off of Log Cabin Lane	Three (3) hour parking limit
Municipal Parking Lot in Old Webster Business District located at the southwest corner of the North Gore Avenue and West Pacific Avenue Intersection	Two (2) hour parking limit, with Handicapped Only in the western most space
Municipal Parking Garage in Old Webster Store Town Special Business District at 75 West Moody Avenue	All spaces on the upper level of the parking deck shall be designated for 3-hour customer parking, except for six (6) parking spaces on the west side of the upper deck nearest the fountain, which shall remain designated for 30-minute customer parking.
The Shoppes at Old Webster:	
(a) 34 on-street parking spaces	Two (2) hour customer parking only
(b) 171 Off-street parking spaces	Three (3) hour customer parking only (except that the parking garage upper deck only shall be two (2) hour customer parking)
(c) 69 spaces not in public garage	Permit parking only
(d) 40 spaces in lower parking garage (plus additional 18 spaces as determined necessary by City Manager)	Permit parking only
(e) 4 spaces	reserved for owner/tenant 115 W. Lockwood (all permits and reservations at this location effective 7:00 a.m. to 5:00 p.m. Monday through Friday)

(f) 20 spaces on the south side of the upper level parking lot at 110 W. Lockwood Avenue	Three (3) hour customer parking

(Ord. No. 7325, § 1(C), 12-18-84; Ord. No. 7373, § 1, 2-18-86; Ord. No. 7435, §§ 1-2, 5-5-87; Ord. No. 7893, § 1, 12-5-95; Ord. No. 8019, § 2, 2-17-98, Ord. No. 8443, § 2, 12-21-04 (repealed), Ord. No. 8462, § 2, 7-5-05; Ord. No. 8689, § 1, 10-5-10; Ord. No. 8694, § 1, 11-16-10).

Section 60.985. Schedule J – Load Restrictions on Commercial Vehicles Using Certain Streets.

In accordance with Article XIII of this Chapter, no person shall operate any commercial vehicle weighing in excess of the gross vehicle weight specified herein, at any time upon any of the following streets or portions thereof; provided, however, that nothing herein shall be construed to impair necessary local delivery service on said streets nor the crossing of said streets at its intersection with the designated terminal streets:

Street	**Restriction**
Brookside Avenue from Laclede Station Road to Robinson Avenue	No through truck traffic
Edgar Road between Big Bend Boulevard and Highway 66	No through truck traffic – local pickup or delivery only
Glendale Road between Big Bend Boulevard and Edgar Road	No through truck traffic–local origin or delivery only
Grant Road between Big Bend Boulevard and the southern city limits	No through truck traffic – local origin or delivery only
Gray Avenue between Big Bend Boulevard and Lockwood Avenue	No through truck traffic – local origin or delivery only
Kirkham Avenue from North Rock Hill Road to Western City Limits	No through truck traffic – local origin or delivery only
Maple Avenue between Big Bend Boulevard and East Frisco Avenue	No through truck traffic
Marshall Avenue and Key West Avenue between Laclede Station Road and Big Bend Boulevard	No through trucks (only trucks making deliveries or servicing residences on said streets will be permitted)
Marshall Avenue from North Laclede Station Road west to Brentwood Boulevard	No through truck traffic – local origin or delivery only
Oakwood Avenue between Big Bend	Five thousand (5,000) pounds

Street	**Restriction**
Boulevard and Summit Avenue	
East Old Watson Road between South Elm Avenue and Watson Road	No through truck traffic – local origin or delivery only
North side of West Old Watson from South Elm to Gardenia	No Parking at any time
Robinson Avenue from Brookside Avenue to Tuxedo Boulevard	No through truck traffic
Rock Hill Road from West Kirkham Avenue to West Big Bend Boulevard	No through truck traffic
South Elm Avenue between Big Bend Boulevard and Lockwood Avenue	No through truck traffic – local origin or delivery only
South Elm Avenue between Glendale Road and Watson Road	No through truck traffic – local origin or delivery only
South Gore Avenue between Big Bend Boulevard and Lockwood Avenue	No through truck traffic – local origin or delivery only
Sylvester Avenue between Big Bend Boulevard and East Lockwood Avenue	No through truck traffic – local pickup or delivery only
South Maple Avenue between East Jackson Road and Lockwood Avenue	No through truck traffic – local origin or delivery only
South Rock Hill Road between Big Bend Boulevard and West Old Watson Road	No through truck traffic – local origin or delivery only
Tuxedo Boulevard between Laclede Station Road and Big Bend Boulevard	No through trucks (only trucks making deliveries or servicing residences on said streets will be permitted)
West Old Watson Road between South Rock Hill Road and South Elm Avenue	No through truck traffic – local origin or delivery only

(Ord. No. 7432, § 1, 3-17-87; Ord. No. 7517, § 1, 1-17-89; Ord. No. 8649, § 2, 9-1-09)

All motor vehicle trucks over one ton capacity are prohibited from attempting to cross the Union Pacific Railroad tracks in either direction at the following locations:

a. Cherry Street crossing

b. Rock Hill Road crossing

c. Oakwood Avenue crossing

These restrictions shall not apply to vehicles designated as public safety (police, fire, and ambulance) vehicles, public utility vehicles, Public Works vehicles and public service vehicles which have a specific purpose for using these crossings.

Section 60.990. Schedule K – Right Turns Prohibited.

No operator of a motor vehicle shall make a right turn from Lockwood southwestwardly or westwardly into Big Bend Boulevard.

Right turns on red light at electrically controlled intersections are permitted under specific circumstances as set forth in Chapter 60, Article III, Section 60.115, "**Traffic-control signal legend**." (Ord. No. 7209, § 3, 12-15-81)

Section 60.995. Schedule L – No Passing Zones.

Big Bend Boulevard between South Rock Hill Road and Gray Avenue – "No passing."

Laclede Station Road from the south line of Murdoch Avenue to the north line of Kenridge Avenue – "No passing."

North Laclede Station Road, between Marshall Avenue and Big Bend Boulevard – "No passing."

South Elm Avenue between Old Watson Road and Highway 66 – "No passing."

South Rock Hill Road from Swon Avenue to Jackson Road – "No passing."

Section 60.996. Schedule M – Left Turns Prohibited.

No operator of a motor vehicle shall make a left turn from Armin Lane onto Big Bend Boulevard at the intersection of said streets between the hours of 4:00 p.m. and 6:00 p.m., except on Saturdays, Sundays and holidays.

No operator of a motor vehicle shall make a left turn from Big Bend Boulevard onto Lockwood Avenue at the intersection of said streets.

No operator of a motor vehicle shall make a left turn from Marshall Avenue onto the east leg of Summit Avenue.

No operator of a motor vehicle shall make a left turn from the south bound exit circular drive at 9 S. Bompart Avenue onto Big Bend Boulevard.

No operator of a motor vehicle shall make a left turn from the east leg of Summit Avenue onto Marshall Avenue.
(Ord. No. 7575, § 2, 12-5-89)

No operator of a motor vehicle shall make a left turn from westbound W. Glendale into the driveway of 12 W. Glendale from 4:00 p.m. to 6:00 p.m., Monday through Friday.
(Ord. No. 7865, § 1, 4-4-95)

No operator of a motor vehicle (with the exception of buses) shall make a left turn onto Gore Avenue from West Lockwood from 4:00 p.m. through 6:00 p.m. Monday through Friday.
(Ord. No. 8578, § 1, 12-18-07)

Section 60.997. Schedule N – Right Turns Required.

In accordance with Article XV of the Chapter, every vehicle shall turn right when in the right lane of the street first mentioned below at the designated intersections:

Street	Regulation
West side of Elm Avenue north of its intersection with Glendale Road	Right lane must turn right
On the west side of Elm Avenue north of its intersection with Lockwood Avenue	Right lane must turn right

(Ord. No. 7209, §4, 12 15 81)

Section 60.998. Schedule O – Pedestrian Overpass.

The Woodhaven Bridge Pedestrian Overpass shall be used by pedestrian traffic only, and any use thereof by motorcycles and/or motor vehicles is hereby prohibited.

Section 60.999. Schedule P – Streets Closed to Vehicular Traffic.

In accordance with Article III, Section 60.135 of this Chapter, vehicular traffic shall be prohibited or limited on certain streets in Webster Groves as described in this schedule:

Street	Regulation
Selma Avenue from the north curb line of Bradford Avenue to a point four hundred twelve (412) feet south of the south curb line of Lockwood Avenue	No vehicular traffic between 8:30 a.m. and 2:30 p.m., on all days when the Webster Groves High School is in session

In accordance with Article V, Section 60.291 of this Chapter, traffic shall stop and yield the right-of-way to any pedestrian within or on any part of the following crosswalks on the first named street at the locations indicated below:

Name of Street
S. Rock Hill Road at Belleview Avenue
S. Brentwood Boulevard at Newport Avenue
E. Lockwood Avenue at Sylvester Avenue
100 Selma Avenue (in front of high school)

Name of Street
Edgar Road at Catalina Avenue
1136 Selma Avenue
1202 Eastbrook Lane
1135 Cheshire Lane
401 Larkhill
400 Cannonbury Lane
Lockwood Court at Westborough Place
S. Rock Hill Road at Central Avenue
Edgar Road at Chestnut Hill Lane
W. Glendale Road at S. Gore Avenue
S. Rock Hill Road at West Side Avenue
Big Bend Boulevard at Plymouth Avenue
E. Lockwood Avenue at Selma Avenue
S. Elm Avenue at Cedar Avenue
S. Gore Avenue at W. Cedar Avenue
Gray Avenue at W. Cedar Avenue
Jefferson Avenue at W. Cedar Avenue
1131 Edgar Road (in front of Edgar Road School)
W. Lockwood Avenue at Jefferson Road (from the parking lot at the southwest corner to the Reliable Life Building)
Colebrook Drive at entrance/exit to Hixson School (school crossing)

(Ord. No. 7919, § 2, 4-16-96; Ord. No. 8221, § 2, 10-2-01; Ord. No. 8230, § 1, 11-6-01; Ord. No. 8649, § 2, 9-1-09).

Section 60.999.1. Schedule Q – Residential Parking Zones.

East side of Jefferson Road from Cedar to Helfenstein: Resident parking only between the hours of 7:30 a.m. and 5:00 p.m. Mondays through Fridays, inclusive.

Resident only parking on the East Side of Selma Avenue beginning one hundred forty (140) feet south of Bradford Avenue's south curb cut and continuing south to Big Bend Boulevard, on the west side of Selma Avenue beginning two hundred (200) feet south of Bradford Avenue's south curb cut and continuing south to Big Bend Boulevard, and on the north side only of the 400 block of Swon Avenue between the hours of 8:00 a.m. and 8:00 p.m. Mondays through Fridays, except Holidays.

(Ord. No. 8250, § 2, 1-8-02; Ord. No. 8251, § 1, 1-8-02; Ord. No. 8286, § 1, 7-16-02)

PART VIII. OFFENSES

CHAPTER 70. OFFENSES

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CHAPTER 70. OFFENSES

Article I. Offenses Against Property

Section 70.010. Injury to Real or Personal Property Prohibited.

It shall be unlawful for any person within the City of Webster Groves to injure, deface, destroy or remove either real or personal property of any other person or corporation without the consent of the owner thereof.

Section 70.012. Graffiti.

a. As used in this section the word "**graffiti**" shall mean and refer to any unauthorized inscription, word, phrase, motto, name, figure, symbol, picture or design which is written scribbled, marked, etched, scratched, burned, carved, drawn or painted on any exterior surface or structural component of any building, structure, or other facility regardless of the nature of the material of that structural component. Graffiti shall constitute a nuisance.

b. No person shall cause graffiti to be placed upon any public or private building, fence, wall, bridge, sidewalk, road, parking area, driveway, or similar structure or surface, nor shall the owner thereof suffer the same to remain thereon for a period exceeding ten (10) days after the date notice is mailed to such person by U.S. Mail, postage prepaid.

c. No person may be in possession of any spray paint or any container thereof, nor any permanent or semi-permanent paint pens or similar device while in or upon any public or private road, or upon any public sidewalk, parking area, driveway, park or premises, with the intent of causing graffiti as defined in subsection (b). Possession of a spray paint can in a public building, park, facility, or alley shall create a rebuttable presumption of intent to use the spray paint to cause graffiti in violation of this ordinance.

d. If any unemancipated minor is found guilty of a violation of this ordinance or is shown to have placed graffiti on the property of another, the parent(s) or guardian(s), excluding foster parents, having custody or control of such minor at the time the minor causes graffiti to be made in violation of this ordinance, may be held liable in a civil action for damage to property and cost of removal of graffiti from property.

1. Damages shall be recoverable as follows:

A. Damages up to Two Thousand Dollars ($2,000.00), shall be recoverable in full; and

B. Damages exceeding Two Thousand Dollars ($2,000.00) are recoverable to the extent of one-half (1/2) of such damages actually suffered and in addition to the damages received under subsection (a); and

C. Any injured party may not collect more damages than are sufficient to make that party whole; and

D. Payment of costs and attorneys' fees may be awarded in addition to damages if judgment shall be rendered against a party litigant and, in the opinion of the court, such award is merited.

2. The liability provided in this subsection is additional to, and does not preclude any statutory or common law liability of parent(s), guardian(s) or unemancipated minor.

3. The purpose of this ordinance is to partially compensate tort victims and to impose upon parents and guardians the responsibility to control the actions of their children.

e. In addition to the abatement provisions of this chapter, any person found guilty of violating any provision of this section may, upon conviction, be punished as provided in Section 70.040 of this code.

(Ord. No. 7946, § 1, 1-21-97)

Section 70.015. Tampering with Personal Property Prohibited.

It shall be unlawful for any person within the City of Webster Groves to tamper with, possess, injure, deface, destroy or remove any sign, notice marker, fire alarm box, fire plug, or other personal property whatsoever, without the consent of the owner thereof.

Section 70.020. Petit Larceny.

Any person who attempts to steal, steals, or aids or abets any other person in such attempting or stealing of any money, personal property, or the effects of another, under the value of Five Hundred Dollars ($500.00) shall be deemed guilty of petit larceny and subject to the penalties herein provided. (Ord. No. 8060, § 1, 10-20-98, Ord. No. 8446, § 1, 2-1-05)

Section 70.023. Obtaining Property by False Pretenses; by Passing Bad Checks; Prima Facie Evidence Of Violation.

a. No person who, with the intent to cheat and defraud, shall obtain or attempt to obtain from any other person or persons any money, services, property or valuable thing whatsoever, by means or by use of any trick or deception, or false or fraudulent representation, including the fraudulent use of credit cards or other credit device, or statement or by fraudulent pretense or by any other means or instrument or device, commonly called "the confidence game," or by means of or by use of any false or bogus check, or by means of a check drawn with intent to cheat and defraud on a bank in which the drawer of the check knows he has no funds, or by means or by use of any corporation stock or bonds, or by any other written or printed or engraved instrument or spurious coin or metal, and no person shall procure or attempt to procure any article or thing of value by making or drawing or uttering or delivering with intent to defraud, any check, draft or order for the payment of money upon any bank or other depository, knowing at

the time of such making, drawing, uttering or delivering that the maker or drawer does not have sufficient funds in or credit with such bank or depository for the payment of such check, draft or order in full upon its presentation.

As used in this subsection, the word "**credit**" shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

b. As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank or other depository, provided such maker or drawer shall not have paid the drawee the amount due thereon, together with all costs and protest fees, within ten (10) days after receiving notice that such check, draft or order has not been paid by the drawee. (Ord. No. 7246, § 1, 12-21-82)

Section 70.025. Trespassing.

No person other than one authorized by law, may go over or upon or remain on the property of another without the consent of the owner, or, while in or upon the property of another, may dig or remove any soil therefrom, or deposit or throw thereon any object, or may remove any plant, grass, sod, shrub, or any other article, or may cut, damage, deface or in any manner injure, destroy or mutilate any tree, shrub, flower, plant or other growing thing. Nor shall any such person remain on the property of another, although originally licensed or permitted so to do, after the owner or lawful occupant thereof shall have directed or requested such person to remove himself. Nor shall any such person, whether or not on the property of the owner or lawful occupant, block the means of egress or access thereto or interfere with the free passage of persons desiring such access or egress.

Section 70.026. Automobile Trespass.

a. No person shall park or stand a motor vehicle, whether occupied or not, in a private driveway, on a private parking lot, or on private property, without the express or implied consent of the owner or other person in lawful charge of such driveway, parking lot, or property.

b. For the purpose of subsection (1), the parking or standing of a motor vehicle in a handicapped parking space is without the consent of the owner or other person in charge of the property unless the vehicle bears a distinguishing license plate or placard issued pursuant to Section 301.142 or Section 301.071, R.S.Mo.

c. For the purpose of subsection (1), the parking or standing of a motor vehicle in a handicapped parking space is without the consent of the owner or other person in charge of the property unless the operator of the vehicle or a passenger is presently handicapped or is a temporarily disabled person.

d. For the purpose of this section,

1. "**Handicapped**" has the meaning ascribed to "physically disabled" in Section 301.142, R.S.Mo.

2. A "**handicapped parking space**" is a parking space that meets the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established thereto and on which there is inscribed, and adjacent to which there is a posted sign upon which is inscribed the international symbol of accessibility on a blue background and the words "**Handicapped Parking**" in white, and which signs, or an additional sign posted below or adjacent to such sign, shall after January 1, 1998 also indicate that the space is reserved for the exclusive use of vehicles that display a distinguishing license plate or card and shall include the following: "Fifty Dollar ($50.00) to Three Hundred Dollar ($300.00) fine."

3. "**Motor vehicle**" is any self-propelled vehicle not operated exclusively on tracks, and includes the definition of "vehicle" given in Section 301.010 R.S.Mo.

4. "**Private driveway**," "**private parking lot**," and "**private property**" mean any driveway, parking lot or property other than public streets, and includes any other driveway, parking lot, or property, even if owned by a governmental entity, including the City of Webster Groves.

5. "**Temporarily disabled person**" has the meaning ascribed to that term in Section 301.142(2), R.S.Mo.

e. If any motor vehicle is found in violation of this section, the owner or person in whose name such vehicle is registered in the records of any city, county, or state shall be held prima facie responsible for such violation, if the owner thereof is not present.

f. The owners or other persons in lawful charge of such private driveway, private parking lot, or private property shall have sole responsibility for designating, posting, and maintaining such handicapped parking spaces, and shall advise the City of Webster Groves police department of the existence of such handicapped parking spaces and of infractions of this section. (Ord. No. 7414, § 1, 12-16-86)

g. Police officers may cause the removal of any vehicle not displaying a distinguishing license plate or care on which is inscribed the international symbol of accessibility and the word disabled issued pursuant to Section 301.142 or a "disable veteran" license plate issued pursuant to Section 301.071 or a distinguishing license plate or card issued by any other state from a space designated for physically disabled persons if there is posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed the international symbol of accessibility in white on a blue background and any appropriate wording to indicate the space is reserved for the exclusive use of vehicles that display a distinguishing license plate or card.

h. Any person who parks in a space reserved for a handicapped or temporarily disabled person and does not display a distinguishing license plate or card is

guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars ($50.00) and not more than Three Hundred Dollars ($300.00).

i. Any vehicle that has been removed under the authority of this section and is not properly claimed within thirty (30) days after removal shall be considered to be an abandoned vehicle.

j. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to Sections 301.071 or 301.142 to park in a parking space reserved under authority of this section shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars ($50.00) and not more than Three Hundred Dollars ($300.00). (Ord. No. 8015, § 2, 1-6-98).

Section 70.030. Damage to Buildings, Gates, Poles, Fences, Etc., Prohibited.

No person may willfully and without authority cut, take, or throw down, or carry away any gate, or tear from any gate or fence any picket, board, or rail, or tear off any plank from any sidewalk, or building, or deface, smear or daub with paint or other substance any fence, wall, barn, or house, or any telegraph, telephone, electric light or trolley pole or other real property.

Section 70.035. Damage to Signs Prohibited.

No person may willfully and without authority remove, or in any manner deface, or smear or daub with paint, or any other substance, any sign or other article lawfully used or placed as an advertisement by any person in front of or upon any building which he occupies for carrying on his business or profession, or any sign erected or authorized to be erected by the City of Webster Groves.

Section 70.040. Penalty for Violation. - Repealed (Ord. No. 7983, § 3, 6-10-97)

Section 70.050. Abandonment of Vehicles – Definitions.

The following terms, when used in this article, shall mean:

a. "**Abandoned Property**" any unattended motor vehicle, trailer, off-road vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this article, whether or not operational. [304.001(1)]

b. "**Derelict Vehicle**" any vehicle that is abandoned, deserted, nonoperative, partially dismantled, wrecked, junked or does not display thereon a current valid license plate.

c. "**Freeway**" a divided state highway with four or more lanes, with no access to the throughways except the established interchanges and with no at-grade crossings. [304.001(6)]

d. "**Interstate Highway**" a state highway included in the national system of interstate highways located within the boundaries of the city, as officially

designated or as may be hereafter designated by the Missouri Highway and Transportation Commission with the approval of the United States Secretary of Transportation, pursuant to Title 23, United States Code, as amended. [304.001(7)]

e. "**Off-Road Vehicle**" any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without benefit of a road or trail:

1. Including, without limitation, the following:

A. Jeeps;

B. All-terrain vehicles;

C. Dune buggies;

D. Multi wheel drive or low-pressure tire vehicles;

E. Vehicle using an endless belt, or tread or treads, or a combination of tread and low pressure tires;

F. Motorcycles, trail bikes, mini bikes and related vehicles;

G. Any other means of transportation deriving power from any source other than muscle or wind; and

2. Excluding the following:

A. Registered motorboats;

B. Aircraft;

C. Any military, fire, or law enforcement vehicle;

D. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;

E. Any vehicle being used for farm purposes, earth moving, or construction while being used for such purposes on the work site;

F. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; and

G. Any vehicle being used for the purpose of transporting a handicapped person. [304.001(9)]

f. "**Person**" shall mean any natural person, firm, partnership, association, corporation, company or other legal entity. [304.001(10)]

g. "**Property**" shall mean any real property within the city which is not a street or highway, or other public property.

h. "**Right-of-Way**" the entire width of land between the boundary lines of a state highway, city street or alley, including any roadway, and shall include for the purpose of this article public walkways and sidewalks. [304.001(11)]

i. "**Roadway**" that portion of a state highway, city street or alley used for vehicular travel, exclusive of any berm or shoulder. [304.001(12)]

j. "**State Highway**" a highway constructed or maintained by the state highways and transportation commission with the aid of state funds or United States government funds, or any highway included by authority of law in the state highway system, including all right-of-way. [304.001(13)]

k. "**Towing Company**" any person or entity which tows, removes, or stores abandoned property. [304.001(14)]

l. "**Vehicle**" shall mean a machine propelled by powers, 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, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(Ord. No. 7993, § 1, 8-19-97)

Section 70.051. Abandonment of Vehicles.

a. **Towing Abandoned Property on Right-of-Way and Public Lands.**

1. Any law enforcement officer within the officer's jurisdiction may authorize a towing company to remove to a place of safety:

A. Any abandoned property on the right-of-way of:

(i) any interstate highway, freeway or state highway, left unattended for more than ten (10) hours; [304.155(1)]

(ii) any other public street or alley left unattended for more than ninety-six (96) hours, or less if the abandoned vehicle, in the judgment of a law enforcement officer of the City of Webster Groves, constitutes a safety hazard or unreasonably interferes with the use of public property. Notwithstanding the foregoing, a person may permit up to two duly licensed motor vehicles that are not derelict and that are otherwise lawfully in the area to remain parked on public streets abutting such person's primary residence to exceed the 96-hour limit only during vacations, illnesses or other extreme circumstances, and may raise such an excuse as a defense to a citation for violation of this subsection in the municipal court;

provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. § 5103(a) may only be removed under this article to a place of safety until

the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; [Section 304.155(1)]

B. Any unattended abandoned property illegally left standing upon any highway, street, alley or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal; [Section 304.155.1(2)]

C. Any abandoned property which has been abandoned under Section 577.080, R.S.Mo.; [Section 304.155.1(3)]

D. Any abandoned property which has been reported as stolen or taken without consent of the owner; [Section 304.155(1)(4)]

E. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal; [Section 304.155(1)(5)]

F. Any abandoned property which due to any other state law or city ordinance is subject to towing because of the owner's outstanding traffic or parking violations; [Section 304.155.1(6)]

G. Any abandoned property left unattended in violation of a state law or city ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard; or [Section 304.155.1(7)]

H. Any abandoned property illegally left standing on the waters of the city and state as defined in Section 306.010, R.S.Mo., where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or floating loose on the water. [304.155.1(8)]

2. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this article other than damages occasioned by gross negligence or by willful or wanton acts or omissions. [Section 304.155(4)]

3. The owner of abandoned property removed as provided in this article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in subsection (d) of this section. [Section 304.155(5)]

4. Upon the towing of any abandoned property under this article, the police department shall make an inquiry with the National Crime Information

Center and any statewide law enforcement computer system to determine if the abandoned property has been reported as stolen. The police department shall enter the information pertaining to the towed property into the statewide law enforcement computer system. The police department shall submit a crime inquiry and inspection report to the Missouri Department of Revenue, on any unclaimed abandoned property, within ten (10) working days of the towing of the abandoned property. The crime inquiry and inspection report shall include the following:

A. The year, model, make and property identification number of the property;

B. A description of any damage to the property noted by the law enforcement officer;

C. The license plate or registration number and the state of issuance, if available;

D. The storage location of the towed abandoned property;

E. The name, telephone number and address of the towing company;

F. The date, place and reason for the towing of the abandoned property;

G. The date of the inquiry of the National Crime Information Center, any statewide law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen;

H. The signature and printed name of the law enforcement officer and the towing operation; and

I. Any additional information the Missouri Department of Revenue deems appropriate. [Section 304.155.6]

5. The Police Department shall complete a uniform “Authorization to Tow” form provided by the Missouri Department of Revenue. The completed form shall be issued by the authorizing law enforcement officer to the towing company for that company’s records as proof of authorization to tow particular abandoned property. One copy of the crime inquiry and inspection report shall remain with the police department. One copy shall be provided to and retained by the towing company and one copy shall be provided to and retained by the storage facility in an accessible format in its business records for a period of three (3) years from the date of the tow or removal. [Sections 304.155.7 and 304.155.8]

6. The owner of towed abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all

reasonable charges for the towing and storage of the abandoned property. [Section 304.155.9]

7. Any towing company who removes abandoned property at the direction of a law enforcement officer as provided in this article shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Such lien shall be enforced in the manner described in Section 304.156, R.S.Mo. [Section 304.155.10]

8. Towing companies shall keep a record for three (3) years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain a copy of the law enforcement officer's authorization to tow, copies of all correspondence with the Missouri Department of Revenue concerning the abandoned property, and information concerning the final disposition of the possession of the abandoned property. [Section 304.155.11]

9. Any personal property within the towed abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping of the abandoned property have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the personal property shall be strictly liable for the condition and safe return of the property. [304.155.10]

10. Stolen, unidentified or impounded personal property, other than the abandoned property, which is removed or caused to be removed by the police department shall be stored at the law enforcement center, unless because of its size, nature or condition it should reasonably be stored elsewhere. Such personal property may be subject to the actual cost of removal and administrative and storage fees, provided that the storage fee for such unclaimed personal property shall not be less than One Dollar ($1.00) per day of storage.

b. **Towing Abandoned Property on Private Lands.**

1. If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any law enforcement officer within the officer's jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

A. The abandoned property is left unattended for more than forty-eight (48) hours; or

B. In the judgment of the law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession. [Section 304.157(1)]

2. The owner of real property or lessee in lawful possession of the real property may authorize a towing company to remove abandoned property without authorization by a law enforcement officer only when the owner, lessee or agent of the real property is present and only under any of the following circumstances:

A. There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained;

B. The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six (96) hours have elapsed since that notification; or

C. The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten (10) days have elapsed since that notification. [Section 304.157(2)]

3. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:

A. The year, model, make and abandoned property identification number of the property;

B. A description of any damage to the property noted by owner or lessee in possession of the real property;

C. The license plate or registration number and the state of issuance, if available;

D. The physical location of the property and the reason for requesting the property to be towed;

E. The date the report is completed;

F. The signature and printed name of the owner or lessee in possession of the real property; and

G. The name of the law enforcement agency notified of the abandoned property. [Section 304.157(3)]

4. Neither the law enforcement officer or anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by gross negligence or by willful or wanton acts or omissions. [Section 304.157(5)]

5. When the owner of real property or a lessee in lawful possession of the real property authorizes a towing company to remove abandoned property without the authorization of a law enforcement officer, pursuant to subsection (2) and a towing company submits an abandoned property report to the police department, the police department must record the date the abandoned property report was filed with the department and within five (5) days of such filing make an inquiry into the National Crime Information Center and any statewide law enforcement computer system to determine if the abandoned property has been reported as stolen. The police department shall enter the information pertaining to the towed abandoned property into the statewide law enforcement computer system. [Section 304.157(4)] The police department shall record the date the property was towed and shall forward a copy of the abandoned property report to the Missouri Department of Revenue. [Section 304.157(7)]

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection (2) of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed. [Section 304.157(6)]

c. **Disposition of Towed Abandoned Property.**

1. Upon causing the removal of any abandoned property under this article, if the police department knows the registered owner or lienholder of the abandoned property, it shall within five (5) working days give notice in writing to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and indicate the place to which the property has been removed. If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this subsection shall include the amount of mileage, if available, shown on the abandoned property at the time of the removal. [Section 304.158(1)]

2. Any owner of any private real estate causing the removal of abandoned property from that real estate shall state the grounds for the removal of

the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:

A. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and

B. The removal of property other than the property specified by the owner of the private property from which the abandoned property was removed. [Section 304.158(2)]

3. The owner of abandoned property removed from private property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property. [Section 304.158(3)]

4. Any owner of any private property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this section or to state the grounds for the removal of the property if requested by the registered owner of the abandoned property as required by subsection (2) of this section. [Section 304.158(4)]

5. Any towing company which tows abandoned property for hire shall have the towing company's name, city and state clearly printed in letters at least three inches in height on the sides of the truck, wrecker or other vehicle used in the towing. [Section 304.158(5)]

6. A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of abandoned property at the request of the owner of private property or that owner's agent pursuant to this section if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit. [Section 304.158(6)]

7. A towing company storage facility where abandoned property is stored pursuant to this article shall accept cash or a valid bank credit card for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property, except where the tow and impoundment of the abandoned property was the result of an arrest or accident whereby the towing company may then demand payment in the form of cash. A towing company who refuses to accept a valid bank credit card pursuant to this subsection is liable to the registered owner of

the abandoned property for four times the amount of the towing and storage charges, but not to exceed Five Hundred Dollars ($500.00), as provided by Section 304.158.7, R.S.Mo. In addition, persons operating or in charge of a towing company storage facility, shall have sufficient moneys on the premises to accommodate, and make change in, a reasonable monetary transaction. [Section 304.158(7)]

8. A towing company shall not remove or commence the removal of abandoned property from private property without first obtaining written authorization from the property owner. All written authorizations shall be maintained for at least one (1) year by the towing company. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within the fifteen feet of a fire hydrant or in a fire lane designated by a fire department or the state fire marshal. [Section 304.158(8)]

9. Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in subsection (8) of this section, is liable to the owner of the property for four times the amount of the towing and storage charges, in addition to any applicable criminal penalty, for a violation of this section. [Section 304.158(9)]

10. Any towing company which comes into possession of abandoned property pursuant to this article and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other state. The towing company shall notify the owner and/or lienholder(s) within ten (10) business days of the date of mailing indicated on the Missouri Department of Revenue notice to the towing company of the names and addresses of the owner and/or lienholder(s) ascertained. The notice shall contain the following:

    A. The name, address and telephone number of the storage facility;

    B. The date, reason and place from which the abandoned property was removed;

    C. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;

D. A statement that the towing company claims a possessory lien for all such charges;

E. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;

F. A statement that, should the owner or holder of a valid security interest consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section 304.156.5(1) R.S.Mo. to contest the propriety of such towing or removal;

G. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and

H. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner. [Section 304.156(1)]

11. A towing company may assess storage charges for abandoned property only for the time in which it complies with the procedural requirements of this article. [Section 304.156(2)]

12. In the event that the records of the Missouri Department of Revenue fail to disclose the name of the owner or any lienholder of record for the abandoned property, upon notification by the Department of Revenue to the towing company of such failure, towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents and that a good faith effort was made. For purposes of this subsection, “good faith effort” means that the following checks have been performed by the towing company to establish the prior state of registration and title:

A. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a state of possible registration and title;

B. Check the police report for a license plate number or registration number if the abandoned property was towed at the request of a police officer;

C. Check the tow ticket/report of the towing company operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

D. If there is no address of the owner on the impound report, check the police report to see if an out-of-state address is indicated on the driver license information.

13. If no ownership information is discovered, the Missouri Department of Revenue shall be notified in writing by the towing company. Title may then be obtained in accordance with Section 304.156, R.S.Mo.

14. Thirty (30) days after the notification form has been mailed by the towing company to the abandoned property owner and any holder(s) of a security agreement and the property is unredeemed and no satisfactory arrangement has been made with the lienholder in possession for continued storage, and the owner or any holder of a security agreement has not requested a hearing as provided in subsection (f) of this section, the lienholder in possession may apply to the Missouri Department of Revenue for a salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the abandoned property as stated in the abandoned property report or crime inquiry and inspection report. The application for title shall be accompanied by:

A. An affidavit from the lienholder in possession that he has been in possession of the abandoned property for at least thirty (30) days and the owner of the abandoned property or any holder of a security agreement has not made arrangements for payment of towing and storage charges;

B. An affidavit that the lienholder in possession has not been notified of any application for hearing as provided in subsection (f) of this section;

C. A copy of the abandoned property report or crime inquiry and inspection report;

D. A copy of the thirty (30) day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and/or lienholder(s) of record received notice as required in this section.

If notice to the owner and/or holder of a security agreement has been returned marked "not forwardable" or "addressee unknown," the lienholder in possession shall comply with subsection (12) of this section. [Section 304.156(7)]

15. The owner of abandoned property removed pursuant to the provisions of this article or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company may file a petition in the Associate Division of the St. Louis County Circuit Court to determine if the abandoned property was wrongfully taken or withheld from the owner, as provided in Section 304.156.5, R.S.Mo.

(Ord. No. 7993, § 2, 8-19-97)

Section 70.052. Leaving a Wrecked or Non-Operating Vehicle in Street.

No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street, highway, or other public property, within the City.

Section 70.053. Disposition of Wrecked or Discarded Vehicles.

No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than seventy-two (72) hours, and no person shall leave any such vehicle on any property within the City for a longer time than seventy-two (72) hours, except that this ordinance shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a vehicle when in an appropriate storage place or depository maintained in a lawful place and manner by the City.

Section 70.054. Limits on Number of Vehicles on Residential Property.

a. As used in this section the following words shall have the following meanings:

1. "**Adjacent Street**" shall mean either side of any street, public or private.

2. "**All Other Laws**" shall mean all state and local laws and regulations, including but not limited to regulations on derelict vehicles (Code Section 70.053), parking on unpaved surfaces (Code Section 31.010j), parking of trailers in front yards (Zoning Code), commercial vehicles (Zoning Code) and unlicensed vehicles (Existing Structures Code, Section ES-301.10.1).

3. "**Licensed Driver**" shall mean a person with a current and valid driver's license issued by the State of Missouri.

4. "**Outdoors**" shall mean not within a fully enclosed garage.

5. "**Passenger Vehicle**" shall mean any self-propelled vehicle used or manufactured for use in carrying a person or persons, but excluding boats, recreational vehicles, and special vehicles for the "physically disabled" as that term is defined in Missouri Revised Statute Section 301.142, as amended.

6. "**Residential Property**" shall mean any single-family residential property.

7. "**Residing on the Premises**" shall mean a person who has made the subject property his or her official permanent place of residency.

b. At any residential property within the City of Webster Groves, there shall not be stored outdoors on the premises of a residential property or on the adjacent street, more than the greater of:

1. Three (3) passenger vehicles, or

2. One (1) passenger vehicle per licensed driver residing at the premises plus two additional passenger vehicles in excess of the number of licensed drivers residing on the premises.

c. Regardless of the number of passenger vehicles permitted under subsection (b), the storage of such vehicles must comply with all other laws of the City of Webster Groves, and each passenger vehicle must be registered through the State of Missouri at the residential property in question.

d. Any passenger vehicle in violation of this Section 70.054 may be impounded in a manner consistent with Section 70.051 and any person found guilty of violating any provision of this section may, upon conviction, be punished as provided in Sections 70.040 or 70.055 of this Code.

(Ord. No. 7943, § 1, 10-8-96)

Section 70.055. Penalties. - Repealed (Ord. No. 7983, § 4, 6-10-97)

Section 70.056. Conflict.

Nothing in this ordinance shall be construed to conflict or repeal any provision of any applicable zoning ordinance or other code or regulation of the City prohibiting the abandonment of vehicles or the storage or maintenance of partially dismantled, non-operating, wrecked, or junked vehicles on any property within the City.

Should any section, paragraph, sentence or word of this ordinance be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this ordinance independent of the elimination therefrom of any such portion as may be declared invalid.

Article II. Offenses Against Morals And Conduct

Section 70.110. Keeping Gaming Devices and Gambling Prohibited.

No person may set up, or keep for gaming purposes, or permit to be set up, or kept or used for gaming purposes, any house, building, shed, booth or shelter, or upon any vacant lot, or other premises any gaming table or gambling device whatever at which the public is invited or permitted to enter. Nor shall any person enter into any such establishment.

Section 70.115. Intoxication in Public Prohibited.

Any person being, or appearing to be, intoxicated shall not appear in or upon any street, highway, thoroughfare, store, or other public place.

Section 70.120. Loitering Prohibited.

No person shall loiter either alone or in concert with another in, upon or around any public or private parking lot, street, park or park facility, sidewalk, building, driveway,

corridor, stairway or doorway, in such a manner as to obstruct free access thereto by members of the public (including without limitation, police officers), and no person shall by his presence or by means either alone or in concert with another, interfere with or interrupt the conduct of business in any office located in any public or private building.

Section 70.121. Loitering on School Premises Prohibited.

No person not a student in good standing, or employee of any public or private school located in the City of Webster Groves, or parent or guardian of any student enrolled therein, shall remain within any school during normal school hours or on any land owned, occupied or used by any such school and adjacent to any such school, without securing the written permission of the principal or person in charge of said school.

The term "**student in good standing**" as used herein is hereby defined as any person of school age who is enrolled in the school at which he or she then is present and who is not under suspension or expulsion.

Section 70.125. Vagrancy Prohibited.

It shall be unlawful for any person to conduct himself as a vagrant within the City. The term "**vagrant**" as used in this section includes:

a. Any able bodied male person over the age of sixteen (16) years who is found loitering about the City without visible means of support and maintenance, and who does not apply himself to labor or some other honest calling to procure a livelihood.

b. Any person who is found begging and every person found tramping or wandering around from place to place without any visible means of support.

An able bodied person, within the meaning and intent of this section, is any one who is not by reason of physical or mental disability prevented from following some honest vocation as a means of support and maintenance.

Section 70.130. Curfew.

a. It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll, or to drive or ride in a motor vehicle, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 p.m. and 6:00 a.m. of the following day, official city limit, except on Fridays and Saturdays when the hours shall be 12:00 a.m. midnight to 6:00 a.m. of the following day, official city time; provided, however, that the provisions of the subsection do not apply to the following:

1. A minor accompanied by his or her parents, guardian or other adult person having the care and custody of the minor;

2. A minor who is upon an emergency errand directed by his or her parent, guardian or other adult person having the care and custody of the minor;

3. A minor who is exercising his or her first amendment rights protected by the Constitution, such as free exercise of religion, freedom of speech, or the right of assembly, provided the minor first has given notice to the City Manager by delivering to the City Manager a written communication signed by the minor and countersigned if practical by a parent of the minor which specifies when, where, in what manner and for what first amendment purpose the minor will be in a public place during the curfew time period;

4. A minor who is in public due to a reasonable necessity which has been communicated by the minor's parent to the police setting forth the facts establishing the reasonable necessity and setting forth the specified streets and designated time for a described purpose including points of origin and destination;

5. A minor who is returning directly home from a school activity, a voluntary association or a religious activity which has been communicated by the minor's parent to the police setting forth the activity, the place, the probable time of termination of the activity and the specified streets;

6. A minor who is engaged in or in transit to or from lawful employment;

7. A minor in a motor vehicle with consent of his or her parent, guardian or other adult person having the care and custody of the minor;

8. A minor who is within one hundred (100) feet of his or her residence.

Each violation of the provisions of this section shall constitute a separate offense.

b. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years knowingly to permit such minor to loiter, idle, wander, stroll or to drive or ride in a motor vehicle, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 p.m. and 6:00 a.m. of the following day, official city time, except on Fridays and Saturdays when the hours shall be 12:00 a.m. midnight to 6:00 a.m. of the following day, official city time; provided, however, that the provisions of the subsections do not apply to exceptions (1) through (8) set forth in subsection (a) of this Section. Each violation of the provisions of this subsection shall constitute a separate offense.

c. Any police officer finding a child violating the provisions of subsection (a) of this Section shall warn the child to desist immediately from such violation and may take the child into custody and release him to his or her parent or guardian. If said parent or guardian cannot be located, the police department shall retain custody until the parent or guardian is located and the child delivered to him or to her or until referral has been made to St. Louis County Juvenile Court. The officer shall also report the violation to his superior officer and shall cause a written report to be served upon the parent, guardian or other person in charge of said child, setting forth the manner in which the subsection has been violated.

Any parent, guardian or other adult person having the care and custody of such child who shall knowingly permit such child again to violate the provisions of subsection (a) of this section after receiving notice of the first violation, shall be fined not less than Twenty-Five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00).

Section 70.135. Fortune Telling, Etc. Prohibited.

No person may carry on the business, practice, trade, profession or act of fortune telling, palmistry, mediumship, phrenology, astrology, spiritualism, or clairvoyance. For the purpose of this Section, said terms shall be defined as follows:

"**Fortune Telling**" means pretending or professing to tell future events in the life of another.

"**Palmistry**" means the art of telling or of judging character or future events by means of the features of the palms of the hands.

"**Clairvoyance**" means the practice of the so-called power of discerning objects or events not normally perceptible, or of penetrating thought so as to disclose future events.

"**Astrology**" means the art of pseudo science by which it is claimed the influence of the stars and planets upon human lives can be determined.

"**Mediumship**" means claiming to be susceptible to supernatural agencies and therefor capable of imparting knowledge derived therefrom, concerning the lives of others.

"**Phrenology**" means the theory that one's mental powers are indicated by the shape of the skull.

"**Spiritualism**" means the practice of the doctrine or belief whereby living persons are enabled to hold conscious discourse with the spirits of deceased persons, through the mediumship of some living person.

Section 70.140. Sale of Alcohol to Minors Prohibited, Possession Prohibited.

No person may sell to any minor any alcoholic beverage whatever, nor shall any minor possess any alcoholic beverage. Alcoholic beverage shall not include medicine sold by pharmacies.

Section 70.142. Public Consumption of Alcohol.

No person shall consume any beverage containing alcohol, in any percent, either by weight or by volume, on the streets, public walkways, public parks, public parking lots or other public place within the City of Webster Groves without a valid permit issued by the Webster Groves City Manager or his designee. (Ord. No. 8052, § 1, 9-14-98)

Section 70.145. Indecent Behavior, Exposure.

No person may appear in or upon any street, highway, thoroughfare or public place in a state of nudity, or in any dress not belonging to his or her sex, or in an indecent or lewd dress, or commit any indecent or lewd act or behavior, or exhibit or perform any indecent, lewd or immoral play or representation or make or voice any indecent suggestions, expressions or motions.

Section 70.150. Indecent Advertising.

No person may post or put up or cause to be posted or put up in or on any street, avenue, alley or building or any public place any bill, sign, or written notice containing any lewd or indecent matter.

Section 70.155. Bawdy Houses.

No person may open, keep or maintain any bawdy house, brothel, house of ill-fame or prostitution or knowingly permit any dwelling, tenement house, out-house, booth or shed owned or occupied by him, or in his possession or under his control, to be used or occupied as a place of assemblage of persons of either sex for the purpose of fornication or of any lewd, lascivious or indecent act, nor shall any person occupy or frequent or visit any such place.

Section 70.160. Prostitution.

No person commonly known as a prostitute may ply said vocation in the City.

Section 70.165. Child Molestation.

No person, in the presence of a minor, shall indulge in any degrading, lewd, immoral or vicious habits or practices, or take indecent or improper liberties with a minor, or publicly expose his or her person to a minor, in an obscene or indecent manner, or by language, sign or touching a minor suggest or refer to any immoral, lewd, lascivious or indecent act, or detain or divert a minor with intent to perpetrate any of the aforesaid acts.

Section 70.170. Sale or Circulation of Obscene Matter.

It shall be unlawful for any person, firm or corporation, with knowledge of the contents or appearance thereof, to sell, offer for sale or advertise for sale, or to have in his, her, their, or its possession, with intention to sell or circulate, or to give away, distribute or circulate any obscene, lewd, licentious, indecent or lascivious book, pamphlet, magazine, paper, drawing, lithograph, engraving, picture, photograph, model, cast, print, article or other publication of indecent, obscene, immoral or scandalous character within the corporate limits of the City of Webster Groves, Missouri.

Section 70.171. Possession of Marijuana.

It shall be unlawful for any person to have in his possession thirty-five (35) grams or less of marijuana.

Section 70.175. Penalty for Violation. - Repealed (Ord. No. 7983, § 5, 6-10-97)

Article III. Offenses Against Public Peace, Safety and Property

Section 70.210. Common Assault.

No person shall assault or beat or wound another except under circumstances permitted by law.

Section 70.211. Peace Disturbance.

No person may disturb the peace of any neighborhood or person, including police officers, by causing or permitting loud and unusual noise, including, inter alia, excessive honking of horns, or by offensive or indecent conversation, or gestures, or by threatening, quarreling, challenging, fighting, or pushing or striking any person whatsoever, or by entering into, or remaining in, without the consent of the owner or occupant, any premises whatever.

Section 70.212. Peace Disturbance on School Premises.

No person while in any public or private school building, or on any public or private grounds adjacent thereto, while any class thereof is in session or in or on which any gathering or function is in progress, whether in the day or night time, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such school session, class, gathering or function.

Sec. 70.213. Funeral protests prohibited, when

(a) Every citizen may freely speak, write and publish the person's sentiment on all subjects, being responsible for the 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 Section does not apply to processions as they are in transit beyond any three hundred (300) foot zone that is established under Subsection (a) above.

Section 70.215. Imitation of or Interference with City Officer.

No person shall falsely represent himself to be an officer of the City; or, without being authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of a City officer, or hinder, obstruct, resist, or otherwise interfere with any City Officer in the discharge of his official duties, or attempt to prevent any such officer from arresting any person, or attempt to rescue from such officer any person in his custody.

Section 70.216. False Police or Fire Report.

No person shall knowingly and intentionally make a false report of a fire or violation of the law, or provide a false name or identification, to any police or fire department officer or employee in person, or over the telephone, or by any other means of communication. (Ord. No. 8038, § 1, 7-7-98)

Section 70.220. Unlawful Assembly.

It is unlawful for any two or more persons to assemble together in the City of Webster Groves, with the intent to agree to assist one another to do any unlawful act, against the property of the City or against the person or property of any other person or persons, or against the peace, or to the terror of the people, or to make any movement in preparation therefor, or to block or obstruct any public way, or any passersby proceeding thereon.

No person or persons, by their presence, counsel or encouragement may assist or abet another or others in the commission of this offense, or, being present at such assembly or meeting, may remain thereat, or so near thereto as to afford a presumption of consent or assent to the commission of such offense, or sympathy with the perpetrators thereof, after being commanded to disperse by any person specified in Section 542.150 of the Revised Statutes of Missouri of 1959, as it may be amended from time to time.

Section 70.225. Unlawful Use of Weapons Including Concealed Weapons.

A person commits the crime of unlawful use of weapons if he or she knowingly:

1. Carries concealed upon or about his or her persons a knife, a firearm, a blackjack or any other weapon readily capable of lethal use **except as may otherwise be provided by Missouri law**; or

2. Sets a spring gun; or

3. Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

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

5. Possesses or discharges a firearm or projective weapon while intoxicated; or

6. Discharges a firearm within one hundred years of any occupied schoolhouse, courthouse, or church building; or

7. Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

8. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any

election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

9. Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

10. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

11. Subdivisions (1), (3), (4), (6), (7), (8) (9) and (10) of this section shall not apply to or affect any of the following::

    a. All state, county and municipal peace officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

    b. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

    c. Members of the armed forces or national guard while performing their official duty;

    d. Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the Unitend States, the members of the federal judiciary;

    e. Any person whose bona fide duty is to execute process, civil or criminal;

    f. Any federal probation officer;

    g. Any state probation or parole officers, including supervisors and members of the board of probation and parole; and

    h. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

    i. any coroner, deputy coroner, medical examiner or assistant medical examiner.

12. Subdivisions (1), (5), (8) and (10) of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when

ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

13. Subdivisions (1), (8), and (10) of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to section 571.094 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

14. Subdivisions (3), (4), (5), (6) (7), (8), (9), and (10) of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031, RSMo.

15. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

16. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

17. Violations of this section shall be subject to the penalties set forth in Section 70.620.

18. The carrying of firearms in city buildings shall be further limited as follows:

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

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

c. This subsection shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges, or private dwellings owned, leased or controlled by the city.

d. Any person violating this subsection may be denied entrance to the building or ordered to leave the building. Any city employee violating this section may be disciplined. No other penalty shall be imposed for a violation of this subsection (18) only. Violations of all other subsections shall be subject to the penalties set forth in Section 70.620.

e. No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the director of revenue begins issuing concealed carry endorsements in July 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the city. (Ord. No. 8374 § 1, 10-21-03)

f. To the extent that the restrictions in this Section are in direct conflict with SB656 regarding the open carrying of firearms, then the provisions of SB656 shall govern; however, the restrictions of this Ordinance shall be enforced to the fullest extent permitted by Missouri law. Furthermore, any person who is open carrying a firearm, shall also comply with the following provisions of SB656:

   Any person with a valid concealed carry endorsement or permit who is open carrying a firearm shall be required to have a valid concealed carry endorsement or permit from this state, or a permit from another state that is recognized by this state, in his or her possession at all times;

   Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer;

   In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained by a law enforcement officer unless under arrest;

   Any person who violates this subdivision shall be subject to the penalty provided in Mo.Rev.Stat. Section 571.121.

(Ord. No. 8374, § 1, 10-21-03, Ord. No. 8860, §1, 10-21-2014)

Section 70.230. Discharge of Firearms and Fireworks Prohibited.

No person, not on duty in a military corps and acting under the orders of the commander thereof, or not an officer of the United States, state, county or city in the discharge of his official duty, may discharge any kind of firearms or air rifle in this City; nor shall any person throw or shoot from rubber slings, or bean shooters, any stones, missiles or pellets; nor shall any fireworks be sold in the city, nor shall any fireworks be used without a special permit of the Fire Chief.

Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than Five Hundred Dollars ($500.00), or to imprisonment for a term up to ninety (90) days or both. (Ord. No. 7983, § 1, 6-10-97, Ord. No. 8431 § 1, 11-16-04)

Section 70.235. Electric Fences.

No person may construct, use or maintain, within the corporate limits of Webster Groves, any fence composed either wholly or in part of any kind of metal fencing charged with electric current, without a permit so to do, issued by the City Council.

Section 70.240. False Alarms.

No person, in the limits of the City, may turn in or cause to be turned in or reported a false or fictitious call for the fire or police departments of the City.

Section 70.245. Abandoned Iceboxes.

No person may leave or permit to remain in unenclosed places under his control, readily accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an air-tight door or lid, and a snaplock or other locking device which may not be released from the inside, without first removing the door or lid, snaplock or other locking device from the ice box, refrigerator or container.

Section 70.250. Damage to Property of City Prohibited.

No person may deface, destroy, injure or damage any building, fence or other enclosure, sign, tree, lamp post, fire plug, hydrant, parking meter, railing or other property belonging to the City of Webster Groves, either by cutting, hacking, breaking, daubing with paint or other substance, marking with chalk or in any other way or manner, defacing, destroying or tearing down or injuring such property.

Section 70.255. Defacing Property of Public Library Prohibited.

No person may willfully and wantonly cut, mutilate, tear, write upon or otherwise deface, destroy or injure, either in whole or in part, any book, magazine, pamphlet, paper, periodical, map, document, picture, writing or engravure, belonging to the Public Library, or suffer or permit any of such injuries to be inflicted upon any such property while in his possession or under his control, or may willfully deface, damage or destroy any furniture, fixture, or furnishing then and there the property of the Public Library.

Section 70.256. Defacing Public or Private School Property Prohibited.

No person shall mark with any substance or in any other manner deface or do damage to any building, fence, tree, lawn or other fixture situated on lands owned, occupied or otherwise used by any public or private school in the City of Webster Groves.

Section 70.260. Posters and Bills.

No person may stick, post or put upon any house, fence, wall, shed, barn or other building or upon any telegraph, telephone, electric light, or trolley pole within the City any

written, printed, painted, or other advertisement, bill, notice, sign, poster or device of any kind, without having first obtained the written permission of the owner of such pole, house, fence, wall, shed, barn or other building, nor in violation of the comprehensive sign ordinance of this City.

Section 70.265. Unlawful to Solicit Passengers.

No operator of any motor vehicle operated for the purpose of carrying passengers for hire within the City may solicit fares by pulling, hauling, clamoring or shouting at prospective fares upon the streets or highways of this City; or may drive or operate his vehicle along the streets or highways immediately in front of or behind any passenger-carrying motor bus then and there operated over and along a regularly designated route, for the purpose or with the object of picking up or obtaining fares awaiting transportation by such motor bus. However, the operator of such a motor vehicle may respond at any time when signaled or called by a prospective passenger.

Section 70.270. Climbing on Railroad Cars Prohibited.

No person may within the City climb upon or into a car of any railroad train, while it is in motion or standing upon the tracks of the railroad or any of its switches, unless such person is employed upon the car, is a passenger or is taking passage thereon.

Section 70.275. Quiet Zones.

No person may make, cause, or permit any unnecessary noise with a sound-producing device, muffler, cutout, or otherwise within any zone of quiet, which disturbs or may tend to disturb any of the patients or inmates of any hospital located therein. No operator of a motor vehicle may at any time or place cause or permit the making of noise by any sound-producing device on the vehicle, while in the use of the streets, so as unnecessarily to disturb or annoy the inhabitants.

Section 70.280. Dangerous or “Stunt” Flying.

No person may operate, or cause to be operated, over the City of Webster Groves, any airplane which is flying in a manner commonly known as “stunt” flying, or at an unreasonably low altitude, or in any other manner that may be hazardous or dangerous to persons or property within the City, or unnecessarily noisy.

Section 70.285. Broadcasting from Airplanes.

No person may broadcast by means of phonograph records or loudspeakers, or in any other manner, loud, disturbing or unnecessary noises from airplanes, and no person may cause, aid, or abet the flying of any airplane over the City from which are emanated any such noises.

No person may operate, or cause to be operated, any aircraft for commercial sound advertising purposes in or over the City of Webster Groves, nor drop leaflets or advertising matter therefrom in violation of the anti-litter ordinance.

Section 70.290. Outdoor Solicitations.

No person may solicit the sale of any article or thing of value, by means of loud outcry, upon the streets and public places.

Section 70.291. Garage, Estate, Moving and Yard Sales.

An individual, church, charitable, benevolent, educational, religious or fraternal organization, or business taxing district, may engage in the sale of goods or products which is conducted outdoors or partially outdoors such as garage sales, estate sales, moving sales and yard sales; provided, however, that no such sale shall last for more than two (2) consecutive days and not more than four (4) total garage, estate, moving and/or yard sales may occur within a calendar year on the same premises. (Ord. No. 8525 § 1, 12-5-06)

Section 70.295. Distribution of and Prohibitions Applicable to Handbills, Circulars, Notices, Posters, Placards and Similar Materials.

a. Definitions

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

1. ***Commercial handbill*** shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

A. Which advertises for sale any merchandise, product, commodity, or thing;

B. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales;

C. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be derived to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or

D. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

2. ***Newspaper*** shall mean and include any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

3. ***Non-Commercial handbill*** shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definitions of a commercial handbill or a newspaper.

4. ***Obscene*** means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards would find, taken as a whole, appeals to prurient interests or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable State law, which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

5. ***Person*** shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

6. ***Private premises*** shall mean and include any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited, uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

7. ***Public place*** shall mean and include any and all streets, boulevards, avenues, lanes, alleys, or other public ways and rights of way, and any and all public parks, squares, spaces, plazas, grounds and buildings.

b. **Posting Notice, Placard, Bill, etc., Prohibited.**

No person shall post, stick, stamp, paint or otherwise affix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone, or any other portion or part of any public way or public place, or any lamp post, electric light, telegraph, telephone or trolley line pole, or railway structure, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or other parts of

any public bridge or viaduct, or other public structure or building, or upon any pole, box or fixture of the fire alarm except such as may be authorized or required by the laws of the United States, or the State of Missouri and the ordinances of the City.

c. **Throwing Handbills in Public Places Prohibited.**

It shall be unlawful for any person to deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any public place within the City; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any commercial or non-commercial handbill in any public place to any person willing to accept such handbill.

d. **Placing Handbills In or Upon Vehicles Prohibited.**

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any automobile or other vehicle that is moving upon a street, boulevard, avenue, lane, alley, or other public way or right of way, or while the vehicle is parked in any public or private place and which contains a sign bearing the words: “No Trespassing,” “No Handbills,” “No Advertisements,” or any similar notice, indicating in any manner that the owner or occupant of the vehicle does not desire to have any such commercial or non-commercial handbills left upon such vehicle.

The provisions of this Section shall not be deemed to prohibit the handing, transmitting or distributing of any commercial or noncommercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the same.

e. **Distribution of Handbills Where Prohibition Properly Posted.**

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: “No Trespassing,” “No Peddlers or Agents,” “No Advertisements,” or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such commercial or non-commercial handbills left upon such premises.

f. **Distributing Handbills at Private Premises; Exceptions.**

1. No person shall throw, deposit, or distribute any commercial or non-commercial handbill in or upon private premises except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises; provided, that, except where the premises are posted as provided in this Ordinance or where anyone upon the premises requests otherwise, a person may place or deposit any such commercial or non-commercial handbill in or upon such private premises, if such handbill is contained in a plastic bag

ventilated with airholes throughout the surface of the bag, or unventilated plastic bag no greater than six inches in width, or if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places. Mailboxes may not be so used when so prohibited by federal postal law or regulations.

2. The provisions of this Section shall not apply to the distribution of mail by the United States or to newspapers; except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

g. **Handbills Depicting Certain Matter Prohibited.**

It shall be unlawful for any person to post, hand out, distribute or transmit any sign, or any handbill:

1. Which is reasonably likely to incite or to produce imminent lawless action; or

2. Which is obscene or unlawful.

h. **Existing Ordinances Not Affected.**

This Ordinance shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants, or any person using the public streets or places for any private business or enterprise, or for commercial sales, not covered herein.

i. **Penalty.**

Any person who shall violate any provision of this Ordinance, upon conviction thereof, shall be punished by a fine or penalty of not more than $1,000 dollars, or by imprisonment for not more than 90 days, or both.

j. **Severability.**

If any provision, or portion of a provision, of this Ordinance, or its application to any person or circumstances, shall be held invalid by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, shall not be affected. (Ord. No. 8707, § 2, 3-1-11)

Section 70.300. Penalty for Violation. - Repealed. (Ord. No. 7983, § 6, 6-10-97)

Section 70.310. Operators and Passengers to Wear Helmets.

It shall be unlawful for a parent or guardian to permit a child under the age of seventeen (17) years to operate or be a passenger on a bicycle, a scooter, roller skates, roller blades or a skateboard unless the child shall wear protective headgear which properly fits and is fastened securely upon the head of the operator or passenger. The headgear shall meet or exceed the impact standard for protective bicycle helmets set by the U.S. Consumer Products Safety Commission, the American National Standards Institute (ANSI), the Snell Memorial Foundation or the American Society of Testing and Materials (ASTM). Every person convicted of a violation of this section shall be punished by a fine of not more than Twenty-Five Dollars ($25.00). However, the first violation may be dismissed if the parent or guardian submits a receipt for the proof of purchase of a bicycle helmet, along with the approved helmet, to the Webster Groves Police Department prior to the court date set forth on the Complaint and Summons. An affidavit of helmet ownership shall be accepted in lieu of a receipt of helmet purchase.

Article IV. Offenses Relating To The Possession, Manufacture, Delivery, Sale, And Advertising For Sale Of Drug Paraphernalia

Section 70.410. Definitions.

For the purpose of Article IV the following terms are defined:

"**City's Drug Possession Ordinance**" means Section 70.171 of the Code of the City of Webster Groves in effect upon passage and approval of this Ordinance.

"**Controlled Substance**" as used herein shall be defined and include the following:

a. "**Marijuana**" means all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sitiva L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It shall not include the mature stalks of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

b. "**Controlled Substances**" as defined and enumerated in Chapter 195 of the Missouri Revised Statutes in effect upon the passage of this Ordinance.

"**Controlled Substances Act**" means Chapter 195 of the Missouri Revised Statutes in effect upon the passage of this Ordinance.

"**Drug Paraphernalia**" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled

substance in violation of the City's drug possession ordinance or the Controlled Substances Act. It includes, but is not limited to:

c. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

d. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

e. Insomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

f. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

g. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

h. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

i. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

j. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

k. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

l. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

m. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

n. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

6. Miniature cocaine spoons, and cocaine vials;

7. Chamber pipes;

8. Carburetor pipes;

9. Electric pipes;

10. Air-driven pipes;

11. Chillums;

12. Bongs;

13. Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

o. Statements by an owner or by anyone in control of the object concerning its use;

p. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;

q. The proximity of the object, in time and space, to a direct violation of the City's drug possession ordinance or the Controlled Substances Act;

r. The proximity of the object to controlled substances;

s. The existence of any residue of controlled substances on the object;

t. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the City's drug possession ordinance or the Controlled Substances Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the City's drug possession ordinance or the Controlled Substances Act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

u. Instructions, oral or written, provided with the object concerning its uses;

v. Descriptive materials accompanying the object which explain or depict its use;

w. National and local advertising concerning its use;

x. The manner in which the object is displayed for sale;

y. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

z. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

aa. The existence and scope of legitimate uses for the object in the community;

bb. Expert testimony concerning its use.

Section 70.420. Possession of Drug Paraphernalia.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance in violation of the City's drug possession ordinance or the Controlled Substances Act.

Section 70.430. Manufacture or Delivery of Drug Paraphernalia.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used 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 in violation of the City's drug possession ordinance or the Controlled Substances Act.

Section 70.440. Delivery of Drug Paraphernalia to a Minor.

Any person eighteen (18) years of age or over who violates Section 70.430 by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a special offense and upon conviction shall be fined a minimum of Two Hundred Fifty Dollars ($250.00). (Ord. No. 7983, § 2, 6-10-97)

Section 70.450. Advertisement of Drug Paraphernalia.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

Section 70.460. Penalty for Violation. Repealed. (Ord. No. 7983, § 8, 6-10-97)

Section 70.470. Severability.

If any provision of this article or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the article which can be given without the invalid provision or application, and to this end the provisions of this article are severable.

Article V. Regulation Of The Use Of Alarm Systems

Section 70.500. Definitions.

As used in this article, certain words and terms shall be defined as follows, unless the context clearly indicates otherwise:

a. "**Alarm System**" means any mechanical or electrical device designed to be activated manually or automatically upon the detection of an unauthorized entry, or other emergency in or on any building, structure or premises through the emission of a sound or transmission of a signal or message.

b. "**False Alarm**" means other than an alarm caused by an attempted illegal entry, any activation of an alarm system intentionally or by inadvertence to which the city police department responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarms:

1. Alarm was caused by the malfunction of the indicator in the police station.

2. Alarm was caused by the testing or repair of telephone equipment or lines.

3. Alarm was caused by an act of nature such as earthquakes, floods, windstorms, thunder or lightning.

4. For purposes of this article only, false alarms shall not include the activation of an alarm which is not connected electronically to a location off the building, structure, or premises.

5. "**Alarm User**" means a person who used an alarm system to protect any building, structure, facility or premises.

c. "**Automatic Dialing Device**" means an alarm system that automatically dials a specific telephone number and transmits an emergency message via recording over regular telephone lines when activated. (Ord. No. 7247, § 1, 12-21-82)

Section 70.510. Charges for False Alarms.

a. All false alarms to which the police department responds shall result in the following charge to the alarm user:

1. A warning for the first false alarm in that calendar year.

2. An Eight Dollar ($8.00) service charge for the second false alarm in that calendar year.

3. A Twenty-Five Dollar ($25.00) service charge for the third or any subsequent false alarm in that calendar year.

b. Upon determination by the police department that a false alarm has occurred, the police department shall send a notice to the alarm user notifying the alarm user

of the determination and directing payment within ten (10) days of any service charge that may be due.

c. If more than four (4) false alarms are responded to in the same month, or more than six (6) in the same year, the alarm user of such system may have his alarm permit revoked after ten (10) days written notice has been given.

d. Failure to pay fee for false alarm charge to the city within a period of thirty (30) days after the date of notice shall be considered a violation of this article. (Ord. No. 7247, § 1, 12-21-82)

Section 70.515. Permit Required.

a. Any person who desires to install or continue use of an emergency alarm system shall first apply for and obtain a permit from the police chief on a form to be provided by him. Each application shall be signed by the applicant and shall include the following:

1. The name, address and telephone number of the alarm user.

2. The name of the alarm business which will install the system.

3. The name of the alarm business which the user will contact for repair service.

4. The name and address of the agency to which the alarm system will be connected for monitoring.

b. Within thirty (30) days from the effective date of this article all alarm users shall apply for such permit. After such date, no response shall be made to any alarm system by the police department unless a permit for such system be then in effect. (Ord. No. 7247, § 1, 12-21-82)

Section 70.520. Restrictions on Automatic Programming.

No person shall install or use an automatic dialing device which is programmed to dial the police department's primary trunk line telephone number. Within ninety (90) days from the effective date of this article, all automatic dialing devices shall be programmed to dial any consenting person who may relay the emergency message to the police department by live voice. The alarm user of such device shall be responsible for having his alarm system reprogrammed within the ninety (90) day time period. (Ord. No. 7247, § 1, 12-21-82)

Section 70.525. Limited Duration of Audible Alarm.

No person shall install or use an audible alarm which is equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn unless the same shall be equipped with a fifteen-minute timer for limited duration of audible alarm.

Within ninety (90) days from the effective date of this article, any alarm user having an audible alarm shall be responsible for equipping it with a fifteen (15) minute timer for limited duration of audible alarm. (Ord. No. 7247, § 1, 12-21-82)

Section 70.530. Alarm User Responsibility.

The alarm user shall be responsible for maintaining the system in good repair to assure reliability of operation. The alarm user shall also be responsible for seeing that the system is not misused. (Ord. No. 7247, § 1, 12-21-82)

Section 70.535. City Not to Assume Liability.

By monitoring such alarm systems, the city assumes no special relationship with the alarm user requiring a higher standard of police protection that which is afforded the general citizen. The city shall not be liable for any defects in operation of automatic dialing devices or signal line systems, for any failure or neglect to respond appropriately upon receipt of an alarm from any such source, nor for the failure or neglect of any person. In the event the city finds it necessary to disconnect an emergency alarm system, the city shall incur no liability by such action. (Ord. No. 7247, § 1, 12-21-82)

Section 70.540. Penalty for Violation. - Repealed. (Ord. No. 7983, § 9, 6-10-97)

Article VI. Offenses Against Public Health and Safety

Section 70.600. Definitions.

As used in this Article VI, the following terms shall have the meaning as follows:

"**Bar**" or "**Tavern**" means any licensed establishment which serves liquor on the premises for which not more than ten percent (10%) of the gross sales receipts of the business are supplied by food purchases, either for consumption on the premises or elsewhere.

"**Distribute**" means a conveyance to the public by sale, barter, gift or sample.

"**Minor**" for the purposes of Section 70.611, means a person under the age of eighteen.

"**Other Person in Charge**" means the agent or the proprietor authorized to give administrative directions to and general supervision of the activities within the public place, work place or public meeting at any given time.

"**Proof of Age**" means a driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

"**Proprietor**" means the party who ultimately controls, governs or directs the activities within the public place, work place or public meeting, regardless of whether he is the owner or lessor of such place or site. The term does not mean the owner of the property unless he ultimately controls, governs or directs the activities within the public place or public meeting. The term "proprietor" shall apply to a corporation as well as an individual.

"**Public Meeting**" means a gathering in person of members of a governmental body, whether an open or closed session, as defined in Chapter 610, Revised Statutes of Missouri.

"**Public Place**" means an enclosed indoor area used by the general public or serving as a place of work including, but not limited to:

a. Any retail or commercial establishment.

b. Health care facilities, health clinics or ambulatory care facilities including, but not limited to, laboratories associated with health care treatment, hospitals, nursing homes, physicians' offices and dentists' offices.

c. Any vehicle used for public transportation including, but not limited to, buses, taxicabs and limousines for hire.

d. Restrooms.

e. Elevators.

f. Libraries, educational facilities, day care facilities, museums, auditoriums and art galleries.

g. All public areas and waiting rooms of public transportation facilities including, but not limited to, bus and airport facilities.

h. Any enclosed indoor place used for entertainment or recreation including, but not limited to, gymnasiums, theater lobbies, concert halls, arenas and swimming pools.

i. Any other enclosed indoor areas used by the general public including, but not limited to, corridors and shopping malls.

However, the following areas are not considered a public place:

j. An entire room or hall which is used for private social functions, provided that the seating arrangements are under the control of the sponsor of the function and not the proprietor or other person in charge.

k. Limousines for hire and taxicabs, where the driver and all passengers agree to smoking in such vehicle.

l. Performers on the stage, provided that the smoking is part of the production.

m. A place where more than fifty percent (50%) of the volume of trade or business carried on is that of the blending of tobaccos or sale of tobaccos, cigarettes, pipes, cigars or smoking sundries.

n. Any bar, any tavern, a restaurant that seats less than fifty people, any bowling or any billiard parlor, provided such establishment conspicuously post at least two signs stating that "Nonsmoking Areas are Unavailable."

o. Private residences.

p. Any enclosed indoor arena, stadium or other facility which may be used for sporting events and which has a seating capacity for more than fifteen thousand persons.

"**Restaurant**" means any building, structure or area used, maintained or advertised as or held out to the public to be an enclosure where meals for consideration of payment are made available to be consumed on the premises.

"**Rolling Papers**" means paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokable cigarette.

"**Sample**" for the purposes of Section 70.611 means a tobacco product distributed to members of the general public or tobacco product samples.

"**Sampling**" for the purposes of Section 70.611, means the distribution to members of the general public of tobacco product samples.

"**Smoking**" means possession of burning tobacco in the form of a cigarette, cigar, pipe or other smoking equipment.

"**Tobacco Product(s**)" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

"**Vending Machine**" for the purposes of Section 70.611, means any mechanical electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

(Ord. No. 7944, § 1, 9-17-96)

Section 70.610. Smoking in Public Place or Public Meeting Prohibited.

a. No person shall smoke in a public place or in a public meeting except in a designated smoking area.

b. No proprietor or other person in charge of a public place or public meeting shall permit, cause, suffer or allow a person to smoke in those areas where smoking is prohibited.

c. The person having custody or control of a public place or public meeting shall:

1. Make reasonable efforts to prevent smoking in the public place or public meeting by posting appropriate signs indicating no-smoking or smoking area and arrange seating accordingly. These signs shall be placed at a height and location easily seen by a person entering the public meeting and not obscured in any way; and

2. Arrange seating and utilize available ventilation systems and physical barriers to isolate designated smoking areas; and

3. Make a reasonable request of persons smoking to move to a designated smoking area; and

4. Allow smoking in designated areas of theater lobbies only.

d. A smoking area may be designated by persons having custody or control of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation. No public place shall have more than thirty percent (30%) of its entire space designated as a smoking area. Further, a proprietor or other person in charge of a restaurant shall designate an area of sufficient size to accommodate usual and customary demands for non-smoking areas by customers or patrons.

Section 70.611. Prohibition of the Distribution or Possession of Tobacco Products and Rolling Papers to or by a Minor.

a. It shall be unlawful for any person to give, barter, sell, cause to be sold, buy for, distribute samples of or furnish any tobacco product or distribute any tobacco product or rolling papers to any minor. This paragraph shall not apply to the distribution by family members on property that is not open to the public.

b. It shall be unlawful for any minor to purchase, possess, accept receipt of or attempt to purchase or accept receipt of tobacco products, or to present or offer to any person purported proof of age which is false, fraudulent or not actually his or her own for the purpose of purchasing, possessing or receiving any tobacco product or rolling papers.

c. Any person who violates this Section 70.611 shall be fined:

1. For the first offense, One Hundred Dollars ($100.00);

2. For the second offense, Two Hundred Fifty Dollars ($250.00);

3. For a third and subsequent offense, Five Hundred Dollars ($500.00).

d. The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed, in a conspicuous place at every display from which tobacco products are sold and upon every vending machine from which tobacco products may be purchased, a sign that shall:

1. Contain in red lettering at least one-half inch high on a white background the following: “It is a violation of state law for cigarettes or other tobacco products to be sold to any person under the age of eighteen;” and

2. Include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle, and the words “Under 18.”

e. It shall be unlawful for any person to engage in tobacco product distribution to persons under eighteen (18) years of age.

f. A person selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen.

g. If a sale is made by an employee of the owner of an establishment in violation of this Section 70.611, the employee shall be guilty of an offense established in paragraph (a). If a vending machine is in violation of this Section 70.611, the employee shall be guilty of an offense established in paragraph (a). If a vending machine is in violation of this Section 70.611, the owner of the establishment shall be guilty of an offense established in paragraph (a). If a sample is distributed by an employee of a company conducting the sampling, such employees shall be guilty of an offense established in paragraph (a).

h. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of this Section 70.611. No person shall be liable for more than one violation of this Section 70.611 on any single day.

(Ord. No. 7944, § 2, 9-17-96)

Section 70.620. Penalties.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine, unless provided otherwise in any section of this Chapter, not exceeding the sum of One Thousand Dollars ($1,000.00) or by imprisonment in jail for a period of time not exceeding ninety (90) days, or by both such fine and imprisonment. Every day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

If any person shall fail to pay any fine imposed upon him, the Municipal judge shall conduct a hearing to inquire into the ability of the convicted person to pay said fine. If the municipal judge finds and believes that the convicted person can pay the fine, then such person shall be confined to jail until such fine is paid, provided that each day of confinement, after conviction, shall reduce the fine by the sum of Ten Dollars ($10.00). If the Municipal Judge finds and believes that the confinement to jail of any person will create an undue hardship upon such person's dependants, the judge may authorize, on condition of good behavior, the release of such person during the hours of 7:00 a.m. to 6:00 p.m. for the sole purpose of permitting such prisoner to continue and/or obtain employment, provided that compensation earned shall be applied solely for support of said dependants. (Ord. No. 7983, § 2, 6-10-97)

Article VII. Aggressive Solicitation

Section 70.700. Definitions.

For purposes of this Ordinance:

a. "**Solicit**" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use

of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

b. "**Aggressive Manner**" means and includes:

1. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

2. Following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

3. Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

4. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued pursuant to the City Code, shall not constitute obstruction of pedestrian or vehicular traffic;

5. Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or

6. Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

c. "**Automated Teller Machine**" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

d. "**Automated Teller Machine Facility**" means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

e. "**Check Cashing Business**" means any person duly licensed to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the State of Missouri's banking laws.

f. "**Public Area**" means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

(Ord. No. 7991, § 1, 7-1-97)

Section 70.710. Prohibited Acts.

It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

a. In an aggressive manner in a public area;

b. In any public transportation vehicle, or bus or subway station or stop;

c. Within fifteen (15) feet of any entrance or exit of any bank or check cashing business or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

d. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or

e. From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.

f. Between the hours of 8:00 p.m. and 9:00 a.m. Monday through Friday and 5:00 p.m. and 9:00 a.m. Saturday and Sunday.

(Ord. No. 7991, § 1, 7-1-97, Ord. No. 8424, § 1, 10-5-04)

Section 70.720. Construction and Severability.

a. Severability is intended throughout and within the provisions of the Ordinance. If any section, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this Ordinance.

b. This Ordinance is not intended to prescribe any demand for payment for services rendered goods delivered.

c. This Ordinance is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The Ordinance should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of Missouri or the Constitution of the United States of America.

(Ord. No. 7991, § 1, 7-1-97)

Article VIII. Domestic and Family Violence Code

Section 70.820. Definitions.

Unless the context otherwise requires, as used in this chapter:

a. "**Domestic or Family Violence**" means the occurrence of one or more of the acts listed under Section 70.830, and done by a family or household member, but does not include acts of self-defense.

b. "**Family or Household Members**" include:

1. Persons who are current or former spouses;

2. Persons who live together or who have lived together;

3. Persons who are dating or who have dated;

4. Persons who are engaged in or who have engaged in a sexual relationship;

5. Persons who are related by blood or adoption;

6. Persons who are related or formerly related by marriage; and

7. Persons who have a child in common.

For the purposes of this section, minor children who are seventeen (17) years of age or under of a person in a relationship that is described in paragraphs (1) through (7) can be included as victims; and minor children who are seventeen (17) years of age or under of a person in a relationship that is described in paragraphs (1) through (5) can be included in the list of perpetrators.

c. "**Program of Intervention for Perpetrators**" means a specialized program that accepts perpetrators of domestic or family violence into batterer intervention programs that are members of the Association of Batterer Intervention Programs to satisfy court orders, and offers them classes or instruction.

d. "**Program for Victims of Domestic or Family Violence**" means a specialized program for victims of domestic or family violence and their children that provides

advocacy, shelter, crisis intervention, social services, treatment, counseling, education, or training.

e. "**Safety Plan**" means a written or oral outline of actions to be taken by a victim of domestic or family violence to secure protection and support after making an assessment of the dangerousness of the situation.

Section 70.830. "Offense Involving Domestic or Family Violence."

Defined. An "**Offense Involving Domestic or Family Violence**" occurs when a family or household member commits one or more of the following offenses as listed under this chapter against another family or household member:

a. Domestic Assault;

b. Domestic Destruction, Damage or Vandalism of Property;

c. Domestic Petty Larceny;

d. Domestic Unlawful Possession of Stolen Property;

e. Domestic Peace Disturbance;

f. Domestic Peace Disturbance – Loud Noise;

g. Domestic Trespassing;

h. Domestic Harassment;

i. Domestic Stalking;

j. Domestic Tampering with a Victim or Witness;

k. Violation of Orders of Protection.

Section 70.840. Adult Abuse.

Definitions. For the purpose of prosecutions under Section 70.860, for violating an adult order of protection, the following terms, in accordance with Section 455.010 R.S.Mo., shall have the meanings ascribed to them herein, unless the context clearly indicates otherwise:

a. **Abuse.** Abuse includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be protected under a valid protective order issued by the State of Missouri or any other state within the United States.

1. **Assault.** Purposely or knowingly placing or attempting to place another in fear of physical harm.

2. **Battery.** Purposely or knowingly causing physical harm to another with or without a deadly weapon.

3. **Coercion.** Compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain.

4. **Harassment.** Engaging in a purposeful or knowing course of conduct involving more than one (1) incident that alarms or causes distress to another person and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner. Such conduct might include, but is not limited to the following:

   A. Following another about in a public place or places;

   B. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

   C. **Sexual Assault.** Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;

   D. **Unlawful Imprisonment.** Holding, confining, detaining or abducting another person against that person's will.

b. **Adult.** Any person eighteen (18) years of age or older or otherwise emancipated.

c. **Court.** The circuit or associate circuit judge or a family court commissioner.

d. **Ex Parte Order of Protection.** An order of protection issued by a court before the respondent has received notice of the petition or an opportunity to be heard on it.

e. **Family or Household Member.** Spouses, former spouses, persons related by blood or marriage, persons who are presently residing together or have resided together in the past, a person who is or has been in a continuing social relationship of a romantic nature with the victim, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

f. **Full Order of Protection.** An order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard.

g. **Order of Protection.** Either an ex parte order of protection or a full order of protection.

h. **Petitioner.** A family or household member or a person who has been the victim of domestic violence who has filed a verified petition under the provisions of R.S.Mo 455.020.

i. **Respondent.** The family or household member or person alleged to have committed an act of domestic violence, against whom a verified petition has been filed.

j. **Stalking.** When a person purposely and repeatedly harasses or follows with the intent of harassing another person. As used in this paragraph, "**harass**" means to engage in a course of conduct directed at a specific person that serves no legitimate purpose that would cause a reasonable person to suffer substantial emotional distress. As used in this subdivision, "**course of conduct**" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct".

Section 70.850. Child Protection Orders.

Definitions. For the purpose of prosecutions under Section 70.860 for violation of a child order of protection, the following terms, in accordance with Section 455.010 R.S.Mo., shall have the meanings ascribed to them herein, unless the context clearly indicates otherwise:

a. "**Abuse**," any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by an adult household member, or stalking of a child. Discipline including spanking, administered in a reasonable manner shall not be construed to be abuse.

b. "**Adult Household Member**," any person eighteen (18) years of age or older or an emancipated child who resides with the child in the same dwelling unit.

c. "**Child**," any person under eighteen (18) years of age.

d. "**Court**," the circuit or associate circuit judge or a family court commissioner.

e. "**Ex Parte Order of Protection**," an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it.

f. "**Full Order of Protection**," an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard.

g. "**Order of protection**," either an ex parte order of protection or a full order of protection.

h. "**Petitioner**," a person authorized to file a verified petition under the provision of Sections 455.503 and 455.505 R.S.Mo.

i. "**Respondent**," the adult household member, emancipated child or person stalking the child against whom a verified petition has been filed.

j. "**Stalking**," purposely and repeatedly harassing or following with the intent of harassing a child. As used in this subdivision, "**harassing**" means engaging in a

course of conduct direct at a specific child that serves no legitimate purpose that would cause a reasonable adult to believe the child would suffer substantial emotional distress. As used in this subdivision, "**course of conduct**" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct".

k. "**Victim**," a child who is alleged to have been abused by an adult household member.

Section 70.860. Violation of Orders of Protection.

a. The respondent of an ex parte or full order of protection for an adult, of which the respondent has notice, shall not violate the terms and conditions of such order with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit.

b. The respondent of an ex parte or a full order of protection for a child, of which the respondent has notice, shall not violate the terms and conditions of such order with regard to abuse, child custody, or entrance upon the premises of the victim's dwelling unit.

Section 70.861. Domestic Assault.

No person shall commit an act of domestic assault. A person commits such an act if the person does any of the following:

a. Attempts to cause or recklessly causes physical injury to a family or household member; or

b. With criminal negligence, causes physical injury to a family or household member by means of a deadly weapon or dangerous instrument; or

c. Purposely places a family or household member in apprehension of immediate physical injury by any means; or

d. Recklessly engages in conduct which creates a grave risk of death or serious physical injury to a family or household member; or

e. Knowingly causes physical contact with a family or household member knowing the other person will regard the contact as offensive; or

f. Knowingly attempts to cause or causes the isolation of a family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 70.862. Domestic Destruction, Damage or Vandalism of Property.

No person shall willfully destroy, damage, or injure any property of a family or household member of any kind whatsoever which does not belong to the said person.

Section 70.863. Domestic Petty Larceny.

No person shall steal, take, or carry away any article of value which is the property of a family or household member.

Section 70.864. Domestic Unlawful Possession of Stolen Property.

a. No person shall buy or in any way receive or possess any personal property which has been unlawfully taken from a family or household member.

b. Proof that any personal property has been unlawfully taken from the possession or control of a family or household member and that within six (6) months after said unlawful taking said property has been in the possession or under the control of the accused shall be deemed sufficient evidence to authorize conviction unless possession of said property is satisfactorily explained by proof that either:

1. Before buying or receiving or coming into possession of said property, a diligent and good faith inquiry was made as to the source of said property sufficient to provide a reasonable belief that said property had not been taken unlawfully from another; or

2. The property was acquired at a price and under circumstances sufficient to provide a reasonable belief that said property had not been taken unlawfully from another; or

3. The accused complied with Section 447.010 R.S.Mo. relating to the duty of persons finding lost property.

Section 70.865. Domestic Disturbance of the Peace.

No person shall unreasonably and knowingly disturb or alarm any family or household member by: threatening or offensive language addressed in a face-to-face manner to that individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or by physically threatening or challenging or fighting that person.

Section 70.866. Domestic Disturbance of the Peace – Loud Noise.

a. No person shall play any radio, music player such as a “boom box,” tape cassette, disc player, television, audio system or musical instrument in a manner or at a volume that disturbs the peace of any other reasonable family or household member; except, however, that nothing herein shall be construed to prohibit an otherwise lawful public concert or public performance.

b. It shall be unlawful to speak, shout, sing or create any noise at a volume that disturbs the peace of any other reasonable family or household member, except that nothing herein shall be construed to prohibit the summoning of assistance in an emergency.

c. For the purpose of prosecution under this section, it shall be presumed that any speech, song or noise, or the playing of any radio, music player such as a "boom box," tape cassette, disc player, television, audio system or musical instrument, is disturbing to the peace of another reasonable family or household member if the volume is such that it is plainly audible to persons more than fifty (50) feet away from the source of the noise.

Section 70.867. Domestic Trespassing.

a. No person without lawful authority, or without the expressed or implied consent of the family or household member or his agent, shall enter any building or enter on any enclosed or improved real estate, lot or parcel of ground; or being upon land of another, shall fail or refuse to leave the same when requested to do so by the family or household member lawfully in possession thereof, his agent or representative.

b. For the purpose of this section, "implied consent," as it relates to persons making deliveries on private property, extends only to sidewalks or other identifiable walkways, where available, and does not extend to lawns or other private property if such a sidewalk is available.

Section 70.868. Domestic Harassment.

No person shall, for the purpose of frightening or disturbing another family or household member:

a. Communicate in writing or by telephone a threat to commit any felony or act of violence; or

b. Make a telephone call or communicate in writing and use coarse language offensive to one of average sensibility; or

c. Make a telephone call anonymously; or

d. Make repeated telephone calls to the same person or telephone number.

Section 70.869. Domestic Stalking.

a. As used in this section, the following terms shall have the meanings ascribed to them:

1. **Course of Conduct.** A pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "**course of conduct**." Such constitutionally protected activity included picketing or other organized protests.

2. **Credible Threat.** A threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to, a person.

3. **Harass.** To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.

b. No person shall purposely and repeatedly harass or follow with the intent of harassing another family or household member or harass another family or household member, and make a credible threat with the intent to place that person in reasonable fear of death or physical injury.

Section 70.870. Domestic Tampering With a Victim or Witness.

a. No person, with purpose to induce a family or household member who is a witness or prospective witness in an official proceeding to disobey a subpoena or other legal process, or to induce such family or household member to absent himself or avoid subpoena or other legal process, or to induce such family or household member to withhold evidence, information or documents, or to testify falsely, shall:

1. Threaten or cause harm to any person or property; or

2. Use force, threats or deception; or

3. Offer, confer or agree to confer any benefit, direct or indirect, upon such witness; or

4. Convey any of the foregoing to another in furtherance of a conspiracy.

b. A person commits the violation of “domestic victim tampering” if, with purpose to do so, he prevents or dissuades or attempts to prevent or dissuade any person who is a family or household member who has been a victim of any ordinance violation or a person who is acting on behalf of any such victim from:

1. Making any report of such victimization to any peace officer, or state, local or federal law enforcement officer or prosecuting agency or to any judge;

2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;

3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

c. Holding batterers accountable.

Section 70.872. Dismissal of Charges.

Cases involving domestic or family violence shall not be dismissed for the sole reason that a civil compromise or settlement is reached.

Section 70.875. Rights of Victims of Domestic or Family Violence.

a. A victim of domestic and family violence is entitled to all rights granted to victims of crime as found in Sections 595.200 to 595.218 R.S.Mo including but not limited to the right to:

1. Be informed of all hearing dates and continuances.

2. Provide the court with a victim-impact statement, victim-opinion statement, and an assessment of the risk of further harm.

3. Be present at sentencing and address the court.

4. Be advised by the court of conditions of probation required to ensure the safety of the victim and other family or household members.

5. Restitution for losses sustained as a direct consequence of any criminal conduct.

6. Apply for victims' compensation and to be informed of procedures for applying.

Section 70.877. Advocate-Victim Privilege Applicable in Cases Involving Domestic or Family Violence.

a. Except as otherwise provided in subsection b, a victim of domestic or family violence may refuse to disclose, and may prevent an advocate from disclosing, confidential oral communication between the victim and the advocate and written records and reports concerning the victim if the privilege is claimed by:

1. The victim; or

2. The person who was the advocate at the time of the confidential communication, except that the advocate may not claim the privilege if there is no victim in existence or if the privilege has been waived by the victim.

b. The privilege does not relieve a person from any duty imposed pursuant to state laws on child abuse or neglect. A person may not claim the privilege when providing evidence in proceedings concerning child abuse or neglect pursuant to state law.

c. As used in this subsection, "**advocate**" means an employee of or volunteer for a program for victims of domestic or family violence who:

1. Has a primary function of rendering advice, counseling, or assistance to victims of domestic or family violence; supervising the employees or volunteers of the program; or administering the program; or

2. Works under the direction of a supervisor of the program, supervises employees or volunteers, or administers the program.

Section 70.879. Conditions of Probation for Perpetrator Convicted of Offense Involving Domestic or Family Violence; Required Reports by Department of Justice Services.

a. Before placing a perpetrator who is convicted of an offense involving domestic or family violence on probation, the court shall consider the safety and protection of the victim of domestic or family violence and any member of the victim's family or household.

b. The court may condition the suspension of sentence or granting of probation to a perpetrator on compliance with one or more orders of the court, including but not limited to:

1. Enjoining the perpetrator from threatening to commit or committing acts of domestic or family violence against the victim or other family or household member.

2. Prohibiting the perpetrator from harassing, annoying, telephoning, contacting, or otherwise communicating with the victim, directly or indirectly.

3. Requiring the perpetrator to stay away from the residence, school, place of employment, or a specified place frequented regularly by the victim and any designated family or household member.

4. Prohibiting the perpetrator from possessing or consuming alcohol or controlled substances.

5. Prohibiting the perpetrator from using or possessing a firearm or other specified weapon.

6. Directing the perpetrator to surrender any weapons owned or possessed by the perpetrator.

7. Directing the perpetrator to participate in and complete, to the satisfaction of the court, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or psychiatric or psychological treatment; and/or an evaluation for such intervention or treatment.

8. Directing the perpetrator to pay restitution to the victim.

9. Imposing any other condition necessary to protect the victim of domestic or family violence and any other designated family or household member or to rehabilitate the perpetrator.

10. Payment by the perpetrator of the costs of any condition of probation.

PART IV. PUBLIC HEALTH

Chapter 80. Flood Damage Prevention

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CHAPTER 80. FLOOD DAMAGE PREVENTION

Article II. Flood Damage Prevention

Section 80.010. Statutory Authorization, Findings Of Fact, Purpose and Objectives.

A. **Statutory Authorization.**

The Legislature of the State of Missouri has in R.S.Mo. 1969 as amended delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Now, therefor, be it ordained by the City Council of Webster Groves, Missouri:

B. **Findings of Fact.**

1. The flood hazard areas of Webster Groves are subject to periodic inundation which adversely affects the public health, safety and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

C. **Statement of Purpose.**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specified areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities.

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

3. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.

4. Control filling, grading, dredging and other development which may increase erosion or flood damage.

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 80.015. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"**Appeal**" means a request for a review of the Building Commissioner's interpretation of any provision of this ordinance or a request for a variance.

"**Area of special flood hazard**" is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

"**Base flood**" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

"**Development**" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading paving, excavation or drilling operations.

"**Flood**" or "**Flooding**" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland waters.

B. The unusual and rapid accumulation or runoff of surface waters from any source.

"**Flood Hazard Boundary Map**" (FHBM) and "**Flood Insurance Rate Map**" (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

"**Flood Insurance Study**" is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

"**Floodway**" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

"**Habitable floor**" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

"**Historic Structure**" means any structure that is:

A. 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;

B. 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;

C. 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

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior or

2. Directly by the Secretary of the Interior in states without approved programs.

(Ord. No. 7878, § 1, 7-11-95)

"**Mean Sea Level**" means the average height of the sea for all stages of the tide.

"**New Construction**" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"**Recreational Vehicle**" means a vehicle which is:

A. built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projections;

C. designed to be self-propelled or permanently towable by a light duty truck;

D. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. (Ord. No. 7878, § 1, 7-11-95)

"**Start of Construction**" means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

"**Structure**" means a walled and roofed building that is principally above ground.

"**Substantial Damage**" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed

50% of the market value of the structure before the damage occurred.

"**Substantial Improvement**" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have recurred "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 which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions or (2) any alteration will not preclude the structure's continued designation as a "historic structure."

"**Variance**" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship. (Ord. No. 7642, § I, 4-2-91)

Section 80.020. General Provisions.

A. Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Webster Groves.

B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood identified by the Federal Insurance Administration through a scientific and engineering report entitled "**The Flood Insurance Study for the City of Webster Groves**," dated March 9, 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and any revision thereto are hereby adopted by reference and declared to be part of this ordinance.

C. Establishment of Development Permit

A Development Permit shall be required in conformance with the provisions of this ordinance.

D. Compliance

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogations and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas shall be free from flooding or flood damages. This ordinance shall not create liability on the part of Webster Groves or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 80.025. Administration.

A. **Designation of Building Commissioner.**

The Building Commissioner is hereby appointed to administer and implement the provisions of this ordinance.

B. **Duties and Responsibilities of the Building Commissioner.**

Duties of the Building Commissioner shall include, but not be limited to:

1. Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.

2. Notify adjacent communities and the Missouri Disaster Preparedness Office prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration.

3. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

5. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.

6. When floodproofing is utilized for a particular structure the Building Commissioner shall obtain certification from a registered professional

engineer or architect.

7. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Commissioner shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

8. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Commissioner and shall be open for public inspection.

C. **Permit Procedures.**

Application for a Development Permit shall be made to the Building Commissioner on forms furnished by him and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

2. Elevation in relation to mean sea level to which any non-residential structure has been floodproofed.

3. Provide a certificate from a registered professional engineer or architect that the non-residential floodproofed structure meets the floodproofing criteria in Section 80.030.b.

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

D. **Variances Procedures.**

1. The Board of Adjustment as established by the City of Webster Groves shall hear and decide appeals and requests for variances from the requirements of this ordinance.

2. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Commissioner in the enforcement or administration of this ordinance.

3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court as provided in R.S.Mo. 1969, as amended.

4. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

5. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this ordinance, and:

   a. The danger that materials may be swept onto other lands to the injury of others;

   b. The danger to life and property due to flooding or erosion damage;

   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   d. The importance of the services provided by the proposed facility to the community;

   e. The necessity of the facility of a waterfront location, where applicable;

   f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

   g. The compatibility of the proposed use with existing and anticipated development;

   h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

   i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

   j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

   k. 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, and streets and bridges.

   l. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

6. Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

8. **Conditions for Variances.**

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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.

c. Any applicant to whom a variance is granted shall be given a written notice that the structure will be permitted to be built with a lowest floor elevation 1 foot below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

d. The Building Commissioner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Sec. 80.030. Provisions for Flood Hazard Reduction.

A. **General Standards.**

In all areas of special flood hazards the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

3. All new construction or substantial improvements shall be constructed by methods and practices that minimizes flood damage;

4. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

5. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and,

6. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

8. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

B. **Specific Standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 80.020 b the following provisions are required:

1. **Residential Construction.** New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated by 1 foot above base flood elevation.

2. **Non-residential Construction.** New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is water tight 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 official as set forth in Section 80.025 c.3.

3. **Floodways.** Located within areas of special flood hazard established in Section 80.020 b are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

   a. Prohibits encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

   b. If Section 80.030.b.3.A is satisfied, all new construction and

substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

4. **Recreational Vehicles.** Require that recreational vehicles placed on sites within the identified floodplain on the community's FIRM either:

a. be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use,[1] or

b. meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

(Ord. No. 7878, § 1, 7-11-95)

C. **Standards for Subdivision Proposals.**

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or 5 acres.

Section 80.035. Non-Conforming Use.

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

1. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.

2. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance.

3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

[1] A recreational vehicle is ready for highway use if it is on its wheels, or jacking system is attached to the site only by quick disconnect type utilities and security devises, and has no permanently attached additions.

B. If any non-conforming use or structure is destroyed by any means. including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Section 80.040. Underground Utility Service Lines.

All electrical, telephone, cable television and other utility service lines from the utility distribution system to newly erected buildings, other than two or fewer new adjacent Single-Family dwellings on streets served by overhead utility distribution system(s), shall be installed underground, except that the City Manager (or a designee of the City Manager), pursuant to administrative guidelines established by the City, and approved by the City Council, may approve above ground installations in whole or in part for non-exempted residential or non-residential lines only when documentation is provided that proves the impracticability of installing such lines underground. (Ord. No. 8339, § 2, 6-3-03)

Section 80.045. Penalties for Violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than Five Hundred Dollars ($500.00) or imprisoned for not more than one (1) year, or both, 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 Building Commissioner or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 80.050. Amendments.

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Webster Groves. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976.

Section 80.055. Severability.

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional

or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby. (Ord. No. 8448, § 1, 3-1-05)

Chapter 81. Land Disturbance Code[2]

Section 81.010 Administration.

Section 101.0 Scope.

101.1 Title. These regulations shall be known as the "**Land Disturbance Code**" of Webster Groves, Missouri, hereinafter referred to as "this code."

101.2 Introduction. On Construction or Land Disturbance Sites, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Deposits of eroded soil also necessitate maintenance of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. Construction activities also utilize materials and generate wastes, which if not properly controlled can pollute receiving waters.

101.3 Purpose and Scope. The purpose of this article is to safeguard persons, protect property, and prevent damage to the environment in the City of Webster Groves. This article will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Webster Groves.

Section 102.0 Applicability.

102.1 Other Laws. The provisions of this article shall not be deemed to nullify any provisions of City, state or federal law. When a conflict occurs between this code and any other legally adopted provision, the most stringent shall apply.

Section 103.0 Enforcement.

103.1 Department of Planning and Development. The Department of Planning and Development shall have the authority and responsibility to perform the following functions related to the enforcement of this article as associated with Major Land Disturbance Permits:

1. Receive applications for Land Disturbance Permits;

2. Plan review of Land Disturbance Activities;

3. Coordinate the review of Land Disturbance permit applications and accompanying documents with the Department of Public Works;

4. Administer the determination, collection and release of site development escrows required by this article in coordination with the Departments of Finance;

[2] All Land Disturbance Code Exhibits may be viewed in the office of the City Clerk.

5. Inspect Land Disturbance Activities;

6. Inspect Land Disturbance Activities within or abutting areas designated as one hundred (100) year flood plains; and

7. Coordinate the inspection of Land Disturbance Activities with the Department of Public Works when Land Disturbance Activities are in areas under the jurisdiction of the Department of Public Works including, but not limited to, rights-of-way and easements.

103.2 Permits. No Major Land Disturbance Permit or Ordinary Land Disturbance Permit shall be issued where the Department of Planning and Development finds that the proposed land disturbance activity would result in a material change in the amount or pattern of surface water run-off to the substantial injury of neighboring public or private property or right-of-way.

All land disturbance activities shall be carried out in such a manner as to minimize inconvenience and harm to adjacent properties and property owners.

103.3 Rule-Making Authority. The Department of Planning and Development shall have the authority, as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this article, in order to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules and regulations shall not have the effect of waiving requirements specifically provided for in this article or of violating accepted engineering practices involving the purpose of this article.

103.4 Administration and Enforcement. The Department of Planning and Development may delegate responsibility for the administration and enforcement of the provisions of this code to other agencies including but not limited to the Department of Public Works of the City of Webster Groves, the Department of Finance of the City of Webster Groves, and the Department of Parks and Recreation of the City of Webster Groves.

103.5 Plan Review. The Department of Planning and Development will review the following plans for their conformance to the Land Disturbance Code:

1. Major Land Disturbance Activities; or

2. Ordinary Land Disturbance Activities; or

3. Land Disturbance Activities located within the road right-of-way of the City of Webster Groves; or

4. Land Disturbance Activities within or directly abutting areas designated as the one hundred (100) year flood plain.

The Department of Planning and Development will issue a Land Disturbance Permit for all Land Disturbances.

Exception: The Department of Planning and Development may delegate the review of plans for land disturbance activities located within the road right-of-way.

Section 104.0 Violations.

104.1 Unlawful Acts. It shall be unlawful for any person, firm, corporation or other entity to perform any Land Disturbance Activities, or cause or allow same to be done in conflict with or in violation of any of the provisions of this article.

104.2 Notice of Violation. When the Department of Planning and Development determines that a violation of this article exists, the Director shall notify the violator. The notification shall be in writing and shall be delivered to the violator or his/her legally authorized representative or mailed to his last known address via first class mail postage prepaid. Any person having been so notified that a violation exists and who fails to abate the violation within ten (10) days after said notification, shall be subject to the penalties enumerated in Sections 104.4 and 104.4.1.

104.3 Prosecution of Violation. If the violator does not abate the violation within ten (10) days of notification as set forth in 104.2, the Department of Planning and Development shall request the City Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation.

104.4 Violation, Penalties. Any person, firm, corporation or other entity who shall violate any provision of this article, or who shall fail to comply with any of the requirements herein, or who shall perform work in violation of the approved construction documents or the Stormwater Pollution Prevention Plan, or any directive of the Department of Planning and Development, or of a permit or certificate issued under the provisions of this article, or who shall start any work requiring a permit without first obtaining a permit therefor, or who shall continue any work in or about a structure after having been served a stop-work order, except for such work which that person, firm or corporation has been directed to perform to remove a violation or unsafe condition, or any person who commits, takes part or assists in any violation of this article or who maintains any property on which such violation shall exist, shall be guilty of a violation, punishable by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

104.4.1 No-Permit Penalty. When the Director determines that work has been started prior to the issuance of a Land Disturbance Permit as required by this article, the Director shall cause a stop work order to be issued. The Land Disturbance Permit fee for work so stopped shall be double the fee as set forth in Section 108 herein, including inspections. The decision of the Director that work has been started prior to issuance of a permit shall be appealable in the same manner as other decisions of the Director.

104.5 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the City Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal use of a property or to stop an illegal act.

104.6 Permit Suspension or Revocation. When a Land Disturbance Activity is

conducted in violation of the requirements of this article or the terms of the permit in such a manner as to materially and adversely affect the safety, health or welfare of persons, or to be materially detrimental or injurious to property or improvements, the Department of Planning and Development may suspend or revoke such permit.

104.7 Stop Work Order. Upon notice from the Department of Planning and Development that work on any property is being prosecuted contrary to the provisions of this article or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be posted on the property, or given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume. Where an emergency exists, the Director shall not be required to give a written notice prior to stopping the work.

104.7.1 Unlawful Continuance. Whenever a stop work order has been issued as provided herein, the owner or the person performing such work shall immediately stop such work. Any person, who shall continue any work in or about the property after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as specified in Sections 104.4 or 104.4.1 of this article.

Section 105.0 Appeals.

105.1 Application for Appeal. Any person shall have the right to appeal a decision of the Director to the Board of Adjustment pursuant to the procedures set forth in Chapter 20 of the Municipal Code.

105.2 Basis for Appeals. An appeal shall be based solely on a claim that:

1. The true intent of this article or the rules or regulations legally adopted thereunder have been incorrectly interpreted; or

2. The provisions of this article do not fully apply; or

3. An equally good or better form of construction is proposed.

Section 106.0 Land Disturbance Permits Required.

106.1 City Permit Required. Except as provided for in Section 106.3 of this article, any person who intends to conduct any Major or Ordinary Land Disturbance Activity, as defined herein, must obtain a Land Disturbance Permit prior to beginning the activity.

106.1.1 Applications. Applications for Major Land Disturbance Permits and Ordinary Land Disturbance Permits shall be filed with the Department of Planning and Development.

106.1.2 City Building Permit and Related Ordinary Land Disturbance Activities. The Department of Planning and Development may include Ordinary Land Disturbance Activities associated with the construction of a building, structure, or parking lot authorized by a permit issued under The Building Code,

as an integrated permit for the proposed construction.

106.2 Limitation on Transfer of Land Disturbance Permits. Any person who buys or otherwise acquires land from a person or entity that has been issued a Land Disturbance Permit under this article must obtain a separate land disturbance permit from the City. Such permits are not transferable.

Exception: Land Disturbance permits may be transferred to a new land owner provided the original permit holder obtains the approval of the Department of Planning and Development to retain responsibility for the Land Disturbance Activities on such property.

106.3 Land Disturbance Permit Exceptions. Land Disturbance Permits are not required under the following circumstances:

106.3.1 Minor Grading. Land Disturbance permits are not required for the following specific activities, provided the activity does not alter, or cause to alter, the present surface of the ground by any cut or fill: a) within 4 feet of a property line; or b) that would permanently divert one drainage area to another drainage area; or c) that would deposit mud or harmful silt or create erosion or damage adjoining properties; or d) that would block or affect an existing swale or drainage path in a manner to cause damming and ponding:

1. Gardening and similar activities on property occupied by one- or two-family dwellings.

2. Land Disturbance Activities associated with additions to and accessory structures, including in-ground swimming pools, for one- and two-family dwellings.

3. Land Disturbance activities for construction other than those exempted by Exemption #2 above involving less than 30 cubic yards of earth/soil moved and less than 2,000 square feet of disturbed area provided the Land Disturbance Activity is for the improvement of the property. Erosion and sediment control measures shall be provided when necessary until grass or other vegetation is established or other approved means of ground cover means are used.

4. Removal of existing or dying grass or similar vegetation by disturbing not more than 10,000 square feet and re-sodding or re-seeding with new landscaping to include preparation of the seed bed; provided erosion and sediment control measures are provided until grass or other vegetation is established; and provided any cut and fill in conjunction with the preparation of the seedbed shall not exceed thirty (30) cubic yards.

5. Existing farming, nursery and agricultural operations conducted as a permitted or accessory use.

106.3.2 Public Entities.

1. Land Disturbance Activities by any public utility; for the installation,

inspection, repair or replacement of any of its equipment or for its collection or distribution lines or piping systems; provided erosion and sediment control measures are provide until grass or other vegetation is established or other approved ground cover means are used. This exception does not apply to any Land Disturbance Activity associated with work that requires a building permit.

2. Land Disturbance Activities by the following Governmental Agencies when acting in their official capacity:

   a. City of Webster Groves Departments of Public Works

   b. City of Webster Groves Department of Parks and Recreation

   c. St. Louis County Department

   d. Missouri State Highway Department

106.3.3 Emergencies. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

106.4 State of Missouri Permits Required. The permit applicant must obtain a land disturbance permit from the State of Missouri Department of Natural Resources for any site where 1 acre or more of land will be disturbed, before beginning any site work authorized by a City permit. This requirement applies to sites of less than 1 acre that are part of a proposed development that will ultimately disturb 1 acre or more.

Section 107.0 Land Disturbance Permit Applications.

107.1 Permit Applications. Applications for Land Disturbance permits required by this article shall be in the form prescribed by, and accompanied by the site plans and documents determined necessary by, the Department of Planning and Development.

107.2 Stormwater Pollution Prevention Plan (SWPPP) Required for Major Land Disturbance Permits. All applications for Major Land Disturbance Permits shall be accompanied by a Stormwater Pollution Prevention Plan, prepared for the specific site by or under the direction of a Qualified Professional. The application shall contain a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Stormwater Pollution Prevention Plan, and the applicant will assume and acknowledge responsibility for compliance with this article and the Stormwater Pollution Prevention Plan at the site of the permitted activity.

107.3 Required Site Development Escrows for Major Land Disturbance Permits. Applicants for Major Land Disturbance permits shall file a site development escrow, in the form of a letter of credit, cash deposit or other improvement security in an amount deemed sufficient by the Department of Planning and Development to cover all costs of installation and maintenance of each Best Management Practice proposed in the SWPPP for such period as specified by the Department of Planning and Development. The site development escrow shall include engineering and inspection costs sufficient to cover the cost of failure, or repair, of improvements installed on the site.

107.3.1 Release of Escrows. Project Closure: Any site development escrow or deposit will not be fully released to the property owner, site operator or permit holder until all of the following have been completed:

1. All temporary stormwater control Best Management Practices (BMP's) have been removed and the site has been fully stabilized.

2. All permanent stormwater control Best Management Practices (BMP's) have been completed.

3. All final inspections/certifications have been completed.

107.3.2 Use of Escrows by City. At any time following the suspension or revocation of a Land Disturbance Permit, the City may utilize site development escrow funds to implement or restore a BMP due to the failure of the property owner, site operator, or permit holder to install a required BMP or remedy a deficiency arising during the course of the land disturbance activity.

107.4 Submittal Requirements for Ordinary Land Disturbance Permits. Submittal requirements for Ordinary Land disturbance permits shall be as required by Chapter 20 Article I of the Municipal Code. (Adopts Building Code – refer to Appendix J, Appendix U, and Appendix W)

Section 108.0 Fees.

108.1 Issuance of Permits. Land Disturbance permits shall not be issued until the fees associated with the permits are paid as specified in Sections 108.1.1 through 108.1.2 of this article.

108.1.1 Department of Planning and Development. Fees for plan review, inspection, and permit administration by the Department of Planning and Development related to Land Disturbance permits shall be in accordance with the fee rates for building permits as set forth in Chapter 20 of the Municipal Code. In applying the Fee Schedule, the total estimated cost of Land Disturbance Activities shall include applicable grubbing, site clearing, rough grading, sediment and erosion control measures, excavating, backfill, final grading, concrete flatwork, asphalt pavement, and final landscaping. The Department of Planning and Development may require a bona fide contract(s) or affidavit(s) of the applicant and owner of the project, in which the applicant and owner verify the total cost of the site improvements related to the permit. The Department of Planning and Development is authorized to establish the fee by determining the plan review cost and estimating the total number of inspections required, when in the opinion of the Department of Planning and Development, the fee resulting from this method more closely relates to the cost of enforcing the requirements of this article.

108.1.2 Department of Public Works. Fees for the activities related to Land Disturbance permits that are normally under the jurisdiction of the Department of Public Works shall be in accordance with the fee rates set forth in Chapter 10 of the Municipal Code.

Section 109.0 Inspections.

109.1 Typical Inspection Requirements. The City department(s) having enforcement authority and responsibilities described in Section 103.0 of this article shall make inspections as herein required and shall either approve that portion of the work completed or shall notify the permit-holder where the work fails to comply with the SWPPP as approved. Plans for land disturbance, stripping, excavating, and filling work bearing the stamp of approval of the City department issuing the permit shall be maintained at the site during the progress of the work. To obtain inspections, a permit-holder shall notify the Department of Planning and Development or the Department of Public Works at least two (2) working days before the following:

1. Pre-construction
2. Post-Installation of sediment and erosion measures
3. Completion of site clearing
4. Completion of rough grading
5. Completion of final grading
6. Close of the construction season
7. Completion of final landscaping

109.2 Extra Inspections. In addition to the inspections otherwise required, the Department of Planning and Development and the Department of Public Works are authorized to perform and charge fees for extra inspections or re-inspections which in their judgment are reasonably necessary due to non-compliance with the requirements of this article, or work not ready or accessible for inspection when requested.

109.3 Pre-Land Disturbance Inspection. After a Major Land Disturbance permit is issued by the Department of Planning and Development, and prior to any site disturbance activity, an Inspection must be obtained from the Department of Planning and Development.

109.4 Permit-Holder Inspection and Report Responsibilities - Major Land Disturbances. In the event the Director determines that a proposed Land Disturbance Activity may require extraordinary monitoring to assure compliance with an approved Stormwater Pollution Prevention Plan (SWPPP), the City may require and the holder of a Major Land Disturbance Permit, or his/her agent, shall cause regular inspections of land disturbance sites by a qualified Special Inspector retained by the Permit holder. Inspections shall include all erosion and sediment and other pollutant control measures, outfalls and off-site receiving waters in accordance with the inspection schedule outlined in the approved Stormwater Pollution Prevention Plan (SWPPP). Inspections must be scheduled at least three (3) times per month and no later than seventy-two (72) hours after heavy rain. The purpose of such inspections will be to ensure proper installation, operation and maintenance of Best Management Practices (BMPs) and to determine the overall effectiveness of the Stormwater Pollution Prevention Plan (SWPPP) and the need, if any, for additional control measures. All inspections shall be documented in

writing on forms provided by the Department of Planning and Development, and submitted weekly to the Department of Planning and Development at the time interval specified in the permit.

109.4.1 Notification and Correction of Deficiencies. The permit-holder shall notify the site contractor(s) responsible for any deficiencies identified so that deficiencies can be corrected within seven (7) calendar days of the weekly inspection report.

109.4.2 City Inspections. The Department of Planning and Development may make inspections as deemed necessary to ensure the validity of the reports filed under Section 109.2 of this article or to otherwise ensure proper installation, operation and maintenance of stormwater Best Management Practices (BMPs), to determine the overall effectiveness of the Stormwater Pollution Prevention Plan (SWPPP), and to assess the need for additional control measures.

Section 81.020. Definitions.

Section 201.0 Definitions.

201.1 Definitions. For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings given herein. Where terms are not defined by this section, such terms shall have ordinarily accepted meanings such as the context implies.

"**Article**," "**this Article**," or **"Article III**" means the "**Land Disturbance Code**" of the City of Webster Groves, Missouri, as adopted by this ordinance.

"**Best Management Practices (BMPs)**" means practices, procedures or a schedule of activities to reduce the amount of sediment and other pollutants in stormwater discharges associated with construction and Land Disturbance Activities.

"**City**" means City of Webster Groves, Missouri.

"**Clearing**" means any activity that removes the vegetative surface cover.

"**Code of Webster Groves**" means the Revised Code of Ordinances of the City of Webster Groves, Missouri as amended from time to time.

"**County**" means St. Louis County, Missouri.

"**Construction Site or Land Disturbance Site**" means a parcel or contiguous parcels, where Land Disturbance Activities are performed as part of a proposed development.

"**Department of Finance**" means the Department of Finance of the City of Webster Groves, Missouri.

"**Department of Planning and Development**" means the Department of Planning and Development of the City of Webster Groves, acting through its Director, or his/her duly authorized designee.

"**Department of Public Works**" the Department of Public Works of the City of Webster Groves, acting through its Director, or his/her duly authorized designee.

"**Director**" means the Director of the Department of Planning and Development of the City of Webster Groves, Missouri or his/her duly authorized designee.

"**Drainage Way**" means any channel that conveys surface runoff through a site.

"**Erosion**" means the wearing away of land surface through the action of wind or water.

"**Erosion Control**" means any Best Management Practices (BMPs) that prevents or minimizes erosion.

"**Grading**" means reshaping the ground surface through excavation and/or fill of material, including the resulting conditions.

"**Heavy Rainfall**" means a rainfall intensity that causes erosion.

"**Historic Preservation Commission**" means the Historic Preservation Commission of the City of Webster Groves, Missouri.

"**Land Disturbance Activities**" means any activity such as clearing, grading or any other land disturbance related work which results in removal of the natural site vegetation and destruction of the root zone or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water.

"**Land Disturbance Code**" means the Land Disturbance Code of the City of Webster Groves as adopted by ordinance and its amendments.

"**Land Disturbance, Major**" means any Land Disturbance Activity involving 1 acre or more of land, or a site involving less than 1 acre that is part of a common plan proposed development that will disturb 1 acre or more.

"**Land Disturbance, Ordinary**" means any Land Disturbance Activity involving less than 1 acre of land.

"**Land Disturbance Permit**" means a permit issued by the City of Webster Groves authorizing a Land Disturbance Activity at a specific site subject to conditions stated in the permit. A Permit may be for any one or more Major or Ordinary Land Disturbance Activities.

"**Municipal Code**" means the Code of Webster Groves, Missouri.

"**Perimeter Control**" means a barrier that prevents sediment from leaving a site by filtering sediment laden runoff or diverting it to a sediment trap or basin.

"**Phasing**" means clearing a parcel of land in distinct phases stages, with the stabilization of each phase substantially completed before the clearing of the next.

"**Qualified Professional**" means a Missouri licensed professional engineer or other person or firm certified by an agency approved by the Director in the principles and

practices of erosion and sediment control, including the Best Management Practices described in this article.

"**Runoff Coefficient**" means the fraction of total rainfall that exits at the outfalls from a site.

"**Sediment Control**" means any Best Management Practices (BMPs) that prevents eroded sediment from leaving a site.

"**Special Inspector**" means a person as herein required who has the special expertise to ensure compliance with the approved Land Disturbance Code and Best Management Practices (BMPs) of the City of Webster Groves.

"**Stabilization**" means the use of Best Management Practices (BMPs) that prevent exposed soil from eroding from a land disturbance site.

"**Start of Construction**" means the first Land Disturbance Activity associated with a development.

"**Stormwater Pollution Prevention Plan (SWPPP)**" means a management plan, the purpose of which is to ensure the design, implementation, management and maintenance of Best Management Practice (BMP) in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with Land Disturbance Activities, comply with the standards of the City of Webster Groves and ensure compliance with the terms and conditions of the applicable state permits, including adherence to the land disturbance program contained in Missouri State issued MS4 NPDES permits.

"**Water Course**" means a natural or artificial channel or body of water, including but not limited to, lakes, ponds, rivers, streams, ditches and other open conveyances that carry surface runoff water either continuously or intermittently.

Section 81.030. Design Requirements.

Section 301.0 General.

301.1 Design Guidelines. The Model Best Management Practices (BMPs) for Land Disturbance, Sediment and Erosion Control of St. Louis County, as adopted herein, shall be the general design guidelines for addressing land disturbance activities.

301.2 State Operating Permit from the Missouri Department of Natural Resources. Prior to any Major Land Disturbance Activity, an Operating Permit from the State of Missouri Department of Natural Resources will be required.

301.3 Tree Preservation Permit from the Department of Planning and Development. Prior to any Land Disturbance Activity, a tree preservation permit from the Department of Planning and Development will be required. (See Chapter 10, Article IV of the Code of Webster Groves.)

301.4 Requirements of Permit Holder. The permit-holder shall sign a "**Developer Agreement**" attesting to the following:

1. Notify all contractors and other entities (including utility crews, City employees, or their agents) that will perform work at the site, of the existence of the Stormwater Pollution Prevention Plan (SWPPP) and what actions or precautions shall be taken while on site to minimize the potential for erosion and the potential for damaging any Best Management Practices (BMPs);

2. Determine the need for and establish training programs to ensure that all site workers have been trained, at a minimum, in erosion control, material handling and storage, and housekeeping; and

3. Provide copies of the Stormwater Pollution Prevention Plan (SWPPP) to all parties who are responsible for installation, operation or maintenance of any Best Management Practices (BMPs); and

4. Maintain a current copy of the Stormwater Pollution Prevention Plan (SWPPP) on the site at all times.

301.5 Submission Requirements of the Department of Planning. The submission requirements of the Department of Planning and Development are as follows:

1. Completed application on a form provided by the Department of Planning and Development

2. Four (4) copies of the sketch plan

3. Four (4) copies of the SWPPP (the sketch plan and SWPPP may be incorporated into one plan)

4. Application Fee

301.6 Issuance of Permit. Land Disturbance Permits shall be issued upon the following:

1. Approval of a SWPPP for the proposed Land Disturbance Activity

2. Issuance of Tree Preservation Permit, if required.

3. Payment of Permit and inspection fees as provided in Section 108.

4. Payment of escrow per Section 107.3, if required

5. Receipt of State Operating Permit issued by Missouri Department of Natural Resources

6. Signed Developer Agreement

7. Identification and qualifications of retained Special Inspector, if required.

Section 302.0 Stormwater Pollution Prevention Plans (SWPPP).

302.1 General. A Stormwater Pollution Prevention Plan (SWPPP), signed and sealed by a Professional Engineer licensed in the State of Missouri, must be submitted for any Major Land Disturbance Activity. The plans shall contain a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Stormwater Pollution Prevention Plan, and the person issued a Land Disturbance Permit assumes and acknowledges responsibility for compliance with the Land Disturbance Code and the approved Stormwater Pollution Prevention Plan at the site of the permitted activity.

302.2 Stormwater Pollution Prevention Plan (SWPPP) Contents. A Stormwater Pollution Prevention Plan (SWPPP) shall include the following information:

1. Name, address and telephone number of the site owner and the name, address and twenty-four (24) hour telephone number of the individual who will be in overall responsible charge of construction/development activities at the site.

2. Site address or location description and parcel identification number(s).

3. A site map showing the outlines of the total project area, the areas to be disturbed, existing land uses, locations and names of surface water bodies, locations of flood plains, and locations of temporary and permanent Best Management Practices (BMPs).

4. Existing contours of the site and adjoining strips of off-site property and proposed contours after completion of the proposed land disturbance and development, based on United States Geological Survey datum, with established elevations at buildings, walks, drives, street and roads; and information on necessary clearing and grubbing, removal of existing structures, excavating, filling, spreading and compacting.

5. A natural resources map identifying soils, forest cover, and resources protected under other provisions of the Code of Webster Groves.

6. An estimate of the Runoff Coefficient of the site prior to disturbance and the Runoff Coefficient after the construction addressed in the permit application is completed.

7. Estimated quantity of land to be disturbed.

8. Details of the site drainage pattern both before and after Major Land Disturbance Activities.

9. Access to the construction site.

10. Description of the Best Management Practices (BMPs) to be utilized to control erosion and sedimentation during the period of land disturbance. A table is to be provided that lists each BMP to be utilized and the quantity of each (the quantity for silt fence, etc. is to be listed in linear footage).

11. Description of the Best Management Practices (BMPs) to be utilized to prevent other potential pollutants (construction wastes, toxic or hazardous substances, petroleum products, pesticides, herbicides, site litter, sanitary wastes, etc.) from entering the natural drainage ways during the period of construction and land disturbance.

12. Description of the Best Management Practices (BMPs) that will be installed during land disturbance to control pollutants in stormwater discharges that will occur after land disturbance activity has been completed.

13. Location of temporary off-street parking, and wash-down area for related vehicles.

14. Sources of off-site borrow material or spoil sites, and all information relative to haul routes, trucks and equipment.

15. The anticipated sequence of construction and Land Disturbance Activities, including installation of Best Management Practices (BMPs), removal of temporary Best Management Practices (BMPs), stripping and clearing; rough grading; construction utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date(s) on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

16. All erosion and sediment control measures necessary to meet the objectives of this ordinance Code throughout all phases of construction and after completion of site development. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

17. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

18. Provisions for maintenance of control facilities, including easements.

19. Plans for responding to any loss of contained sediment to include the immediate actions the permit-holder will take in case of a containment failure. This plan must include documentation of actions and mandatory reporting to the Department of Planning and Development.

20. Schedules and procedures for routine inspections of any structures provided to prevent pollution of stormwater or to remove pollutants from stormwater and of the site in general to ensure all Best Management Practices (BMPs) are continually implemented and are effective.

302.3 Simplified SWPPP. Major Land Disturbance Activities meeting all of the following conditions may submit a Simplified SWPPP:

1. Area(s) of land disturbance total more than 1 acre but are less than 5 acres

2. Minimal change (approximately < 1 foot) in grade elevation for entire area of disturbance

3. Purpose is to restore an unpaved surface such as a sports field, etc.

302.3.1 Simplified SWPPP Contents. The following information shall be shown on the SWPPP in conjunction with all information required on a sketch plan*:

a. Show existing & proposed contours, and land disturbance limits (i.e., by shading, etc.).

b. Show and label perimeter siltation control around or along the disturbance required for any situation where the area of disturbance would drain onto adjacent public or private property. Show siltation control around inlets or storm sewer systems that could receive water from the disturbed area. Provide BMP quantities of materials to be disturbed and details on the plan.

c. Show and label the temporary entrances and washdown area.

d. Add statement/notes:

i. Any land clearing, construction, or development involving the movement of earth shall be in accordance with the Stormwater Pollution Prevention Plan, and the person issued a Land Disturbance Permit assumes and acknowledges responsibility for compliance with the Land Disturbance Code and the approved Stormwater Pollution Prevention Plan at the site of the permitted activity.

ii. Clearing techniques that retain existing vegetation to the maximum extent practicable shall be used and the time period for disturbed areas to be without vegetative cover shall be minimized to the extent practical.

iii. Additional siltation control shall be installed as required by the Department of Planning and Development.

iv. Areas shall be seeded when no activity will occur within thirty (30) days.

(1) List the name, address and twenty-four (24) hour telephone number of the individual who will overall be responsible (in charge of) construction activities at the site.

(2) Signed and sealed by a Missouri Professional

Engineer

302.3.2 Additional Contents. No additional information will be required on the plan unless otherwise determined by the Department of Planning and Development.

302.4 Stormwater Pollution Prevention Plan (SWPPP) for Clearing and Grubbing. The following minimum information must be shown on a SWPPP submitted for clearing and grubbing only:

1. All information required on a sketch plan, as required by the Department of Planning and Development.

2. Show existing contours, and only those proposed contours necessary for the construction of a temporary entrance and washdown area, etc.

3. Clearly show clearing and grubbing limits (i.e., by shading, etc.)

4. Show and label perimeter siltation control.

5. Show and label temporary entrances and washdown area.

6. List BMPs and provide quantities of materials to be disturbed.

7. Show BMP details.

8. Missouri P.E. sign and seal plan.

9. Add statement: Any land clearing, construction, or development involving the movement of earth shall be in accordance with the Stormwater Pollution Prevention Plan, and the person issued a Land Disturbance Permit assumes and acknowledges responsibility for compliance with the Land Disturbance Code and the approved Stormwater Pollution Prevention Plan at the site of the permitted activity.

10. **Add Notes.**

    a. Clearing techniques that retain existing vegetation to the maximum extent practicable shall be used and the time period for disturbed areas to be without vegetative cover shall be minimized to the extent practical.

    b. Additional siltation control shall be installed as required by the Department of Planning and Development.

    c. Areas shall be seeded after clearing and grubbing when no activity will occur within thirty (30) days.

    d. A Stormwater Pollution Prevention Plan (SWPPP) and a Major Land Disturbance (MLD) Permit will be required prior to any grading on the site, beyond what is approved on this plan.

11. List name, address and twenty-four (24) hour telephone number of the individual who will overall be responsible (in charge of) construction/development activities at the site.

302.5 Permit Requirements for Test Holes. "**Land Disturbance Activities**" are defined as any activity such as clearing & grubbing, grading and any other land disturbance work that results in the removal of the natural site vegetation and destruction of the root zone, or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water.

If the area of the test hole excavation, the area where the excavation is stockpiled temporarily, the path created by machinery to get to the test hole locations, or any other additional area of disturbance needed to perform the work, fall under the above definition for "**Land Disturbance Activities**", and collectively total the following amounts, the following requirements apply:

Collective Total Amount	**Requirement**
Greater than 1 acre, and includes grading other than the excavation for each test hole	Need SWPPP approval and a Major Land Disturbance Permit
Greater than 1 acre, and does not include grading other than the excavation for each test hole	Need to meet the SWPPP requirements for clearing and grubbing and a Major Land Disturbance Permit
Greater than 2000 square feet and less than 1 acre	Need an Ordinary Land Disturbance Permit
Less than 2000 square feet, and includes grading other than the excavation for each test hole in an amount greater than 30 cubic yards	Need an Ordinary Land Disturbance Permit
Less than 2000 square feet, and includes grading other than the excavation for each test hole in an amount less than 30 cubic yards	No Land Disturbance Permit required
Note: A permit will be required from the Department of Planning and Development for the construction of a temporary entrance.	

302.6 Amending the Stormwater Pollution Prevention Plan. The permit-holder shall amend the Stormwater Pollution Prevention Plan whenever:

1. Design, operation or maintenance of Best Management Practices (BMPs) is changed.

2. Design of the construction project is changed that could significantly affect the quality of the stormwater discharges;

3. Site operator's inspections indicate deficiencies in the Stormwater Pollution Prevention Plan (SWPPP) or any Best Management Practices (BMPs).

4. Inspections by the Department of Planning and Development or by the Missouri Department of Natural resources indicate deficiencies in the Stormwater Pollution Prevention Plan (SWPPP) or any Best Management Practices (BMPs).

5. The Stormwater Pollution Prevention Plan (SWPPP) is determined to be ineffective in significantly minimizing or controlling erosion or excessive sediment deposits in streams or lakes.

6. The Stormwater Pollution Prevention Plan (SWPPP) is determined to be ineffective in preventing pollution of waterways from construction wastes, chemicals, fueling facilities, concrete truck washouts, toxic or hazardous materials, site litter or other substances or wastes likely to have an adverse impact on water quality;

7. Total settleable solids from a stormwater outfall exceeds 0.5 ml/L/hr if the discharge is within the prescribed proximity of a "Valuable Resource Water" as defined by the Missouri Department of Natural Resources;

8. Total settleable solids from a stormwater outfall exceeds 2.5 ml/L/hr for any other outfall; or

9. The Department of Planning and Development or the Missouri Department of Natural Resources determines violations of water Quality Standards may occur or have occurred.

Section 303.0 Performance Standards.

303.1 Design of Erosion and Sediment Controls. The design of erosion and sediment controls required for Land Disturbance Activities shall comply with the following minimum requirements:

1. Land disturbance, erosion and sediment control practices, and watercourse crossings shall be adequate to prevent transportation of sediment from the site.

2. Materials brought to any site or property under a permit issued under the Land Disturbance Code, where said material is intended to be utilized as fill material at the site for land disturbance, erosion or sediment control, shall consist of clean uncontaminated inert materials (soil, rock, concrete, ,sand, etc. void of any asphaltic concrete, wood, metals, plastics, textiles, hydrocarbons, etc.). Sludge of any kind may not be used as a clean fill.

3. Cut and fill slopes shall be no greater than 3:1 except as approved by the Department of Planning and Development to meet other community or environmental objectives.

4. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with the Code of Webster Groves.

5. Clearing techniques that retain existing vegetation to the maximum extent practicable shall be used and the time period for disturbed areas to be without vegetative cover shall be minimized to the extent practical.

6. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

7. Phasing shall be required on all sites disturbing greater than 30 acres of land. The size of each phase to will be established by the Department of Planning at the time of plan review for the issuance of a Major Land Disturbance permit.

303.1.1 Erosion Control Requirements. Erosion control requirements shall include the following:

a. Soil stabilization shall be completed within five (5) days of clearing or inactivity in construction.

b. If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the site shall be re-seeded or a non-vegetative option employed.

c. Techniques shall be employed to ensure stabilization on steep slopes and in drainage ways.

d. Soil stockpiles must be stabilized or covered at the end of each workday or perimeter controls must be in place to prevent silt from the stockpile from leaving the site.

e. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.

f. Techniques shall be employed to prevent the blowing of dust or sediment from the site.

g. Techniques shall be employed to divert upland runoff past disturbed slopes.

303.1.2 Sediment Control Requirements. Sediment control requirements shall include:

a. Sediment basins, sediment traps, or tanks and perimeter controls.

b. Sediment basins shall be provided for each drainage area within 10 or more acres disturbed at one time and shall be sized to contain 1/2 inch of sediment from the drainage area and be able to contain a two (2) year, twenty-four (24) hour storm. If the provision of a basin of this size is impractical, other similarly effective Best Management Practices (BMP's), as evaluated and specified in the Stormwater Pollution Prevention Plan (SWPPP), shall be provided.

c. Sediment basins shall be designed in a manner that allows adaptation to provide long-term stormwater management, as required by the Department of Planning and Development.

d. Sediment basins shall have stabilized emergency spillways to minimize the potential for erosion of the spillway or basin embankment.

e. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

303.2 Water Course Protection Requirements. Water course protection requirements shall include:

1. Encroachment into or crossings of active water courses / riparian areas and wetlands shall be avoided to the maximum extent practicable. All County, State and Federal permits and approvals shall be obtained by a permit holder prior to beginning work authorized by a Land Disturbance permit issued by the Department of Planning and Development.

2. Stabilization of any watercourse channels before, during, and after any in-channel work.

3. If a defined watercourse is to be re-aligned or re-configured, clearing and grubbing activities within 50 feet of the watercourse shall not begin until all materials and equipment necessary to protect the watercourse and complete the work are on site. Once started, work shall be completed as soon as possible. Areas within 50 feet of the watercourse shall be re-contoured and re-vegetated, seeded or otherwise protected within five (5) working days after land disturbance activities have ceased.

4. All stormwater conveyances shall be designed according to the criteria of the Metropolitan Saint Louis Sewer District (MSD) and the necessary MSD permits obtained.

5. Stabilization adequate to prevent erosion shall be provided at the outlets of all pipes and paved channels.

303.3 Construction Site Access Requirements. Construction site access requirements for Major Land Disturbance Activities shall include:

1. A temporary access road provided at all land disturbance sites including a

wash down area supporting all active sites.

2. The Department of Planning and Development may require other measures to ensure that construction vehicles do not track sediment onto public streets or be washed with wash effluent channeled directly into storm drains.

303.4 Control Requirements for Construction Materials. Control requirements for construction materials, construction wastes and other wastes generated on site at land disturbance sites shall include provisions, satisfactory to the Department of Planning and Development for:

1. Spill prevention and control facilities for materials such as paint, solvents, petroleum products, chemicals, toxic or hazardous substances, substances regulated under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and any wastes generated from the use of such materials and substances, including their containers. Any containment systems employed to meet this requirement shall be constructed of materials compatible with the substances contained and shall be adequate to protect both surface and ground water.

2. Collection and disposal of discarded building materials and other construction site wastes, including those listed above.

3. Litter control.

4. Control of concrete truck washouts.

5. Assurance that on-site fueling facilities will adhere to applicable federal and state regulations concerning storage and dispensers.

6. Provision of sufficient temporary toilet facilities to serve the number of workers on Major Land Disturbance sites.

Section 304.0 Sketch Plan Requirements for Major Land Disturbance Permit.

304.1 Purpose. To allow land disturbance on legal lots prior to submission of a site plan or preliminary plat for development on the site, the proposed land disturbance should be compatible with development in the area, and the plan should reflect the minimal amount of land disturbance necessary until a site plan or preliminary plat is submitted for review. The Sketch plan does not need to be sealed by a registered engineer or surveyor.

304.2 Sketch Plan Contents. Sketch plan requirements for a Major Land Disturbance Permit shall include the following:

1. A locator number, address and zoning of the tract.

2. Existing contours.

3. A key map showing the tract in relationship to the surrounding area.

4. The approximate location of all existing structures and current uses within the tract and wooded areas within the tract and within 100 feet thereof. All historic buildings, as identified by the Historic Preservation Commission, should be identified.

5. The name, address, and phone number of the owners of the tract and the same for the permit applicant if different.

6. All existing roads and approximate location of wet and dry weather water courses, flood plain areas, sinkholes, and other physical features within the tract and within 100 feet thereof.

7. Approximate location of future uses including buildings and parking areas for commercial uses and lot lines/units for residential uses. Proposed access to the site and proposed roads should be included. These features do not have to be to scale, but should clarify the relationship of future uses to the areas being cleared and grubbed.

8. The areas to be cleared and grubbed.

9. Phasing if any. (Required on 30 acres or greater in size) (Ord. No. 8591, § 2, 5-20-08)

CHAPTER 82. STORMWATER

82.010 Intent It is the intent of these stormwater provisions to ensure to the greatest extent possible that the stormwater that is generated on a property is retained on that property or transferred from the property to an MSD stormwater system in a controlled manner.

These provisions are intended to control stormwater resulting from a design storm event (15 year 20 minute) or less intensive storm event. It is recognized that there will be times when a storm event will exceed the design storm event (whether that be from flash flooding, a more intensive storm event, or ground saturation) and will not be entirely controlled.

These provisions are intended to control the stormwater resulting from the property at issue, **NOT** to control stormwater that flows from other properties onto or through the property at issue.

82.020 Land Disturbance Code It is important distinguish between these provisions and the provisions of the Land Disturbance Code. The Land Disturbance Code is intended to ensure to the greatest extent possible that materials such as silt, oils, and construction debris do not get into the stormwater system during construction. The Land Disturbance Code regulations are contained in Chapter 81 of the City Code.

82.030 Administration and Enforcement The administrative and enforcement provisions as outlined below, as amended from time to time shall be the administrative and enforcement provisions to be used when administering and enforcing this ordinance.

a. Inspections. In addition to the inspections specified, the authority having jurisdiction is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this ordinance and other laws that are enforced by the authority having jurisdiction.

b. Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any improvement regulated by this ordinance, or cause same to be done, in conflict with or in violation of any of the provisions of this ordinance.

c. Violation penalties. Any person who shall violate a provision of this ordinance or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair an installation in violation of an approved plan or directive of the authority having jurisdiction or of a permit or certificate issued under the provisions of this code, shall be guilty of an ordinance violation, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

d. Authority. Whenever the authority having jurisdiction finds any work regulated by this ordinance being performed in a manner either contrary to the provisions of this ordinance or dangerous or unsafe, the authority having jurisdiction is authorized to issue a stop work order.

e. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to

remove a violation or unsafe condition, shall be guilty of an ordinance violation, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

f. Notice. If an unlawful condition is found, the authority having jurisdiction shall serve on the owner, agent or person in control of the premises, a written notice that describes the condition deemed unlawful and specifies the required repairs or improvements to be made to abate the unlawful condition within a stipulated time. Such notice shall require the person thus notified to declare immediately to the authority having jurisdiction acceptance or rejection of the terms of the order.

g. Emergency. In case of emergency where necessary to eliminate an immediate hazard to life or property action may be taken by the authority having jurisdiction to eliminate or cause to eliminate the violation.

h. Application for appeal. Any person shall have the right to appeal a decision of the authority having jurisdiction to the board of adjustment. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

i. Work exempt from permit. Exemptions from permit requirements of this ordinance shall not be deemed to grant authorization for any work involving the control of stormwater to be done in any manner in violation of the provisions of this ordinance or any other laws or ordinances of the City of Webster Groves.

82.040 Definition

a. Authority having jurisdiction. The Director of Public Works, Building Commissioner or their representative who is responsible for the enforcement of this ordinance.

b. Commercial. Any premises on which development other than a detached one- or two-family dwelling is located.

c. Design Storm Event A 15-year, 20-minute storm event for the St. Louis Metropolitan Area (1.067 inches of rain falling in a 20 minute span of time).

d. Differential Any net change in stormwater run-off volume for a given site, area, or portion of a site resulting from construction, development activity, or grading on that site.

e. Metropolitan St Louis Sewer District (MSD) Stormwater System Any system or part thereof that is under the control of MSD for carrying stormwater from developed areas sites to natural channel discharge points. The system shall include but not be limited to street curb/gutter systems, curb inlets, area inlets, creeks, and sink holes.

EXCEPTION –

1) **Combined Sewer System** A combined sewer system is **not** considered a part of an MSD storm system unless approved in writing by MSD.

2) **Natural Channels** Natural channels are **not** considered a part of an MSD storm system.
3) **Private Storm Sewer Systems** Private storm sewer systems (those not dedicated to MSD) are **not** considered a part of an MSD storm system.

f. Responsible Party The owner of a parcel of land or party formally designated by the owner who is responsible for stormwater management.

g. Stormwater Runoff from precipitation, and ground water collected by mechanical means including but not limited to sump pumps.

h. Stormwater Detention. Temporary on-site storage of stormwater for a period of up to seven (7) days in order to gradually release water into the ground or MSD Stormwater System.

i. Stormwater Retention. Permanent on-site storage of stormwater for use as a landscaping water feature and/or long-term irrigation.

j. Surface, Impervious. Any surface which prevents the percolation of stormwater into the ground. Those surfaces include but are not limited to roofs, traditional concrete and asphalt pavements, and exposed bedrock.

k. Surface, Pervious. Those surfaces where all stormwater is intended to percolate into the ground. Those surfaces include but are not limited to lawn areas and garden areas.

l. Surface, Semi-pervious. Those surfaces where at least 50% of the stormwater is intended to percolate into the ground. Those surfaces include but are not limited to certain paver block surfaces, engineered gravel surfaces, pervious concrete pavements, and pervious asphalt pavements.

(1) 82.050 Design Guidelines Unless these regulations are more restrictive, the document “Rules and Regulations and Engineering Design Requirements for Sanitary Sewer and Stormwater Drainage Facilities” as produced by the Metropolitan St Louis Sewer District (MSD) shall be the design guidelines for the installation of storm and sanitary systems whether or not such systems are dedicated to MSD.

(2) 82.060 Stormwater Plan – Required A Stormwater Plan addressing control of the stormwater shall be required in conjunction with any application for a building or grading permit involving the creation of impervious and/or semi-pervious surfaces or when a land disturbance permit is required. (Example: Building permits for work such as interior renovations or window replacement would not require a stormwater plan.)

82.070 Stormwater Plan - Contents The plan shall include sufficient information to ensure that any increased differential stormwater, and any change to the existing stormwater discharge is being properly controlled, and include at a minimum:

a. Existing pervious, semi-pervious, and impervious conditions as well as proposed pervious, semi-pervious and impervious conditions including but not limited to buildings, sidewalks, patios, decks, driveways, grass areas, and gardens.

b. The materials of each surface.

c. Existing and proposed topography detailed in 2 foot increments.

d. Elevation points for existing and proposed building corners.

e. Arrows showing the direction of flow on the property.

f. Point drainage locations and the distance from property lines of the point drainage outlet.

g. Any existing and proposed Metropolitan St Louis Sewer District (MSD) stormwater systems.

h. The existing and proposed path of the stormwater to the MSD stormwater system. The path shall include off premise analysis where applicable.

i. Calculations of differential stormwater.

j. The seal of a registered design professional shall be required under the conditions listed herein:

1) Any commercial exterior improvement.
2) Any new detached one- or two-family dwelling.
3) Any installation of additional impervious surface on a one- or two-family residential property where the new impervious or semi-pervious surface is more than five percent (5%) of the existing lot or 400 square feet whichever is less.

EXCEPTION –

1) Where it can be demonstrated that 100% of the differential stormwater resulting from the new impervious surfaces shall be directed to an MSD stormwater system that is contiguous with the lot at issue.
2) Where the inspector can determine based upon the site visit required in 82.080 that differential stormwater resulting from the proposed construction or grading can be totally dissipated within the confines of the development parcel of land without adversely impacting adjacent properties or rights-of way.

4) Any installation of a retention or detention area including but not limited to rain gardens and dry or wet holding areas.

EXCEPTION – Receptacles including but not limited to pre-engineered rain barrels and cisterns.

Any stormwater control drawings and/or calculations that are required to be sealed shall be sealed by a registered design professional who, by Missouri State law, is permitted to seal such drawings and/or calculations. (see RSMo327)

82.080 Site visit The responsible party shall schedule an inspection of the lot before the issuance of a building permit to determine that the plan submitted will adequately address stormwater control and to allow the inspector an opportunity to have full knowledge of the property before the work commences.

82.090 Ongoing Stormwater Management The Responsible Party shall be responsible for controlling all stormwater generated on the property.

82.100 Regulations Unless otherwise approved by the Building Commissioner in writing, the following principles shall be applied when controlling stormwater:

a. If any existing impervious surface is removed during construction or development, that area shall be considered as pervious for the purpose of calculating the differential resulting from the new construction.

Example 1: Replacing a 100 square foot concrete patio with a 200 square foot home addition, the stormwater differential to be addressed would be based on the full 200 square feet of new impervious roof surface.
Example 2: When constructing a new residence on a lot where a house was demolished, the lot will be treated as if it had been entirely undeveloped, thereby requiring 100% or the stormwater to be addressed in the plan.
Example 3: Adding a second story to an existing building would require a stormwater plan to address the stormwater form the entire roof over the addition.

EXCEPTION – If the new construction results in the impervious surface being replaced with a pervious or semi-pervious surface, the development shall be credited with a net reduction in stormwater run-off for that area of the development.

b. The calculation of differential stormwater resulting from the new construction shall assume that the area covered by new impervious materials is replacing pervious areas, regardless of the preconstruction status of the site. Semi-pervious and pervious surfaces replacing impervious surfaces shall be credited as a reduction in stormwater. (*Example: A 100 square foot concrete patio (100% impervious surface) that is removed to install a 200 square foot building addition: the differential is based on 200 square feet of 100% impervious surface replacing 200 square feet of pervious surface.*)

c. All stormwater shall be conveyed to an approved location by an approved means including but not limited to adequately sized pipes, channels, cisterns, and retention/detention areas. Where possible, sheet drainage should be used in lieu of point drainage.

d. No stormwater shall be discharged to an adjoining public or private property in a manner that negatively impacts the adjoining property. Existing conditions shall be the basis for determining negative impact.

e. Stormwater shall be directed away from buildings and structures on the lot of issue as well as adjoining lots.

f. No point discharge outlet shall be located and directed in the vicinity of any property line if the stormwater discharge from a Design Storm Event can reasonably be expected to flow above ground onto an adjacent property or rights-of-way, unless the owner of the impacted property (or the Director of Public Works, in the case of public rights-of-way) has specifically granted a stormwater easement to the owner of the property which is the source of the stormwater. Point discharge outlets include but are not limited to downspout outlets, sump pump outlets, and yard pop ups.

EXCEPTION – An exception can be granted by the Building Commissioner or the Director of Public Works in the case of public rights-of-way, when an applicant can demonstrate a hardship. When the Building Commissioner determines that no other option exists and the intent of these provisions is met, the outlet may be allowed within 10 feet of the property line. The request shall be in writing and addressed to the Building Commissioner or the Director of Public Works, who shall respond to the request within 30 days of the receipt of the request. No response by the Building Commissioner (or the Director of Public Works in case of public rights-of-way) within 30 days shall be the same as granting the request.

The Director of Public Works may permit a curb cut to permit stormwater to discharge directly to the curb/gutter portion of the street. The curb cut shall be permitted only in cases of necessity not merely for the convenience of the applicant.

g. No stormwater shall discharge into a sanitary system.

EXCEPTION –

1) When approved by the St Louis Metropolitan Sewer District (MSD), **or**
2) When discharging to an approved combination sewer

h. Designing for maximum infiltration and on-site detention of stormwater utilizing rain gardens, cisterns, rain barrels and similar receiving areas and devices is encouraged.

i. All pavement and constructed surfaces shall be considered as 100% impervious for purposes of calculating differential stormwater.

EXCEPTION –

1) Surfaces may be considered as semi-pervious if it can be demonstrated that the surface is designed to allow for a certain percentage of imperviousness and retention.
2) Plans sealed by a registered professional may provide a design that allows for varying percentages of imperviousness.
3) Surfaces including but not limited to lawn and garden areas may be considered as 5% impervious.

j. Calculations for stormwater control shall be based on a Design Storm Event

k. When controlling differential stormwater, the designer shall not exceed preconstruction conditions including but not limited to volume, velocity, and location of stormwater discharge. Duration may increase (*Time release*).

l. Stormwater control structures and systems designed and installed as part of an approved stormwater plan, including but not limited to rain gardens, cisterns, retention areas and detention areas shall be properly maintained at all times.

m. Stormwater control structures including but not limited to rain barrels and cisterns shall be drained to ensure, to the greatest extent possible, that the required holding capacity is available for a design storm event.

n. Stormwater control structures may be inspected periodically to ensure that they are being properly maintained.

CHAPTER 83. STREAM BUFFER PROTECTION REGULATIONS

Section 83.010. Title.

This Chapter shall be known, referred to and recited as the "Stream Buffer Protection Regulations" of the City of Webster Groves.

Section 83.020. Purpose and Intent.

a. **Purpose:** The purpose of this Chapter is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

1. Create buffer zones along the streams of Webster Groves for the protection of water resources; and

2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

b. **Intent:** Stream buffers are necessary to protect the integrity of stream ecosystems and habitats. Stream buffers also protect development by maintaining the integrity of the natural storm water drainage systems. Natural streams meander and change their channel over time, and structures built too close to a stream are at risk, or may require expensive remedial protection. Stream Buffers provide numerous benefits including:

1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources;

2. Removing pollutants delivered in urban stormwater;

3. Reducing erosion and controlling sedimentation;

4. Protecting and stabilizing stream banks;

5. Providing for infiltration of stormwater runoff;

6. Maintaining base flow of streams;

7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem;

8. Providing tree canopy to shade streams and promote desirable aquatic habitat;

9. Providing riparian wildlife habitat;

10. Furnishing scenic value and recreational opportunity; and

11. Providing opportunities for the protection and restoration of greenspace.

Section 83.030. Definitions.

For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. Where terms are not defined by this section, such terms shall have ordinarily accepted meanings such as the context implies. The definitions follow in alphabetical order:

Buffer: With respect to a stream, a natural or enhanced vegetated area (established by Section 83.050 below) lying adjacent to the stream.

Building Commissioner: The Building Commissioner of the City of Webster Groves, Missouri or his/her duly authorized designee.

City: City of Webster Groves, Missouri.

Clearing: Any activity that removes the vegetative surface cover.

Code of Webster Groves: The Revised Code of Ordinances of the City of Webster Groves, Missouri as amended from time to time.

Department of Finance: The Department of Finance of the City of Webster Groves, Missouri acting through its Director, or their duly authorized designee.

Department of Parks and Recreation: The Department of Parks and Recreation of the City of Webster Groves, Missouri acting through its Director, or their duly authorized designee.

Department of Planning and Development: The Department of Planning and Development of the City of Webster Groves, Missouri acting through the Director of Planning and Development, or their duly authorized designee.

Department of Public Works: The Department of Public Works of the City of Webster Groves, Missouri acting through its Director, or their duly authorized designee.

Erosion: The wearing away of land surface through the action of wind or water.

Grading: Reshaping the ground surface through excavation and/or fill of material, including the resulting conditions.

Impervious Cover: Any manmade paved, hardened or structural surface regardless of material. Impervious cover includes, but is not limited to, rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

Land Development: Any land change including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

Land Development Activity: Those actions or activities which comprise, facilitate or result in land development.

Land Disturbance: Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

Land Disturbance Activity: Those actions or activities such as clearing, grading or any other land disturbance related work which results in removal of the natural site vegetation and destruction of the root zone or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water.

Protection Area or Stream Protection Area: With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

Stream Bank: The sloping land that contains the stream channel and the normal flows of the stream. Where no established top-of-bank can be determined, the stream bank will be the "ordinary high water mark" as defined by the Corps of Engineers in Title 33 of the Code of Federal Regulation, Part 328.3.

Stream Channel: The portion of a watercourse that contains the base flow of the stream.

Watercourse: A natural or artificial channel or body of water, including but not limited to, creeks, streams, ditches and other open conveyances that carry surface runoff water either continuously or intermittently that are identified by a “blue line” on a United States Geological Survey (USGS) Map.

Section 83.040. <u>Applicability.</u>

This Chapter shall apply to all land development activity on property containing a stream protection area as defined in Section 83.030 of this Chapter. The provisions of this Chapter shall not be deemed to nullify any provisions of City, state or federal law. When a conflict occurs between this Chapter and any other legally adopted provision, the most stringent shall apply.

a. Provisions for Pre-existing Conditions. This Chapter shall not apply to the following activities:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this Chapter.

2. Existing development and ongoing land disturbance activities including, but not limited to, existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.

3. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval prior to the effective date of this Chapter.

4. Land development activity that has not been submitted for approval but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two (2) years of the effective date of this Chapter.

b. *Exemptions.* The following specific activities are exempt from this Chapter. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

1. Activities for the purpose of building one (1) of the following:

A. A stream crossing by a driveway, transportation route or utility line;

B. Public water supply intake or public wastewater structures or stormwater outfalls;

C. Intrusions necessary to provide access to a property;

D. Public access facilities that must be on the water, including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

E. Unpaved or pervious foot trails and paths;

F. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

2. Land development activities within a right-of-way existing at the time this Chapter takes effect or approved under the terms of this Chapter.

3. Within an easement of any utility existing at the time this Chapter takes effect or approved under the terms of this Chapter, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.

4. *Emergency work necessary to preserve life or property.* However, when emergency work is performed under this Chapter, the person performing it shall report such work to the Department of Planning and Development or the Department of Public Works, as applicable, on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Authority Having Jurisdiction to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

5. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three (3) years after the end of the activities that intruded on the buffer.

6. Any activities approved under a 404 permit issued by the Corps of Engineers and 401 water quality certification issued by the Missouri Department of Natural Resources.

After the effective date of this Chapter, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 83.060 below.

Section 83.050. <u>Natural Watercourse Protection.</u>

a. Buffer Area Established: An undisturbed natural vegetative buffer shall be maintained within fifty (50) feet of the top of bank of Deer Creek or Shady Grove Creek, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. For all other natural watercourse depicted on the most current United States Geological Survey (U.S.G.S.) 7.5 Minute Series (Topographic) Maps for the City of Webster Groves, Missouri, an undisturbed natural vegetative buffer shall be maintained for twenty-five (25) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

b. Permanent vegetation and existing ground elevations and grades within the above-mentioned buffer areas shall be left intact and undisturbed except as permitted below.

c. If no top of bank is apparent, the ten-year, 24-hour or 15-year, 20-minute water surface elevation as determined by the Flood Insurance Study for St Louis County Missouri and incorporated areas dated August 2, 1995 as amended, will determine the top of bank.

d. The top of bank and the buffer area shall be depicted on the grading plan.

e. Any permit applications for property requiring buffers and setbacks hereunder must include the following:

1. A site plan showing:

A. The location of all streams on the property;

B. Limits of required stream buffers and setbacks on the property;

C. Buffer zone topography with contour lines at no greater than five (5) foot contour intervals;

D. Delineation of forested and open areas in the buffer zone; and

E. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback.

2. A description of all proposed land development within the buffer and setback; and

3. Any other documentation that the City of Webster Groves Department of Planning and Development may reasonably deem necessary for review of the application and to insure that the Stream Buffer Protection Regulations are addressed in the approval process.

f. All buffer and setback areas must be recorded on the final plat of the property following plan approval. A note to reference the vegetated buffer shall state: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Stream Buffer Protection Regulations."

83.060. <u>Administration and Enforcement.</u>

a. **Building Commissioner:** The Building Commissioner shall have the authority and responsibility to ensure that no unauthorized activity will take place within the buffer areas as outlined in this Chapter.

1. **Coordination with Coordination With Other Departments:** Whenever in the enforcement of this Chapter or any other code or ordinance, the responsibility of more than one department of the jurisdiction is involved, it shall be the duty of the respective departments involved to coordinate their inspections and administrative orders as fully as practicable s that the owners and occupants of the land shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the department having jurisdiction.

b. **Rule-making authority:** The Building Commissioner shall have the authority, as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this Chapter, in order to secure the intent thereof, and to designate requirements applicable because of local conditions. Such rules and regulations shall not have the effect of waiving requirements specifically provided for in this Chapter or of violating accepted engineering practices involving the purpose of this Chapter.

c. **Administration and enforcement:** The Building Commissioner may delegate responsibility for the administration and enforcement of the provisions of this Chapter to other agencies including but not limited to the Department of Planning and Development of the City of Webster Groves, the Department of Public Works of the City of Webster Groves, the Department of Finance of the City of Webster Groves, and the Department of Parks and Recreation of the City of Webster Groves.

d. **Variance Procedures**

1. The Board of Adjustment as established by the City of Webster Groves shall hear and decide appeals and requests for variances from the requirements of this Chapter.

2. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Commissioner in the enforcement or administration of this Chapter.

3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court as provided in R.S.Mo. 1969, as amended.

4. Requests for variances shall be based on the following: When, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property as of September 20, 1956, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the neighborhood, the strict application of the area regulations of these Stream Buffer Protection Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property.

Section 83.070. **<u>Violations.</u>**

a. **Unlawful acts:** It shall be unlawful for any person, firm, corporation or other entity to perform any activities, or cause or allow same to be done in conflict with or in violation of any of the provisions of this Chapter.

b. **Notice of Violation:** When the Building Commissioner determines that a violation of this Chapter exists, the Building Commissioner shall notify the violator. The notification shall be in writing and shall be delivered to the

violator or their legally authorized representative or mailed to their last known address via first class mail postage prepaid. Any person having been so notified that a violation exists and who fails to abate the violation within ten (10) days after said notification, shall be subject to the penalties enumerated in d. below.

c. **Prosecution of Violation**: If the violator does not abate the violation within ten days of notification as set forth in b. above, the Building Commissioner shall request the City Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation.

d. **Violation, Penalties:** Any person, firm, corporation or other entity who shall violate any provision of this Chapter, or who shall fail to comply with any of the requirements herein, or who shall perform work in violation of this Chapter, or any directive of the Building Commissioner, or of a permit or certificate issued under the provisions of this Chapter, or who shall start any work requiring a permit without first obtaining a permit therefore, or who shall continue any work in or about the area protected by the Stream Buffer Protection Regulations after having been served a stop-work order, except for such work which that person, firm or corporation has been directed to perform to remove a violation or unsafe condition, or any person who commits, takes part or assists in any violation of this Chapter or who maintains any property on which such violation shall exist, shall be guilty of a violation, punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

e. **Abatement of violation:** The imposition of the penalties herein prescribed shall not preclude the City Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal use of a property or to stop an illegal act.

f. **Stop Work Order:** Upon notice from the Building Commissioner that work on any property is being prosecuted contrary to the provisions of this Chapter or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be posted on the property, or given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume. Where an emergency exists, the Building Commissioner shall not be required to give a written notice prior to stopping the work.

g. **Unlawful Continuance:** Whenever a stop work order has been issued as provided herein, the owner or the person performing such work shall immediately stop such work. Any person, who shall continue any work in

or about the property after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as specified in Section 83.060 d. of this Chapter.

(Ord. No. 8813, § 1, 10-15-2013)