

CODE OF ORDINANCES
City of
GOWER, MISSOURI

Published by Order of the Board of Aldermen

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OFFICIALS
of the
CITY OF GOWER, MISSOURI
AT THE TIME OF THIS CODIFICATION

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Aldermen
Randy Jameson
Paul Pottier
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City Clerk
Gwen Ballou

CODE OF ORDINANCES

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TITLE I

GENERAL PROVISIONS

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TITLE I
PROVISIONS
CHAPTER 1 – GENERAL PROVISIONS

SECTION 1 TITLE AND SCOPE

This Code, consisting of Titles I through IX, shall be known as the “Code of Ordinances of the City of Gower, Missouri,” and shall be treated and considered as a new and original comprehensive ordinance which shall completely supersede all general ordinances passed prior to the date of the approval of this Code, except those ordinances to which explicit reference is made in this Code, such Ordinances being expressly retained and not superseded.

SECTION 2 DEFINITIONS AND RULES OF CONSTRUCTION

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

- 2.1 CODE.** The word “Code” shall be deemed to mean and refer to this Code of Ordinances and all amendments thereto duly enacted by the Board and approved by the Mayor, and shall include all Ordinances, which are intended to be and become a part of this code.
- 2.2 CITY.** The word “City” shall refer to the City of Gower, Missouri.
- 2.3 COMPUTATION OF TIME.** The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.
- 2.4 BOARD.** The word “Board” shall mean the Board of Aldermen of the City of Gower, Missouri.
- 2.5 GENDER.** When any subject matter, partly, or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate, as well as individuals, shall be deemed included.
- 2.06 JOINT AUTHORITY.** Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.
- 2.07 MONTH.** The word “month” shall mean a calendar month.
- 2.08 NUMBER.** The word “number” when any subject matter, party, or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included.
- 2.09 OATH.** The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for oath, and in such cases, words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed”.

- 2.10 OWNER.** The word “owner” applied to a building or land shall include any part owner, joint owner, tenancy in common, joint tenant, or tenant by the entirety of the whole or a part of such building or land.
- 2.11 PERSON.** The word “person” shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, successor in trust, receiver, or other representative appointed according to law. Whenever the word “person” is used in any Section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations shall include the officers, agents, or members thereof who are responsible for any violation of any Section.
- 2.12 PUBLIC WAY.** The words “public way” shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
- 2.13 SIDEWALK.** The word “sidewalk” shall mean the portion of the street between the curblin and adjacent property line, intended for the use of pedestrians.
- 2.14 SIGNATURE.** Where the written signature of any person is required, the proper handwriting of such person or his mark shall be intended.
- 2.15 STREET.** The word “street” shall mean and include any public way, highway, street, avenue, boulevard, parkway, alley, or other public thoroughfare, and each of such words shall include every other of them unless used in a plainly exclusive manner.
- 2.16 TIME.** Words used in the past or present tense include the future as well as the past and present.
- 2.17 WRITING.** The words “writing” and “written” shall include printing, lithographing, or any other mode of representing words and letters.
- 2.18 YEAR.** The word “year” shall mean twelve (12) calendar months, unless used in a plainly different manner.

SECTION 3 SEVERABILITY

Each Chapter, Section, Paragraph, Sentence, Clause, and Phrase of this Code shall be severable, and if any chapter, section, paragraph, sentence, clause, or phrase of this Code shall be declared unconstitutional by the valid judgment or decree of any Court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining chapters, sections, paragraphs, sentences, clauses, and phrases of this Code since the same would have been enacted by the Board of Aldermen and Mayor without the incorporation in this Code of any such unconstitutional chapter, section, paragraph, sentence, clause, or phrase.

SECTION 4 FUNDS DEPOSITED INTO TREASURY

All fines and costs collected for the violation of any provision of this Code or of any ordinance or resolution shall be deposited in the city treasury to the credit of the General Fund of the City unless otherwise specifically allocated to funds other than the General Fund.

SECTION 5 FINES AND COSTS

Unless specifically provided otherwise, a person found guilty of violating any section of this Code shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Any provision of this code establishing a specific fine for the offense or violation shall be construed to preclude imprisonment as a form of punishment. Any person found guilty of committing a crime designated a Class C misdemeanor shall be punished by a fine not exceeding Three Hundred Dollars (\$300.00) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. Any person found guilty of violating any section of this Code shall be required to pay court costs in the amount of Twenty Dollars (\$20.00), Two Dollars (\$2.00) of which shall be placed in a fund for the education and training of City police officers, Five Dollars (\$5.00) of which shall be paid to the Victim Compensation Fund, and One Dollar (\$1.00) to the Treasurer of Missouri as the Surcharge for the Peace Officer Standards and Training Commission Fund. (Ord. No. 247, § 12-9-1996)

Any person who violates a Missouri law or a municipal or county ordinance as an operator of a motorcycle or county ordinance as an operator of a motorcycle or motortricycle shall be assessed additional court costs of Five Dollars (\$5.00). Any motor vehicle operator who violates a state law or municipal or county ordinance where the violation involves a motorcycle or motortricycle or where the operator causes an accident involving a motorcycle or motortricycle shall be assessed additional court costs of Five Dollars (\$5.00). (Ord. No. 247 § 9-18-1995)

Each cost assessed under the foregoing paragraph shall be doubled if the operator at fault violated any state law or local ordinance relating to the consumption of alcohol. The Court costs collected under the foregoing paragraph shall be paid into the state treasury to the credit of the motorcycle safety trust fund. (Ord. No. 247 § 9-18-1995)

In addition to any other provisions of law, the court may require that any person who is found guilty of or pleads guilty to a first intoxication-related traffic offense, as defined by the Code of Ordinances, and the Court shall require that any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related offense, shall not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a period of not less than six months from the date of reinstatement of the person's driver's license. This requirement shall be in addition to any other provisions of this section or chapter 302, RSMo, requiring installation and maintenance of an ignition interlock device. Any person required to use an ignition interlock device, either under the provisions of this section or chapter 302, RSMo, shall comply with such requirement. (Ord No. 362, April 12, 2010)

No person shall knowingly rent, lease or lend a motor vehicle to a person known to have had that person's driving privilege restricted as provided in subsection 1 of this section, unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person whose driving privilege is restricted as provided in subsection 1 of this section shall notify any other person who rents, leases or loans a motor vehicle to that person of the driving restriction imposed pursuant to this section. (Ord No. 362, April 12, 2010)

SECTION 6 CONFIDENTIAL RECORDS

Any investigative police reports, criminal reports, criminal files, and charging documents shall be considered confidential records, and shall be kept closed to all persons except the person so charged and investigated, peace officers, and Court officials.

SECTION 7 OATH OF OFFICERS

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

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TITLE II
CITY ORGANIZATION
CHAPTER 1 – ORGANIZATION

SECTION 1 SEAL

The Seal of the City of Gower shall be circular in form and encircled with the words “City of Gower, Missouri” and inscribed in the center with the word “Seal”. (Ord. No. 12 § 9-9-1946)

SECTION 2 FOURTH-CLASS CITY

The City of Gower is a City of the Fourth Class of the State of Missouri.
(Ord. No. 18A § 6-24-1946; Ord. No. 19A § 7-23-1946)

SECTION 3 QUALIFICATIONS FOR OFFICE

No person shall hold an elective office in the City of Gower unless that person is at least twenty-one (21) years of age, a citizen of the United States, an inhabitant and resident of the City for one (1) year next preceding his election, a registered voter of the City when elected, and a resident of the ward from which he is elected.

SECTION 4 PAYMENT OF TAXES

No person shall be elected or appointed to any office that shall at the time be in arrears for any unpaid city taxes, or forfeiture or defalcation in office.

SECTION 5 FISCAL YEAR

The fiscal year for the City of Gower shall be July 1 to June 30.

TITLE II
CITY ORGANIZATION
CHAPTER 2 – MAYOR

SECTION 1 GENERAL DUTIES OF MAYOR

The Mayor shall make personal inspection of all matters relating to the City government, its finances, and any nuisances that may be alleged to exist, the condition of the streets, alleys, crossings, and sidewalks, and exercise general supervision over all City government. The Mayor shall assure that all officers of the City faithfully demean themselves in the discharge of their official duties.

SECTION 2 PRESIDE OVER BOARD OF ALDERMEN

The Mayor shall have a seat in and preside over the Board of Aldermen, but shall not vote on any question except in the case of a tie, nor shall the Mayor preside or vote in cases where the Mayor is an interested party.

SECTION 3 MAYOR TO SIGN COMMISSIONS

The Mayor shall sign the commissions and appointments of all City officers elected or appointed in the City, and shall approve all official bonds unless otherwise prescribed by ordinance. The Mayor shall sign all orders, drafts, and warrants drawn on the City treasury for money, and cause the City Clerk to keep an accurate record thereof in a book to be provided for that purpose.

SECTION 4 REPORTS TO BOARD

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

SECTION 5 AUTHORITY OVER OFFICERS

The Mayor shall have power to require any officer of the City to exhibit his accounts or other papers or records, and to make report to the Board of Aldermen, in writing, touching any matter relating to his office.

SECTION 6 REMOVAL OF OFFICERS

The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds (2/3) vote of all members elected to the Board of Aldermen who are eligible to vote on the removal, independent of the Mayor's approval or recommendation. The Mayor, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independent of the Mayor's approval or recommendation. The Board of Aldermen may pass further ordinances regulating the manner of impeachment and removals.

SECTION 7 VACANCY IN OFFICE

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

SECTION 8 MAYOR AS CONSERVATOR OF THE PEACE

The Mayor shall be considered a conservator of the peace, and shall have exclusive original jurisdiction to hear and determine all offenses against the ordinances of the City in the absence of the Police Judge or upon disqualification of the Police Judge. The Mayor shall maintain the docket of the Police Judge.

SECTION 9 BUDGET

The Mayor shall prepare and submit to the Board of Aldermen an annual proposed budget.

SECTION 10 VACANCY IN ELECTED OFFICE

If a vacancy occurs in any elective office, the mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected. The successor shall serve until the next regular election.

TITLE II
CITY ORGANIZATION
CHAPTER 3 – BOARD OF ALDERMEN

SECTION 1 QUALIFICATIONS

No person shall be an Alderman unless that person is at least twenty-one (21) years of age, a citizen of the United States, an inhabitant and resident of the City for one (1) year next preceding his election, a registered voter when elected and a resident from the ward from which he is elected. Whenever there shall be a tie in the election of Aldermen, the matter shall be determined by the Board of Aldermen.

SECTION 2 MEETINGS

The regular meetings of the Board of Aldermen of the City of Gower shall be held on the second Monday of each calendar month at six thirty o'clock (6:30) p.m.

SECTION 3 SPECIAL MEETINGS

Special meetings of the Board of Aldermen may be called by the Mayor, by giving written notice of the meeting to the members of the board, or by any two members of the board, by giving written notice of the meeting to the Mayor and the other members of the board. Public notice of any special meeting shall be in the form of a notice published in the local newspaper at least the week prior to the week in which such special meeting is to be held.

SECTION 4 DUTIES & POWERS

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

SECTION 5 THE STYLE OF THE ORDINANCES SHALL BE:

“Be it ordained by the Board of Aldermen of the City of Gower, Missouri, as follows:”

No ordinance shall be passed except by bill and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the ayes and nays be entered on the minutes; and all bills shall be read three times before their passage. No bill shall become an ordinance until it shall have been signed by the Mayor or person exercising the duties of the Mayor's office and attested by the City Clerk. If the Mayor vetoes a bill by refusing to sign it, the veto may be overridden by the two-thirds (2/3) vote of all the members elected to the Board of Aldermen and shall become an ordinance upon being signed by each of the members of the Board of Aldermen and attested by the City Clerk.

SECTION 6 MINUTES

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

SECTION 7 REPORTS

The Board of Aldermen shall semi-annually, in January and July of each year or as soon thereafter as possible, make out and spread upon the records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for half-year ending December 31 and June 30 preceding the date of such report, which account and statement shall be published in some newspaper in the area.

SECTION 8 BOARD MAY COMPEL WITNESSES

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

SECTION 9 AUTHORITY TO ENACT ORDINANCES

The Board of Aldermen shall have power to enact and make all necessary ordinances, rules, and regulation not inconsistent with the laws of the State, as may be expedient for maintaining the peace and good government and welfare of the City and its trade and commerce. All ordinances may be enforced by imposing upon persons found guilty of violating their provisions a fine not exceeding Five Hundred Dollars (\$500.00), imprisonment not exceeding ninety (90) days, or both such fine and imprisonment, recoverable with costs of suit.

SECTION 10 ACCOUNTING BY OFFICERS

The Board of Aldermen shall have the power to require any officer of the City to exhibit his accounts or other papers or records, and to make report to the Board of Aldermen, in writing or in person, touching any matter relating to his office.

SECTION 11 BUDGET

The Board of Aldermen shall adopt an annual budget.

TITLE II
CITY ORGANIZATION
CHAPTER 3A – CITY COORDINATOR

SECTION 1 APPOINTMENT

The Board of Aldermen shall appoint an employee of the City who shall have the position of City Coordinator.

SECTION 2 QUALIFICATIONS

The City Coordinator shall be chosen by the Board of Aldermen on the basis of his administrative qualifications, with special reference to his actual experience in, or his knowledge of one or more of the following areas: Street repair and maintenance; sanitary sewer system operation; water treatment plant operation; and bookkeeping and accounting. His compensation shall be fixed by the Board of Aldermen.

SECTION 3 RESPONSIBILITIES

The City Coordinator shall be responsible to the Board of Aldermen for the proper administration of all affairs of the City, and to that end, he shall have power and/or be required to direct, supervise, and coordinate the activities and employees of the City of Gower; act as a technical advisor to the Board of Aldermen and recommend policies and action for the Board of Aldermen; implement policies and directives passed by the Board of Aldermen; prepare regular reports on City progress, objectives, and needs for the Board of Aldermen; assist the Mayor in preparation and development of the annual budget; direct expenditures of funds allocated in consultation with the Board of Aldermen; prepare grant and loan applications for City projects and funds; prepare reports and other documentation for the Farmers Home Administration, EPA, and other governmental bodies; recruit and recommend employees for selection by the Board of Aldermen; release employees from employment when directed by the Board of Aldermen; participate in evaluation of City employees; oversee total City public relations program; operate as a liaison between the Board of Aldermen and the general public.

SECTION 4 VACANCY IN OFFICE

If the City Coordinator is absent from the City, is unable to perform his or her duties, or is suspended by the Board of Aldermen, or there is a vacancy in the office of City Coordinator, the Board of Aldermen may appoint an acting City Coordinator to serve until the City Coordinator returns, until his or her disability or suspension ceases, or until another City Coordinator is appointed and qualifies, as the case may be.

SECTION 5 TERM

The Board of Aldermen shall appoint the City Coordinator for an indefinite term and may remove him or her by a majority vote of its members. The action of the Board of Aldermen in suspending or removing the City Coordinator shall be final and conclusive on everyone, it being the intention to vest all authority and fix all responsibility for such suspension and removal in the Board of Aldermen.

TITLE II
CITY ORGANIZATION
CHAPTER 4 – CHIEF OF POLICE

SECTION 1 APPOINTMENT

The Mayor and Board of Alderman shall appoint a Chief of Police who shall perform all the duties required of a Town Marshall by law. (Ord. No. 96 § 6-13-1972; Ord. No. 96 § 7-18-1972)

SECTION 2 DUTIES

The Chief of Police shall have power at all times to make or order an arrest, with proper process, for any offense against the laws of the City or of the State of Missouri, and to keep the offender in the County Jail or other proper place to prevent his escape until a trial can be had before the proper officers, unless such offender shall give a good and sufficient bond for his appearance for trial. The Chief of Police shall also have power to make arrest without process, in all cases in which any offense against the laws of the City or of the State shall be committed in his presence.

SECTION 3 SIZE

The size of the police department shall be determined by the Board of Aldermen. All police officers shall have power to execute and serve all warrants, subpoenas, writs or other processes, and to make arrests, in the same manner as the Chief of police. All police officers shall be active and vigilant in the preservation of good order within the City.

SECTION 4 POWERS

The Chief of Police shall have supervisory control over all members of the police department, being accountable only to the Mayor, Board of Aldermen, and the City Coordinator.

SECTION 5 FRESH PURSUIT

- 5.1. Definition of Fresh Pursuit. As used in this section, “fresh pursuit” means the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in the State or Missouri, or who has committed or attempted to commit in the State of Missouri a criminal offense or violation of municipal or county ordinance in the presence of a City of Gower Police Officer or for whom such officer holds a warrant of arrest for a criminal offense. It shall also include the pursuit of a person suspected of having committed a supposed felony in the State of Missouri, though no felony has actually been committed, if there is a reasonable ground for so believing “Fresh Pursuit” shall imply instant pursuit.
- 5.2. Officers authorized to conduct fresh pursuit. Every City of Gower Police Officer certified by the Missouri Director or the Department of Public Safety as a peace officer as provided by Chapter 590, R.S.Mo. (1994, as amended) is hereby authorized to arrest and hold in custody any person apprehended as the result of fresh pursuit as defined herein subject to the rules and procedures adopted by the City of Gower Police Department.
- 5.3. Initiation of fresh pursuit. Fresh pursuit may only be initiated from within the city limits of the City of Gower and shall be terminated once the pursuing officer is outside of his jurisdiction and has lost contact with the person being pursued.

- 5.4. Traffic violation. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the City of Gower and a summons shall be issued by the arresting officer.
- 5.5. Warrant arrests. If an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant.
- 5.6. Policies and Procedures. All incidents of fresh pursuit shall be conducted pursuant to the policies and procedures adopted by the Police Chief of the City of Gower Police Department and approved by the Board of Aldermen. (Ord. No. 297 § 4-10-2000)

SECTION 6 REWARDS FOR INFORMATION

- 6.1. The Chief of Police is authorized to accept, as a fiduciary and not in his or her personal capacity, donations from victims of crime, or any other person, to be used as a reward for persons that give information to the Chief of Police that lead to charging a person or persons for crimes occurring in the City of Gower. The Chief of Police is authorized to publicize the existence of any reward contributing by a donor.
- 6.2. Decisions as to whether the conditions have been fulfilled to pay out a reward shall be made by the Chief of Police, in consultation with the designated Police Commissioner. No conviction shall be necessary for payment of the reward.
- 6.3. The Chief of Police may implement procedures whereby persons reporting information may keep their identities anonymous while still maintain the ability to collect reward money, as appropriate.
- 6.4. Any donated money shall be returned to the donor at the later of 90 days, or the closing of any investigation.
- 6.5. When a reward is paid out, the donors funding the award shall be notified, although no confidential information shall be disclosed.

(Ord. No. 425, 4-8-2019)

TITLE II
CITY ORGANIZATION
CHAPTER 5 – CITY COLLECTOR

SECTION 1 BOND

The City Collector and any Deputy Collector shall furnish bond to the City in the sum of Two Thousand Five Hundred Dollars (\$2,500.00), said bond also serving as the bond for the City Treasurer and Deputy Treasurer, if the posts are held by the same person.

SECTION 2 COLLECTION OF TAXES

Upon receipt of the assessment lists, the City Collector shall use all lawful means to collect the taxes extended on said books, and shall turn over all monies collected to the City Treasurer.

SECTION 3 DELINQUENT TAXES

At the April regular meeting of the Board of Aldermen, the Collector shall make out and return the list of delinquent taxes remaining due and uncollected. After examination of the list by the Board of Aldermen, the Collector shall proceed to collect the same in the same manner provided by the Statutes of Missouri for the collection of delinquent taxes. An additional penalty tax of one (1%) per cent per month shall be charged on all taxes collected by the Collector after the thirty first day of December, and in computing said additional tax or penalty, a fractional part of a month shall be considered as a whole month.

SECTION 4 ANNUAL SETTLEMENT

The City Collector shall file an annual settlement with the Board of Aldermen, including a statement, under oath, of the amount received.

SECTION 5 DEPUTIES AUTHORIZED

The City Collector may appoint a Deputy Collector and may revoke such appointment at pleasure. Such deputy shall have like authority to collect the taxes levied or assessed as the collector himself, provided, however, that the Collector shall be responsible to the City for all money collected and all acts done by the deputy.

TITLE II
CITY ORGANIZATION
CHAPTER 6 – CITY CLERK AND CITY TREASURER

SECTION 1 APPOINTMENT

At the first regular meeting of the Board of Aldermen following the general election in April, after the elective officers of the City of Gower, Missouri, have been duly installed, the Mayor, with the consent and approval of the Board of Aldermen, shall appoint the following officials of Gower for a term of one year and until their successors are duly appointed and qualified: a City Clerk, a City Treasurer, and such other City officials as may be deemed necessary.

SECTION 2 CITY TREASURER DUTIES

The City Treasurer shall receive and safely keep all monies belonging to the City and disburse the same only on check or warrant legally drawn, keep a register of all warrants paid by him, describing them by date, number, amount and to whom payable and cancel and file the same. To every person paying money into the treasury, he shall deliver a duplicate receipt specifying the date of payment, the amount and to what fund paid. As often as required, he shall make a statement of receipts and expenses of the City and at the expiration of his term or upon his resignation or removal he shall make final settlement with the board and deliver to his successor or in case no successor has been appointed, to the Mayor his money, books, papers, and other things pertaining to his office.

SECTION 3 CITY CLERK DUTIES

The City Clerk shall have the custody of the City seal, the records belonging to the City and such other records and documents as may be delivered to his custody. The City Clerk shall attend all meetings of the Board of Aldermen and keep a correct record of the proceedings of the board; record all orders and ordinances in suitable books to be kept for that purpose; register the official bonds of the city officers and safely keep all bonds executed to the City; draw and attest all warrants and keep a register of the same; keep a register of all licenses issued and perform such other duties as may be required by ordinances of the City.

- 3.1 The City Clerk shall issue licenses for peddlers, canvassers and transient merchants upon approval of an application and upon payment of the Fifteen Dollars (\$15.00) yearly license fee. (Ord. No. 71 § 6-7-1965; Amendment to Ordinance No. 71 § 1-14-1974)
- 3.2 The City Clerk is empowered to administer official oaths and oaths to persons certifying the demands or claims against the City. The City Clerk shall serve as clerk of the Gower Municipal Court.
- 3.3 The City Clerk shall issue dog licenses pursuant to Title VII, Chapter 5, Paragraph .01.

TITLE II
CITY ORGANIZATION
CHAPTER 7 – MUNICIPAL COURT

SECTION 1 ESTABLISHMENT

There is hereby established in this City a Municipal Court, to be known as the “Gower Municipal Court, a Division of the 43rd Judicial Circuit of the State of Missouri.” This court is a continuation of the Police Court of the City as previously established, and is termed herein “the Municipal Court.” (Ord. No. 280 § 4-12-1999)

SECTION 2 JURISDICTION

The jurisdiction of the municipal court shall extend to all cases involving alleged violations of the ordinances of the city.

SECTION 3 SELECTION OF JUDGE

The judge of the city’s municipal court shall be known as a municipal judge of the 43rd Judicial Circuit Court. He shall be appointed by the Mayor, subject to confirmation by the Board of Aldermen, for a term as specified herein. (Ord. No. 280 § 4-12-1999)

SECTION 4 TERM OF OFFICE

The municipal judge shall hold his office for a period of two years and shall take office biannually from the first Tuesday in April, 1979. If for any reason the municipal judge vacates his office, his successor shall complete that term of office, even if the same were for less than two (2) years.

SECTION 5 VACATION OF OFFICE

The municipal judge shall vacate his office under the following circumstances:

- 5.1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12, or
- 5.2. Upon attaining his 75th birthday, or
- 5.3. Should he fail, within six (6) months of his selection, to satisfactorily complete a course of instruction for municipal judge as prescribed by the State Supreme court.

SECTION 6 QUALIFICATIONS FOR OFFICE

The municipal judge shall possess the following qualifications before he shall take office:

- 6.1. He shall be a licensed attorney in the State of Missouri;
- 6.2. He shall be a resident of the State of Missouri;
- 6.3. He shall be between the ages of twenty-one (21) and seventy-five (75) years;
- 6.4. He shall not hold any other office within the city government;

- 6.5. He must, within six months after his appointment to the office, satisfactorily complete a course of instruction for municipal judges as prescribed by the Missouri Supreme Court;
- 6.6. The municipal judge shall be considered to hold a part-time position, and as such, may accept other employment so long as it does not violate the requirements of the Code of Judicial Conduct (Missouri Supreme Court Rule 2). (Ord. No. 278 § 4-12-1999)

SECTION 7 SUPERINTENDING AUTHORITY

The municipal court of the city shall be subject to the rules of the circuit court of which it is a part, and to the rules of the State Supreme Court. The municipal court shall be subject to the general administrative authority of the presiding judge of the circuit court, and the judge and court personnel of said court shall obey his directives.

SECTION 8 REPORT TO BOARD OF ALDERMEN

The municipal judge shall cause to be prepared within the first ten days of every month a report indicating the following:

A list of all cases heard and tried before the court during the preceding month, giving in each such case the name of the defendant, the fine imposed if any, the amount of cost, the names of the defendants committed and in the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the municipal court clerk or the municipal judge. This report will be filed with the city clerk, who shall thereafter forward the same to the Board of Aldermen of the City for examination at its first session thereafter. The municipal court shall, within the ten days after the first of the month, pay to the municipal treasurer the full amount of all fines collected during the preceding months, if they have not previously been paid.

SECTION 9 DOCKET AND COURT RECORDS

The municipal judge shall be a conservator of the peace. He shall keep a docket in which he shall enter every case commenced before him and the proceedings therein and he shall keep such other records as may be required. Such docket and records shall be records of the circuit court of Clinton County. The municipal judge shall deliver the docket and records of the municipal court, and all books and papers pertaining to his office, to his successor in office or the presiding judge of the circuit.

SECTION 10 MUNICIPAL JUDGE; POWERS AND DUTIES

The municipal judge shall be and is hereby authorized to:

- 10.1. Establish a Traffic Violations bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and section 479.050 of the Revised Statutes of Missouri.
- 10.2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him, and may fine and imprison for contempt committed before him while holding court, in the same manner and to the same extent as a circuit judge.

- 10.3. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the municipal judge deems necessary relative to any matter that may be pending in the municipal court.
- 10.4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the municipal court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts, or state statutes.
- 10.5. The municipal judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this state, this Code or other ordinances of this city.

SECTION 11 TRAFFIC VIOLATIONS BUREAU

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

SECTION 12 ISSUANCE AND EXECUTION OF WARRANTS

All warrants issued by a municipal judge shall be directed to the Chief of Police or any other police officer of the municipality or the Sheriff of the County. The warrant shall be executed by the Chief of Police, police officer, or Sheriff any place within the limits of the county and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in other counties, as provided for in warrants in criminal cases.

SECTION 13 ARRESTS WITHOUT WARRANTS

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

SECTION 14 JURY TRIALS

Any person charged with a violation of a municipal ordinance of this city shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an associate circuit judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the municipal court shall certify the case to the presiding judge of the circuit court for reassignment, as provided in Section 2 of Section 517.520, Revised Statutes of Missouri.

SECTION 15 DUTIES OF THE CITY PROSECUTOR

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the city's ordinances before the municipal judge or before any circuit judge hearing violations of the city's ordinances. The salary or fees of the attorney shall be paid to the city. The compensation of such attorney shall not be contingent upon the result in any case.

SECTION 16 SUMMONING OF WITNESSES

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

SECTION 17 TRANSFER TO ASSOCIATE CIRCUIT JUDGE

If, in the progress of any trial before a municipal judge, it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the state and not cognizable before him as municipal judge, he shall immediately stop all further proceedings before him as municipal judge and cause the complaint to be made before some associate circuit judge within the county.

SECTION 18 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 the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a Warrant of Commitment from the judge, upon receipt of a Warrant of Commitment from the judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may or hereafter be allowed to such Sheriff for the keeping of such prisoner in his custody. The same shall be taxed as cost.

SECTION 19 PAROLE AND PROBATION

Any judge hearing violations of municipal ordinances may, when in his judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before said judge.

SECTION 20 RIGHT OF APPEAL

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

SECTION 21 APPEAL FROM JURY VERDICTS

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

SECTION 22 BREACH OF RECOGNIZANCE

In the case of a breach of any recognizance entered into before a municipal judge or an associate circuit judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a circuit judge or associate circuit judge, and in the event of cases caused to be prosecuted by municipal judge, such shall be on the transcript of the proceedings before the municipal judge.

All monies recovered in such actions shall be paid over to the municipal treasury to the general revenue fund of the municipality.

SECTION 23 DISQUALIFICATION OF MUNICIPAL JUDGE

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

SECTION 24 TEMPORARY MUNICIPAL JUDGE

If a municipal judge be absent, sick or disqualified from acting, the Mayor may designate some competent, eligible person to act as municipal judge until such absence or disqualification shall cease. The Board of Aldermen shall provide by ordinance for the compensation of any person designated to act as municipal judge under the provisions of this section.

SECTION 25 CLERK OF MUNICIPAL COURT

The City Clerk is hereby designated as the Clerk of the Municipal Court. The duties of said clerk shall be as follows:

- 25.1. To collect such fines or violations of such offenses as may be described, and the court costs thereof.
- 25.2. To take oaths and affirmations.
- 25.3. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him.
- 25.4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas ducus tacum.
- 25.5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in traffic Violation Bureau cases or as directed by the municipal judge; generally act as Violation Clerk or the Traffic Bureau.
- 25.6. Perform all other duties as provided for by ordinance, by rules of Practice and Procedure adopted by the municipal judge and by the Missouri Rules of the Practice Procedures in Municipal and Traffic Courts and by statute.
- 25.7. Maintain, properly certified by the city clerk, a complete copy of the ordinances of the city of the municipality which shall constitute prima facia evidence of such ordinance before the court. Further, to maintain a similar certified copy on file with the clerk serving the circuit court of this county.

SECTION 26 COURT COSTS

In addition to any fine that may be imposed by the municipal judge, there shall be assessed as costs in all cases the following:

- 26.1. Costs of court in the amount of \$12.00.
- 26.2. Costs for the Victim Compensation Fund in the amount of \$7.50.
- 26.3. Costs for the Court Automation Fund in the amount of \$7.00.
- 26.4. Costs for Peace Officer Standards and Training Commission Fund in the amount of \$1.00.
- 26.5. Costs for the training of police officers in the amount of \$2.00.
- 26.6. Costs for training of municipal court personnel in the amount of \$1.00
- 26.7. Reimbursement to law enforcement for the costs of arrest for alcohol or drug-related offenses, including the cost of chemical test, and the cost of processing, booking, charging, and holding such person in custody.

SECTION 27 ASSESS COSTS AGAINST PROSECUTING WITNESS

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

SECTION 28 INSTALLMENT PAYMENT OF FINE

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

SECTION 29 PROBATION

In addition to such other authority as exists to order conditions of probation, the Court may order such conditions as the Court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but not limited to:

- 29.1. In addition to sentencing alternatives available under the Ordinances of the City of Gower, the Gower Municipal Court in its discretion may place a defendant on probation, and shall give the defendant a certificate explicitly stating the conditions on which he is being released.
- 29.2. In addition to such other authority as exists to order conditions of probation, the Court may order such conditions as the Court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but not limited to
 - a. Restitution to the victim or any dependent of the victim, in an amount to be determined by the Judge, and
 - b. The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the Judge.

- 29.3. The Defendant may refuse probation conditioned on the performance of free work. If he does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. The City of Gower or any other person, organization or agency employee of the City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action for him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.
- 29.4. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term. See Section 559.021, RSMo. (Ord. No. 252 § 3-18-1996)

SECTION 30 FAILURE TO APPEAR

In addition to the forfeiture of any security which was given or pledged for his release, any person who, having been released upon a recognizance or bond pursuant to any other provisions of law, willfully fails to appear before the Judge of the Municipal Court as required shall be guilty of an offense. Nothing in this section shall prevent the exercise of the Municipal Court of its power to punish for contempt. (Ord. No. 285 §8-9-1999)

TITLE II
CITY ORGANIZATION
CHAPTER 8 – SALARIES OF CITY OFFICIALS

SECTION 1 MAYOR

The salary of the Mayor of the City of Gower shall be increased from One Hundred Twenty Dollars (\$120.00) per annum to Three Hundred Dollars (\$300.00) per annum, effective May 1, 2003. (Ord. No. 303 § 4-9-2001)

SECTION 2 ALDERMEN

The sum paid for services to each member of the Board of Aldermen shall be increased from One Hundred Twenty Dollars (\$120.00) per annum to Three Hundred Dollars (\$300.00) per annum effective May 1, 2003. (Ord. No. 303 § 4-9-2001)

SECTION 3 COLLECTOR

The City Collector shall receive as full compensation for his services the sum of Six Hundred Dollars (\$600.00) per annum, to be payable in monthly installments of Fifty Dollars (\$50.00) per month; however, if said official is otherwise employed with the City, the compensation received by him shall be considered to include his salary for this position. (Ord. No. 273 § 10-19-1998)

SECTION 4 CLERK

The City Clerk shall receive as full compensation for his services the sum of Three Hundred Dollars (\$300.00) per annum, to be payable in monthly installments of Twenty-five Dollars (\$25.00) per month; however, if said official is otherwise employed with the City, the compensation received by him shall be considered to include his salary for this position. (Ord. No. 273 § 10-19-1998)

SECTION 5 TREASURER

The City Treasurer shall receive as full payment for his services the sum of One Dollar (\$1.00) per annum. (Ord. No. 215 § 5-7-1990)

SECTION 6 MUNICIPAL JUDGE

The Municipal Judge shall receive as full payment for his services the sum of One Hundred Fifty Dollars (\$150.00) per month. (Ord. No. 279 § 4-12-1999)

SECTION 7 ZONING ADMINISTRATOR

The Zoning Administrator shall receive as full payment for services the sum of \$8.00 per hour and shall work those hours as directed and approved by the Mayor and Council. (Ord. No. 356, 8-10-2009)

TITLE II
CITY ORGANIZATION
CHAPTER 9 – MISCELLANEOUS

SECTION 1 FEDERAL OLD AGE AND SURVIVORS INSURANCE

The benefits of the system of old age and survivors insurance as authorized by the Social Security Act Amendments of 1950 shall be extended to all eligible employees and officials of the City of Gower, pursuant to a plan and agreement between the City and the State of Missouri.
(Ord. No. 88A § 2-3-1971)

SECTION 2 DEPUTIES

Any officer, other than the Mayor or member of the Board of Alderman, may, with the consent of the Board of Aldermen, appoint a deputy or deputies for his office, who will be invested with all the powers of the officer, and for whose conduct the officer shall be responsible. Within fifteen (15) days after appointment, each deputy shall give a bond to the City in such sum as may be designated by ordinance or the consent of the Board of Aldermen. The official bond shall be conditioned upon the faithful performance of his duties and the provision that he will pay over all monies belonging to the City, as provided by law, that may come into his hands.

TITLE II
CITY ORGANIZATION
CHAPTER 10 – CITY SUBSIDIARIES

SECTION 1 PLANNING COMMISSION

The establishment of the planning commission shall be in accordance with the policies and procedures as set forth in state law. The commission shall consist of seven (7) members and five (5) shall be selected as set forth in subparagraph (d). The remaining two (2) members shall be the Mayor and an alderman appointed by the Mayor.

- 1.1 All citizen members of the Planning and Zoning Commission shall serve as such without compensation and represent so far as is feasible different professions, interests, or occupations in the City.
- 1.2 The term of each citizen member of the Planning and Zoning Commission shall be four (4) years, except that the terms of the citizen members first appointed shall be for carrying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.
- 1.3 The City Planning and Zoning Commission shall elect its chairman and secretary from among the citizen members. The term of chairman and secretary shall be for one (1) year with eligibility for reelection. The commission shall hold regular meetings and special meetings as provided by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records.
- 1.4 The Board of Aldermen may provide the funds, equipment and accommodations necessary for the work of the commission, but the expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Board of Aldermen and no expenditures, no agreements for expenditures shall be valid or legal in excess of such amounts. Provided, however, that such commission shall have the authority and the power to accept and receive donations of cash or property, gifts, bequests and grants, and, with the approval of the Board of Aldermen, may use such nonappropriated assets as the commission shall deem beneficial and advantageous to the City of Gower.
- 1.5 It shall be the function and duty of the commission to make and adopt plans for the physical development of the municipality, including any areas outside its boundaries but within its statutory authority, which, in the commission's judgment, bear relation to the planning of the municipality.
- 1.6 The Commission, from time to time, shall recommend to the appropriate public officials programs for public structures and improvements and for further financing thereof. It shall be the function and duty of the Commission, to further consult and advise with public officials and agencies, civic organizations, public utility companies, educational, professional and other organizations and with citizens with relation to the promulgation

and carrying out of the plan. The Commission shall have the power to delegate authority to any of the above-named groups to conduct studies and make surveys for said Commission if it deems expedient.

- 1.7 The chairman of the Commission shall have power to administer an oath to any person concerning any matter submitted to the Commission, or coming within the powers and duties of the Commission. The Commission may further issue process to compel the attendance of persons before it and shall have the power to subpoena books, records and papers if necessary, which process shall be served the same as process is issued out of the City Police Court. (Ord. No. 92 § 4-5-1971)

SECTION 2 PARK AND RECREATION BOARD

The Park and Recreation Board shall consist of five (5) Board members, at least two of whom shall be residents of the City of Gower and who shall be appointed by the Mayor, subject to the consent of the Board of Aldermen. A member may be an alderman at the time of the appointment, but there is no requirement that one of the members be a councilperson.

- 2.1 Members shall be appointed for a term of 5 years, or until their successors are appointed and qualified. Any vacancy shall be filled for the unexpired term in the same manner as original appointment. Terms shall be designated such that there will be one term to expire each year. Removal shall occur in accordance with RSMo. 79.240.
- 2.2 The Park Board shall adopt and promulgate the rules and regulations for the conduct, administration and management of the public recreational program and such rules and regulations shall be subject to the approval of the City Council.
- 2.3 The Board of Aldermen, retains the power to review and amend the rules and regulations of the Park Board and retains the power to regulate public parks and grounds within the City.
- 2.4 Funds from the sales tax adopted for the benefit of the City parks shall be held in a separate public parks account and expenditures shall be by an appropriation act of the City Council.
- 2.5 Expenditures shall be made by the City Council upon its own initiative or upon the recommendation of the Park Board.
- 2.6 The City may, at its discretion, make expenditures on behalf of the City parks from the general fund.
- 2.7 The Park Board shall meet from time to time and make recommendations to the City Council regarding the care, maintenance, and planning of the park system.
- 2.8 Repealed (Ord. No. 355, 3-11-2009)
- 2.9 Repealed (Ord. No. 355, 3-11-2009)

(Ord. No. 391, 7-14-2014)

SECTION 3 GOWER EMERGENCY MANAGEMENT AGENCY

Gower Emergency Management Agency shall be responsible for the preparation and implementation of emergency functions required to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, Revised Statutes of Missouri, 1969, and the Missouri Disaster Operations Plan adopted thereunder.

- 3.1 This agency shall consist of a Director and other members appointed by the Mayor, with the approval of the Board of Aldermen, to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Disaster Operations Plan.
- 3.2 Functions. The organization shall perform Emergency Preparedness functions within the territorial limits of the City of Gower, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, Revised Statutes of Missouri, 1969.
- 3.3 Director. The Director will be appointed by the Mayor with the approval of the Board of Aldermen and shall serve during the pleasure of the Mayor.
 - a. The Director shall have direct responsibility for the organization, administration and operations of local Emergency Preparedness activities.
 - b. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Office.
- 3.4 Executive Director. The Mayor of Gower, Missouri, and the Director, in accordance with Chapter 44, Revised Statutes of Missouri, 1969, may:
 - a. Expend funds, make contracts, obtain and distribute equipment, materials, and supplies for Emergency Preparedness purposes, provide for the health and safety of persons, including emergency assistance to victims of an enemy attack; the safety of property, and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State disaster and emergency planning;
 - b. Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation;
 - c. In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public work or entering into contracts;

- d. With the approval of the Governor and consistent with the Missouri Disaster Operations Plan, enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid;
 - e. Accept services, materials, equipment, supplies or funds granted or loaned by the Federal Government for disaster planning and operations purposes.
- 3.5 Oath. No person shall be employed or associated in any capacity in any organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this State or the overthrow of any government in the United States by force or violence or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:
- “I,, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such a time as I am a member of the Gower Emergency Management Agency, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”
- 3.6 Office Space. The Mayor is authorized to designate space in any City owned or leased building for the Gower Emergency Management Office.

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**TITLE III
ELECTIONS
CHAPTER 1– ELECTION OF CITY OFFICIALS**

SECTION 1 DATE OF GENERAL ELECTION

A general election for the elective offices of this city shall be held on the first Tuesday in April of each year.

- 1.1. On the first Tuesday in April of odd numbered years, an election shall be held by the qualified voters of each ward in the City for mayor, and for one alderman for each ward, who shall hold their respective offices for the term of two (2) years and until their successors shall be elected and qualified.
- 1.2. On the first Tuesday in April of even numbered years, an election shall be held by the qualified voters of each ward of this City for one alderman for each ward, who shall hold their respective offices for the term of two (2) years and until their successors shall be elected and qualified.

SECTION 2 FILING OF CANDIDATES

Any person desiring to seek election for any elective city office at any general city election for any elective city office at any general city election may do so by filing his name and the office for which he seeks election with the city clerk during the filing period (fifteen Tuesdays before the election date to eleven Tuesdays before the election date). The clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election and the date of their filing, and their names shall appear on the ballots in that order.

SECTION 3 SAME: QUALIFICATIONS CHALLENGED

Any person who is not qualified for his office as provided by state law or other ordinances shall not be entitled to have his name printed on the ballot. The qualifications of a candidate for office shall be determined by the board of aldermen upon hearing given, and upon its own motion, or upon written affidavit by some person that a named candidate is not qualified as such for the office sought.

SECTION 4 CONFORMANCE OF CITY ELECTIONS WITH STATE LAW

All city elections shall be conducted and held in conformance with the provisions of the state election laws.

SECTION 5 CONDUCT OF ELECTION BY COUNTY CLERK

The county clerk (or, if appropriate, the county election board), as the designated election authority, shall conduct city elections.

SECTION 6 NOTICE OF CITY ELECTION

The city clerk shall notify the county clerk prior to 5:00 p.m. on the tenth Tuesday to any city election of the forthcoming city election. The notice shall be in writing and shall specify that the City is calling the election, the purpose of the election, the date of the election, and it shall include a certified copy of the legal notice to be published and the sample ballot.

SECTION 7 VOTERS, QUALIFICATIONS

All residents of the city who are qualified and timely and properly registered voters in accordance with state law shall be entitled to vote at city elections. In order to vote at any city election a person must be registered no later than 5:00 p.m. on the fourth Wednesday prior to the election.

SECTION 8 DESIGNATION OF POLLING PLACES AND JUDGES; ELECTION COSTS

The election authority shall designate the polling places in all city elections. The election authority shall appoint all election judges. The City shall pay all the election costs required by the election authority conducting its election.

SECTION 9 CITY POLICE OFFICERS, ASSISTANCE

It shall be the duty of the city police officers to give any assistance or protection required by the election authority, any employee of the election authority, or any election judge, and to comply with all lawful requests and directions of the election authority relating to such assistance.

SECTION 10 SPECIAL ELECTION DATES

Authorized dates for special city elections are the first Tuesday after the first Monday in February or March, August and November of each year.

SECTION 11 CERTIFICATION OF ELECTION RESULTS

As soon as practicable after each city election, the election authority shall convene a verification board to verify the count and certify the results of the election. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election and shall certify the returns to the city clerk. The city clerk shall issue to each person elected a certificate of election.

SECTION 12 ELECTION ORDINANCE

Prior to each city election, the board of aldermen shall timely pass an election authorizing, establishing and providing the election procedure to be followed in the conduct of the city election.

SECTION 13 AMENDMENT OF CITY CODE OF ORDINANCES

In order to conform to the Statutes of the State of Missouri, Title III, Chapters 1 and 2 of the Code of Ordinances for the City of Gower, Missouri, Ordinance No. 144, are hereby repealed and said Code of Ordinances is amended by the adoption of Sections 1 through 13 hereof, to be known as Title III, Chapter 1, City Elections. (Ord. No. 258 § 10-21-1996)

**TITLE III
ELECTIONS
CHAPTER 2 – ELECTIONS; NOTICE, HOW GIVEN**

SECTION 1 NOTICE OF ELECTION

Not later than 5:00 p.m. on the eighth Tuesday prior to any municipal election, except a special election to decide an election contest or tie vote, the officer or agency calling the election shall notify the election authority responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include candidates and issues and a certified copy of the legal notice to be published as required by law. In lieu of a certified copy of the legal notice to be published as required by law, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the fourth Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the officer or agency calling the election shall certify a sample ballot to the election authority responsible for conducting the election.

- 1.1 Notice Of Election By Publication; When, Contents Of. Unless notice has been given by mail to each registered voter as set forth in Section 115.129, RSMo 1978, the election authority shall cause legal notice of each election to be held in its jurisdiction, except special elections to decide election contest, to be published before election day and shall include the date and time of the election, the name of the officer or agency calling for the election, and the location of the polling places. The notice may also include a sample ballot. The election authority may provide any additional notice of the election it deems desirable.

SECTION 2 SPECIAL ELECTIONS; NOTICE OF, WHEN, HOW GIVEN

- 2.1 Upon receipt of notice of a special election to fill a vacancy submitted as provided by law, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the day by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite faith, the notice shall be published in any two of the newspapers within one week prior to the election.
- 2.2 Except as provided in Section 2 hereinabove, and in Sections 115.521, 115.549 and 115.593, RSMo 1978, the election authority shall cause legal notice of each election held in its jurisdiction to be published once each week for two consecutive weeks, the first publications occurring at least fourteen days prior to the election and the last publication occurring within one week prior to the election. The notice shall be published in two

newspapers of different political faith and general circulation in the election authority's jurisdiction. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper for two consecutive weeks, the first publication occurring at least fourteen days prior to the election and the last publication occurring within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published once each week for two consecutive weeks in any two newspapers in the jurisdiction, the first publication occurring at least fourteen days prior to the election and the last publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot.

SECTION 3 ELECTION COSTS

Not later than the third Tuesday prior to an election conducted for a political subdivision or special district by a county clerk, the City shall deposit with the county clerk an amount equal to the estimated cost of conducting the election; the money shall be placed by the county clerk in a special account and used only to pay the costs of conducting the election.

If the City fails to pay election costs by the time provided by section (.03.) above, it shall pay a penalty of One Hundred Dollars (\$100.00) a day. Each election authority shall provide all ballots for every election within its jurisdiction.

SECTION 4 CANDIDATES TO FILE DECLARATION

No candidate's name shall appear on any official ballot unless the candidate has filed a written declaration of candidacy with the City Clerk. The filing period shall open at 8:00 a.m. on the fourteenth Tuesday immediately preceding the municipal election, and shall close at 5:00 p.m. on the ninth Tuesday immediately preceding the election. (Ord. No. 206 § 11-7-1988)

**TITLE III
ELECTIONS
CHAPTER 3 – PRECINCTS AND POLLING PLACES**

SECTION 1 WARDS

The City of Gower shall be divided into two wards: [1] one (1) located north of Hallar Avenue, east of U.S. Highway 169, and north of Field Street, and [2] one (1) located south of Hallar Avenue, west of U.S. Highway 169, and south of Field Street. (Ord. No. 286 § 10-11-99)

- 1.1 The City of Gower, Missouri, shall constitute one precinct.
- 1.2 The election authority shall designate a polling place for each precinct, which place may be a tax supported public building.
- 1.3 The polls shall be open from 6:00 a.m. through 7:00 p.m. for all elections.

TITLE IV

BUILDINGS AND PROPERTY

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TITLE IV
BUILDINGS AND PROPERTY
CHAPTER 1 – CORPORATE LIMITS

SECTION 1 CORPORATE LIMITS

The corporate limits of the City of Gower shall include the territories described as follows:

Beginning on the Clinton-Buchanan County line at the Northwest Corner of fractional Section four (4) in Township fifty-five (55) of Range thirty-three (33) and running thence Southeasterly along said County line to the East-West center line of said Section four (4) and on South 660 feet, thence East to the East line of the Northwest quarter of the Southwest quarter of the Southwest quarter of Section three (3) in Township fifty-five (55) of Range thirty-three (33) and on East 280 feet, thence North to the North line of said Section three (3), thence West to the place of beginning.

(Ord. No. 14 § 11-18-1946; Amended, Ord. No. 41, 12-30-1957)

A tract of land located in the Southwest Quarter of Section 3, Township 55 North, Range 33 West, Clinton County, Missouri, described as follows:

Beginning at a point that is 537.8 feet South of the Center of said Section 3, said point being on the southwesterly right of way line of U.S. Highway No. 169; thence South a distance of 211.2 feet; thence N 89° 59' W, a distance of 1063.0 feet to the present city limits of the City of Gower, Missouri; thence North along the present city limits line a distance of 1029.5 feet to a point on the southwesterly right of way line of U.S. Highway 169; thence S 49° 45' E along said right of way line a distance of 635.23 feet to the P.C. of a curve; thence continuing along said right of way line southeasterly along the circumference of a curb to the left, the radius of which is 2894.2 feet, a distance of 361.2 feet to the P.T. of the curve; thence continuing along said right of way line S 56° 54' E, a distance of 344.5 feet to the point of beginning, containing 15.1 acres, more or less, effective January 1, 1958.

(Ord. No. 369 § 11-20-1957)

Parts of Section 3 and 4, Township 55 North, Range 33 West, Clinton County, Missouri, described as follows:

Beginning at the Southeast corner of Clearview Addition, an addition to the City of Gower, Missouri, said point being on the East line of the Southwest Quarter of said Section 3 at a point 749 feet South of the Northeast corner of said Southwest Quarter; thence West, parallel to the North line of said Southwest Quarter of Section 3 and the

North line of the Southeast Quarter of said Section 4 to the Clinton County –Buchanan County Line; thence Northerly along said County Line to a point on the North Line of said Section 4; thence East along the North line of said Section 4 and the North line of said Section 3 to the Northeast corner of the West half of the West half of the East half of Section 3; thence South along the East line of said West half of the East half of said Section 3 to a point that is 749 feet South of the North line of the Southeast Quarter of said Section 3; thence West, parallel to the North line of said Southeast Quarter to the point of beginning.

Also, part of Section 4, Township 55 North, Range 33 West, Buchanan County, Missouri, described as follows:

Beginning at the point where the Buchanan County-Clinton County line intersects the North line of said Section 4; thence Southerly along the County line to a point that is 749 feet South of the North line of the Southeast Quarter of said Section 4; thence West, parallel to the North line of said Southeast Quarter to a point that is 660 feet Westerly from and perpendicular to said county line; thence Northerly, parallel to the said County line and at all times 660 feet Westerly from and perpendicular to said County Line to the North line of said Section 4; thence East along the North line of said Section 4 to the point of beginning.

(Declaratory Judgment; City of Gower vs. Orville Walkup, et al., January 24, 1974)

All of the west half of the Northeast quarter of Section Three (3), Township Fifty-five (55) North, Range Thirty-three (33) West, EXCEPT the area now within the Corporate Limits of the City of Gower, Missouri. Also all of the Southwest quarter of the Southeast quarter of Section Thirty-four (34), Township Fifty-six (56) North, Range Thirty-three (33) West. Also the south half of the south half of the Northwest quarter of the Southeast quarter of Section Thirty-four (34), Township Fifty-six (56) North, Range Thirty-three (33), and the south half of the south half of fractional Section Thirty-three (33), Township Fifty-six (56) North, Range Thirty-three (33) West. All the above in Clinton County, Missouri.

(Declaratory Judgment; City of Gower vs. John H. Matthews and SOG Development Company, and Ernest Reed and Helen Reed, January 24, 1974.)

All of the West half of the Southeast Quarter of Section 3, Township 55 North, Range 33 West, Clinton County, Missouri, EXCEPT the area now within the corporate limits of the City of Gower, Missouri.

(Declaratory Judgments; City of Gower vs. Frederick L. Schuster and James E. Ingle and Rosemary Ingle. January 24, 1974.)

A tract of land in the southwest quarter of Section 34, Township 56 N., Range 33 W., Clinton County, Missouri, commencing at a point 522.72 feet south and 1075.4 feet north

89°26' west of the northeast corner of said southwest quarter, thence south 30°42' east 489.93 feet to the true point of beginning for petitioner's tract of land, thence running south 87°12' West 529.93 feet to the easterly right of way line of U.S. Highway 169; thence southeasterly along said right of way line of U.S. Highway 169 to the north line of the City limits of Gower, Missouri, such line being also known as the north line of the south half of the north half of the southwest quarter of said Section 34, Township 56 N., Range 33 W., Clinton County, Missouri, thence east along said north city limits of Gower, Missouri, to a point south of the aforementioned true point of beginning of petitioner's tract of land, thence north to said point of beginning.
(Ord. No. 133 § 10-3-1977)

SECTION 2 PLAT MAP

The boundaries of the City of Gower are established by the Plat Map attached to this Code and with the addition of the tract last described in Section 1 of this Chapter shall constitute the official boundaries of the City, said Plat Map being incorporated by reference as if fully set forth in this Code.

SECTION 3 WATERWORKS AUTHORIZED

The City of Gower, Missouri, shall maintain and operate a City reservoir and waterworks on land owned, operated and maintained by the City of Gower, Missouri. (Ord. No. 82 § 7-5-1966)

SECTION 4 PARK HOURS

- 4.1 City Park, Heritage Park and B.F. Moore Park shall be closed to the public between the hours of 12 a.m. and 6 a.m. each day. An exception to this section shall be authorized when an activity previously approved by the City of Gower, Missouri, continues past 12 a.m. When authorized by the Board of Aldermen, the park being used shall close 30 minutes after the designated completion of the approved activity.
- 4.2 Park Shelters may be reserved upon the following conditions:
 - a. A permit shall be obtained from the clerk with an application fee of \$25.00 for a four hour period and \$50.00 for the day, not less than seven days in advance.
 - b. The permit must be displayed on-site to be valid.
 - c. A permit may be revoked for cause by the duty police officer.
 - d. The reservation fee is separate than any alcohol permit fees and deposits..

(Ord. No. 364, 6-14-2010)

SECTION 5 LAGOON AUTHORIZED

The City of Gower shall maintain and operate the lagoon located in Gregory Addition and the lagoon located in Cummings Addition. (Repealed by Ord. No. 182 §9-7-1983)

SECTION 6 ANNEXATION APPROVED

The City of Gower, Missouri, grants the petitions for annexation submitted by the City of Gower, Missouri, and the East Buchanan C-1 School District and approves the annexation of the following-described land into the City of Gower, Missouri. (Ord. No. 275 §11-9-1998)

TRACT “A”

A tract of land in the southwest quarter of Section 3, Township 55, Range 33 West, Clinton County, Missouri, described as follows:

Commencing at the west quarter corner of said Section 3; thence north 89 degrees 56 minutes east along the center line of said section 3 (which is the south line of the original town of Gower and the north line of South Park addition) 1060 feet; thence south 00 degrees 04 minutes east 779.2 feet to the true point of beginning; thence continuing south 00 degrees 04 minutes east 473 feet; thence north 89 degrees 41 minutes west 1027.8 feet to the east right of way line of state route DD; thence north 00 degrees 56 minutes east along said right of way line, 178.82 feet to a point of curve, thence, on a curve to the right with a radius of 1397.69 feet, 253.65 feet; thence north 11 degrees 20 minutes east 22.84 feet; thence north 89 degrees 11 minutes east 992.86 feet to the point of beginning. Containing 10.82 acres, more or less. Subject to highway right of way and other easements of record.

TRACT “B”

A tract of land in the south half of fractional section thirty-three (33), Township fifty-six (56) north, range thirty-three (33) west, Clinton County, Missouri described as follows:

Commencing at the southwest corner of said south half of fraction section 33; thence north 01 degrees 36 minutes west, long west line of said fractional section 33, 1431.73 feet; thence north 88 degrees 00 minutes east 35 feet to the true point of beginning; thence north 88 degrees 00 minutes east 150 feet; thence north 01 degrees 36 minutes west 222.93 feet; thence north 88 degrees 46 minutes east 150 feet; thence north 01 degrees 36 minutes west 451.85 feet; thence south 88 degrees 27 minutes west 300 feet; thence south 01 degrees 36 minutes east 675.12 feet to the point of beginning subject to roads, streets and other easements of record.

TRACT “C”

That portion of Grace Ave. in Clearview Addition and Clearview Addition Extension located south of the current corporate limits of the City of Gower, Missouri in Clinton County, Missouri.

TRACT “D”

A strip of land approximately 112.9 feet running generally north and south, by 607 feet running generally east and west, lying south of and contiguous to South Park and Elliott Additions in Gower, Clinton County, Missouri, said strip situated within the following described tract of land:

All that part of the northwest quarter of the southwest quarter of section three (3) in township fifty-five (55) of range thirty-three (33), described as follows:

Beginning at a point on the south line of Smith Avenue in the City of Gower, Missouri, 200 feet east of the northwest corner of block thirty (30) in Elliott’s Addition to the Town (now City) of Gower, and running thence east 400 feet, thence south 773.7 feet, thence west 1028 feet to the center line of the county line road (RTE DD), thence north on the center line of said road 112.9 feet, thence east 607 feet, thence north 663.0 feet to the point of beginning; containing exclusive of said road 8.58 acres and 0.077 acres in said county line road.

SECTION 7 DEED ACCEPTED

The City of Gower, Missouri accepts a Quit Claim Deed from Broderick Lumber and Hardware Co. to the following-described real estate for expansion of Second Street within the City of Gower, Missouri. (Ord. No. 332 § 4-11-2005)

Part of the abandoned Railroad Right of way lying within the extended right of way of 2nd Street in the City of Gower, Missouri. (Northwest quarter of Section 3, Township 55 North, Range 33 West, Clinton County, Missouri) described as follows:

Commencing at the intersection of the East right of way of said 2nd Street and the north right of way line of said abandoned Railroad (A.K.A. the south right of way line of Railroad Avenue), said point being the Point of Beginning; thence S 00 degrees 07’03”W, a distance of 25.25 feet to the point of curvature of a non-tangent curve, concave to the south, having a radius of 3746.82 feet a central angle of 00 degrees 49’53”, and a chord of 54.367 feet bearing S82 degrees 12’09”E; thence West along said curve, a distance of 54.37 feet; thence N 00 degrees 07’03”E, a distance of 25.20 feet to the point of curvature of a non-tangent curve, concave to the south, having a radius of 3771.82 feet a central angle of 00 degrees 15’30”E; thence East along said curve, a distance of 54.36

feet to the point of beginning; said described tract containing 0.03 Acres, more or less. And being subject to any roads, easements or restrictions or record.

TITLE IV
BUILDINGS AND PROPERTY
CHAPTER 2 – ZONING

SECTION 1 ZONING ORDER ENACTED

The Zoning Ordinance of the City of Gower, Missouri, enacted March 8, 1999, is in full force and effect as if set forth in the Code in its entirety. A copy of the Zoning Ordinance shall be attached to this Code. (Ord. No. 277 § 3-8-1999)

SECTION 2 SUBDIVISION REGULATIONS ENACTED

The Subdivision Regulations of the City of Gower, Missouri, enacted January 5, 1976, as amended, is in full force and effect as if set forth in the Code in its entirety. A copy of the Subdivision Regulations shall be attached to this Code. (Ord. No. 277 §3-8-1999)

SECTION 3 ZONING USE PERMIT FEES

Zoning use permit fees, as established by the Zoning Ordinance and Subdivision Regulations, are as follows:

Building Permit	Residential new construction	\$0.20 per sq foot of living area
Building Permit	Commercial new construction	\$0.20 per sq. foot
Building Permit garage		\$0.20 per sq. foot
Remodel, alter, extend or add on (including detached garage)		\$0.20 per sq. foot
Storage sheds (up to 12x12		\$25.00
Larger than 12x12		\$0.10 per sq. foot
Widows, siding		\$35.00
Re-roof, gutters		\$35.00
Fence (privacy 6ft)		\$25.00
Retaining wall		\$25.00
Moving a structure Trailer, shed	Must have proof of \$1,000.00 performance bond	\$35.00
Wrecking and/or Demolition		\$35.00
Change in Use Must be presented to Zoning Board		\$35.00
Permit required on electrical, mechanical & plumbing on new construction		\$75.00
Major remodel electrical, plumbing & mechanical		\$25.00
No construction will be started prior to obtaining all required permits. Violators shall be fined up to \$100.00 if work begins without permits and Work may be stopped. Signs must be posted.		
Zoning Change		\$100.00

Zoning Variance		\$100.00
Special Use Permit		\$100.00
Preliminary Plat		\$100.00 (Ord. No. 380, 11-14-2011)
Final Plat		\$100.00 (Ord. No. 380, 11-14-2011)
Lot split		\$75.00
Amended Plat		\$75.00
Special fees shall be governed by the provisions of the Zoning Ordinance and Subdivision Regulations.		
No zoning use permit required under the provisions of this Chapter shall be issued by the City of Gower to any person until all personal real estate and personal property taxes, merchants' or manufacturers' ad valorem taxes, license or permit fees due and unpaid, and all penalties thereon, and any other financial obligations due from the person to the City, have been paid. (Ord. No. 291 § 1-10-2000)		
A zoning use permit fee of \$1.00 per ht. foot is established for construction or erection of a communication tower within the City of Gower, Missouri. (Ord. No. 318 § 4-14-2003) (Ord. No. 359, 10-12-2009)		

SECTION 4 REGIONAL PLANNING COMMISSION

The City of Gower shall be a member of the Regional Planning Commission for Andrew, Buchanan, Clinton, and DeKalb Counties. (Resolution No. 86 § 10-30-1967)

SECTION 5 FLOOD INSURANCE REGULATIONS

The Zoning Order and Subdivision Regulations of the City of Gower are revised by the adoption of a new Section 19.2, Flood Prone area, of Part 1, Zoning, to comply with the National Flood Insurance Program of the Federal Emergency Management Agency. (Ord. No. 201 § 3-11-1987)

TITLE IV
BUILDINGS AND PROPERTY
CHAPTER 3 – STREETS AND SIDEWALKS

SECTION 1 VACATED STREETS AND ALLEYS

The following described streets and alleys have been vacated in the City of Gower, Missouri:

Castile Street from 4th Street to the West city limits, the alley in block 3 of Cummings revised plat, the alley lying east of Block 19 and east of Bloc 20, the alley lying east of Lots 1 through 6 in Block 29 in Elliott's Addition to the City of Gower, Missouri, the alley in Block 21 lying to the west of Lot 7 through 12 inclusive and lying east of Lots 1 and through 6 in the said City of Gower, that part is 1st Street lying South of the prolongation of the north line of Lot 1, Block 21, and north of the prolongation of the south line of Lot 6 in Block 21, a certain tract of land lying south of Lot 8 in Block 10 in the City of Gower, Missouri, described as follows:

Beginning at a point which is the southeast corner of Lot 8 thence South 67 feet and 7 inches to the right of way of the Atchison, Topeka and Santa Fe Railroad; thence in a northwesterly direction along said right of way to a point that is due south of the northwest corner of Lot 8; thence East along the south line of Lot 8 to the point of beginning.

and

Commencing 36 feet North of the Southwest corner of Lot Eight (8) in Block Ten (10), thence West 60 feet, thence South to the right of way of the Atchison, Topeka and Santa Fe Railroad, thence Southeasterly along said right of way to a point due South of the Southwest corner of said Lot Eight (8), thence North to the point of beginning, an alley from the easterly line of 3rd Street to the east end of 3rd Street within said City, all that part of Bryan Street, lying north of Lot 1, Block 5, revised Cummings Addition to the City of Gower and lying south of Lot 5 and Block 4 of said Cummings addition, and an alley lying North of Lot 1 and Block 4 and lots 6 and 5 in Block 2 in Cummings Revised Addition from the east line of said Lot 5 of Block 3 extended north to the City limits to the west line of Lot 1 Block 4 extended to the east City limits, Castile venue from the Easterly line of South 3rd Street West to the East end of said Castile Avenue, all within the City of Gower, Clinton County, Missouri.

(Ord. No. 46 § 9-25-1961; Ord. No. 48 § 5-25-1964; Ord. No. 76 § 1-24-1966; Ord. No. 77 § 2-21-1966; Ord. No. 85 § 3-27-1967; Ord. No. 88 § 7-29-1968; Ord. No. 145 § 5-7-1979)

SECTION 2 SCHOOL CROSSING

A school crossing shall be operated and maintained on Rt. 169 at Shivel and Kennedy Drive and Rt. 169 at Field Street, pursuant to contracts between the City of Gower and the State Highway Commission of Missouri. (Ord. No. 98 § 8-29-19763; Ord. No. 112 § 8-21-1974)

Memorandum of Agreement between the City of Gower, Missouri, and East Buchanan C-1 School District of Clinton and Buchanan Counties, Missouri, to share expenses for a crossing guard in the vicinity of Highway 169 and Shivel Avenue. (Dated 10-5-1981)

SECTION 3 STATE HIGHWAYS

The State Highway Commission of Missouri shall maintain State Highways within the City limits of Gower pursuant to a maintenance agreement between the City of Gower and the State Highway Commission of Missouri. (Ord. No 122 § 4-5-1976; Ord. No. 166 § 10-5-1981)

SECTION 4 REPAIR OF STREETS

Material used to repair or replace any City street, sidewalk, or any other City property shall be the same material as the material utilized to build the property so repaired or replaced, whether such repairs are made by City employees, contractors hired by the City or its agents, or any other citizen, individual, or entity. (Ord. No. 330 § 10-11-04)

SECTION 5 VACATED ALLEY IN CUMMINGS REVISED ADDITION

The following described alley has been vacated in the City of Gower, Missouri:

In Block Two (2), Cummings Revised Addition, City of Gower, Clinton County, Missouri, South from Bryan Street to the North line of the alley running East and West in the said Block Two (2), said alley running North and South between Lots Four (4) and Three (3), Five (5) and Two (2), and Six (6) and One (1) of said Block Two (2). (Ord. No 152 § 8-13-1980)

SECTION 6 VACATED ALLEY IN BLOCK 29

The following described alley has been vacated in the City of Gower, Missouri:

The twelve-foot alley lying South of Block Twenty-nine (29) and East of Third Street to the East Buchanan C-1 School District athletic field. (Ord. No. 172 § 9-21-1981)

SECTION 7 VACATED ALLEY IN BLOCK 6

The following described alley has been vacated in the City of Gower, Missouri:

The Thirty foot alley lying West of the South Half of Block Six (6), and Blocks Fourteen (14), Fifteen (15), and Twenty-four (24) from the Northwest corner of Lot Eight (8) in Block Six (6), South to the South boundary of Smith Avenue at the Southwest corner of Lot Seven (7) in Block Twenty-four (24), in the Original Town (now City) of Gower, Missouri. (Ord. No. 203 § 5-4-1987)

SECTION 8 VACATED ALLEY IN CUMMINGS 3RD ADDITION

The following described alley has been vacated in the City of Gower, Missouri:

The twenty-foot alley lying East of Lots 1,2,3,4,5,6, and 7 of Cummings 3rd Addition, and running North and South between the Southwest corner of Lot Eleven (11) in Block 5, and the Northwest corner of Lot One (1) in Block 4, Revised Cummings Addition, City of Gower, Missouri.

(Ord. No. 204 § 9-96-1987)

SECTION 9 VACATED ALLEY IN BLOCK 17

The following described alley has been vacated in the City of Gower, Missouri:

The twenty-four (24) foot alley lying East of Lots Eleven (11) and Twelve (12), in Block 17, and West of Lots Two (2) and Three (3), in Block 17 in the Original Town of Gower, and running North and South between the Northeast corner of Lot Eleven (11), in Block 17, and the Southeast corner of Lot Ten (10), in Block 17, Original Town of Gower, City of Gower, Missouri. (Ord. No. 307 § 7-9-2001; Repealed May 10, 2004, Ord. No. 326)

SECTION 10 VACATED ALLEY IN SECTION 4

The following described alley has been vacated in the City of Gower, Missouri:

The Twenty (20) foot alley running East and West on the North side of and adjacent to All of that part of Fractional Section Four (4) in Township Fifty-five (55) of Range Thirty-three (33), Clinton County, Missouri, described as follows:

Beginning at a point on the West line of Clinton County, Missouri, Twenty (20) feet South of the Northwest corner of said Fractional Section Four (4), thence East 16 rods, thence South 10 rods, thence East 16 rods, thence South 10 rods, thence West 16 rods to the County line, thence North 10 rods to the place of beginning.

(Ord. No. 311 § 1-14-2002)

SECTION 11 VACATED ALLEY IN BLOCK 12

The following described alley has been vacated in the City of Gower, Missouri:

The Twenty-four (24) foot alley lying East of Lots Six (6), Seven (7), Eight (8), Nine (9), and Ten (10), in Block 12, and West of Lots One (1), Two (2), Three (3), Four (4), and Five (5), in Block 123, and running North and South between the Northeast Corner of Lot Ten (10) and the Southeast Corner of Lot Six (6), in Block 12, Original Town of Gower, City of Gower, Missouri.

(Ord. No. 316 § 11-10-2003)

TITLE IV
BUILDINGS AND PROPERTY
CHAPTER 4 – BUILDING CODE

SECTION 1 BUILDING CODE ADOPTED

The Building Code of the City of Gower Missouri, enacted January 10, 2000, is in full force and effect as if set forth in the Code in its entirety. A copy of the Building Code shall be on file with the Clerk. (Ord. No. 292 § 1-10-2000)

SECTION 2 REVISIONS TO BUILDING CODE

That the following sections of said Building Code are hereby revised as follows:

Section 101.1. Insert: City of Gower, Missouri

Section 112.3.1 Insert: Twenty-five Dollars (\$25.00) for each inspection

Section 116.4 Insert: misdemeanor; Five Hundred Dollars (\$500.00); ninety (90) days

Section 117.2 Insert: Fifty Dollars (\$50.00); Five Hundred Dollars (\$500.00)

Section 3408.2 Insert: January 21, 2000

TITLE IV
BUILDINGS AND PROPERTY
CHAPTER 5 – ELECTRICAL CODE

SECTION 1 ELECTRICAL CODE ADOPTED

The Electrical Code of the City of Gower, Missouri, enacted January 10, 2000, is in full force and effect as if set forth in the Code in its entirety. A copy of the Electrical Code shall be on file with the Clerk. (Ord. No. 293 § 1-10-2000)

TITLE IV
BUILDINGS AND PROPERTY
CHAPTER 6 – PLUMBING CODE

SECTION 1 PLUMBING CODE ADOPTED

The Plumbing Code of the City of Gower, Missouri, enacted January 10, 2000, is in full force and effect as if set forth in the Code in its entirety. A copy of the Plumbing Code shall be on file with the Clerk. (Ord. No. 294 § 1-10-2000)

SECTION 2 REVISIONS TO CODE

That the following section of the plumbing Code is hereby revised as follows:

Section P-101.1 (page 1, second line). Insert: City of Gower, Missouri

Section P-113.2 (page 4, third line). Insert: Twenty-five Dollars (\$25.00)

Section P-116.4 (page 5, seventh, eighth and ninth lines).

Insert: misdemeanor; Five Hundred Dollars
(\$500.00); ninety (90) days

Section P-117.2 (page 5, fifth and sixth lines).

Insert: Fifty Dollars (\$50.00); Five Hundred
Dollars (\$500.00)

Section P-304.36 (page 13, third line). Insert: One Hundred Fifty feet (150 ft.)

Section P-309.4 (page 14, second and third lines).

Insert: four (4); zero (0)

Section P-309.5 (page 14, second and fourth lines).

Insert: forty-eight (48)

TITLE IV
BUILDINGS AND PROPERTY
CHAPTER 7 – MECHANICAL CODE

SECTION 1 MECHANICAL CODE ADOPTED

The Mechanical Code of the City of Gower, Missouri, enacted January 10, 2000, is in full force and effect as if set forth in the Code in its entirety. A copy of the Mechanical Code shall be on file with the Clerk. (Ord. No. 295 § 1-10-2000)

SECTION 2 REVISIONS TO CODE

That the following sections of the Mechanical Code are hereby revised as follows:

Section M-101.1(page 1, second line). Insert: City of Gower, Missouri

Section M-113.2 (page 4, third line). Insert: Twenty-five Dollars (\$25.00)

Section M-113.3 (page 4, third line). Insert: Twenty-five Dollars (\$25.00)

Section M-116.4 (page 5, seventh, eighth and ninth lines).

Insert: misdemeanor; Five Hundred Dollars
(\$500.00); ninety (90) days

Section M-117.2 (page 53, fifth and sixth lines).

Insert: Fifty Dollars (\$50.00), Five Hundred
Dollars (\$500.00)

TITLE IV
BUILDINGS AND PROPERTY
CHAPTER 8 – PROPERTY MAINTENANCE CODE

SECTION 1 PROPERTY MAINTENANCE CODE ADOPTED

The Property Maintenance Code of the City of Gower, Missouri, enacted January 10, 2000, is in full force and effect as if set forth in the Code in its entirety. A copy of the Property Maintenance Code shall be on file with the Clerk. (Ord. No. 296 § 1-10-1000)

SECTION 2 REVISIONS TO CODE

That the Property Maintenance Code is amended and revised in the following respects:

Section PM-101.1(page 1, second line). Insert: City of Gower, Missouri

Section PM-106.2 (page 2, third line). Insert: One Dollar (\$1.00); Five Hundred Dollars (\$500.00)

Section PM-106.2 (page 2, fourth line). Insert: ninety (90) days

Section PM-304.15 (page 11, first and second lines).
Insert: April 1; November 1

Section PM-602.2.1 (page 17, fifth line). Insert: September 15; May 15

Section PM-602.3 (page, third line). Insert: September 15; May 15

TITLE IV
BUILDINGS AND PROPERTY
CHAPTER 9 – FLOODPLAIN MANAGEMENT

SECTION 1 REPEAL OF REGULATIONS

The “Code of Ordinances” of the City of Gower, being Ordinance Number 144 of the City of Gower, Missouri, is amended by the repeal of Section 19.2 of Part 1 of the Zoning Order and Subdivision Regulations of the City of Gower, Missouri.

SECTION 2 FLOODPLAIN MANAGEMENT REGULATIONS ADOPTED

The “Code of Ordinances” of the City of Gower being Ordinance Number 144 of the City of Gower, Missouri, is amended by the adoption of new provisions to be known as Title IV, Chapter 9, Floodplain Management.

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION A STATUTORY AUTHORIZATION

The Legislature of the State of Missouri (state) has in Chapter 71 (section of statutes) delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen (governing body) of Gower (local unit) Missouri (state) ordains as follows:

SECTION B FINDINGS OF FACT

1. *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of Gower (local unit), Missouri (state) are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. *General Causes of the Flood Losses*

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazards to others, inadequately elevated, or otherwise unprotected from flood damages.

SECTION C STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Article 1, Section B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(b) by applying the provisions of this ordinance to:

3. restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
4. require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
5. protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE 2 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION A LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of the City of Gower (local unit) identified as unnumbered A zones, on the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) dated 3/13/2000 as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen (governing body) or its duly designated representative under such safeguards and restrictions as the Board of Aldermen (governing body) or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

SECTION B FLOODPLAIN ADMINISTRATOR

The Zoning Administrator (community official [title/office]) is hereby designated as the Floodplain Administrator under this ordinance.

SECTION C COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION D ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances

inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

SECTION E INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

SECTION F WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside unnumbered A zones or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of City of Gower (name of local unit), any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION G SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

ARTICLE 3 ADMINISTRATION

SECTION A LANDS FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED)

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

SECTION B DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Zoning Administrator (designed official [title/office]) is hereby appointed to administer and implement the provisions of this ordinance.

SECTION C DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Zoning Administrator (floodplain administrator [title/office]) shall include, but not be limited to:

1. review all applications for floodplain development permits to assure that sites are reasonable safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
2. review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law.
3. review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. issue floodplain development permits for all approved applications;
5. notify adjacent communities and the State of Missouri (state coordinating agency) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished; and
7. where base flood elevation from other sources is utilized within unnumbered A zones:
 - a. verify and maintain a record of the actual elevation (in relations to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
 - b. verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
 - c. when floodproofing techniques are utilized for a particular non-residential structure, the Zoning Administrator (floodplain administrator) shall require certification from a registered professional engineer or architect.

SECTION D APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- 9.1. describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed building or work;
- 9.2. identify and describe the work to be covered by the floodplain development permit;
- 9.3. indicate the use or occupancy for which the proposed work is intended;
- 9.4. indicate the assessed value of the structure and the fair market value of the improvement;
- 9.5. identify the existing base flood elevation and the elevation of the proposed development;
- 9.6. give such other information as reasonably may be required by the Zoning Administrator (floodplain administrator);
- 9.7. be accompanied by plans and specifications for proposed construction; and
- 9.8. be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any unnumbered A zone unless the conditions of this section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from the Federal, State, or other sources.

All new construction subdivisions proposals, substantial-improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:

- a. design or adequate anchorage to prevent flotation, collapse, or local movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. construction with materials resistant to flood damages;
- c. utilization of methods and practices that minimize flood damages;
- d. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-side waste disposal systems be located so as to avoid impairment or contamination; and
- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - i. all such proposals are consistent with the need to minimize flood damage;
 - ii. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
 - iii. adequate drainage is provided so as to reduce exposure to flood hazards; and
 - iv. all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

3. Storage, material, and equipment
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
4. Accessory Structures

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

SECTION B SPECIFIC STANDARDS

1. In all areas of special flood hazard, once **base flood elevation** data is obtained, as set forth in Article 4, Section A2), the following provisions are required

- a. *Residential Construction*

New construction or substantial-improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or one (1)* (feet/foot) above flood level.

[* *The FEMA, Region VII office recommends elevating to one (1) foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.*]

- b. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or one (1)* (feet/foot) above the base flood level, or together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to

the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C(7)(c).

- c. Require, for all new construction and substantial-improvements, which fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1.6. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - 1.7. the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 2. In all areas of special flood hazard, once **floodway** data is obtained, as set forth in Article, Section A(2), the following provisions are required:
 - a. the designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one (1) foot at any point; and
 - b. the community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge.

SECTION C MANUFACTURED HOMES

1. All manufactured homes to be placed within special flood hazard areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured homes that are placed or substantially improved within unnumbered A zones on the community's FIRM on sites:
 - a. outside of manufactured home park or subdivision;
 - b. in a new manufactured home park or subdivision;
 - c. in an expansion to an existing manufactured home park or subdivision; or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial-damage" as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of manufactured home is elevated to or one (1)* (feet/foot) above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A zones on the community's FIRM, that are not subject to the provisions of Article 4, section C(2) of this ordinance, be elevated so that either:
 - a. the lowest floor of the manufactured home is at or one (1)* (feet/foot) above the base flood level; or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

[The FEMA, Region VII office recommends elevating to one (1) foot above the base flood elevation to accommodate floodway conditions when the floodplain is fully developed.]

SECTION D RECREATIONAL VEHICLES

1. Require that recreational vehicles placed on sites within unnumbered A zones on the community's FHBM or FIRM either:
 - a. Be on the site for fewer than 180 consecutive days, or
 - b. Be fully licensed and ready for highway use*; or
 - c. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this ordinance.

* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION A ESTABLISHMENT OF APPEAL BOARD

The Board of Adjustment (appeal board) as established by City of Gower (local unit) shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

SECTION B RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Zoning Administrator (floodplain administrator), the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Article 5, Section A.

The Board of Adjustment (appeal board) shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator (floodplain administrator) in the enforcement or administration of this ordinance.

SECTION C FURTHER APPEALS

Any person aggrieved by the decision of the Board of Adjustment (appeal board) or any taxpayer may appeal such decision to the Board of Aldermen (name of appropriate appeal board) as provided in Missouri Statutes (statute).

SECTION D FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Board of Adjustment (appeal board) shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. the danger to life and property due to flood damage;
2. the danger that materials may be swept onto other lands to the injury of others;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations, not subject to flood damage, for the proposed use;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and
11. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

SECTION E CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below the flood level will result in increased premium rates for flood insurance up to amounts as high as Twenty-five Dollars (\$25.00) for One Hundred Dollars (\$100.00) of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

SECTION F CONDITION FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Map (FIRM).

2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finished, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (3)(b) of this ordinance.
3. The accessory structures must be adequately anchored to prevent floatation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (3)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (3)(d) of this ordinance.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain opening that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.
6. The accessory structures must comply with the floodplain management floodway encroachment provision of Article 4, Section B(2)(b) of this ordinance. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as Twenty-five Dollars (\$25.00) for One Hundred Dollars (\$100.00) of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

ARTICLE 6 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Five Hundred Dollars (\$500.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Gower (local unit) or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 7 AMENDMENTS

The regulations, restriction, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Clinton or Buchanan County (local unit). At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

ARTICLE 8 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them same meaning they have in common usage and to give this ordinance its most reasonable application.

“100-year Flood” *see “base flood”*.

“Accessory Structure” means the same as *“appurtenant structure”*.

“Actuarial Rates” *see “risk premium rates”*.

“Administrator” means the Federal Insurance Administrator.

“Agency” means the Federal Emergency Management Agency (FEMA).

“Agricultural Commodities” means agricultural products and livestock.

“Agricultural Structure” means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

“Appeal” means a request for review of the Floodplain Administrator’s interpretation of any provision of this ordinance or a request for a variance.

“Appurtenant Structure” means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use the principal structure.

“Area of Special Flood Hazard” is the land in the floodplain within a community subject to a one percent or greater chanced of flooding in any given year.

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” *see “structure”*.

“Chief Executive Officer” or “Chief Elected Official” means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

“Community” means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Elevated Building” means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Eligible Community” or “Participating Community” means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

“Existing Construction” means for the purposes of determining rates, structures for which the *“start of construction”* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *“Existing construction”* may also be referred to as existing structures”.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by community.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

“Floodplain” or “Flood-prone Area” means any land area susceptible to being inundated by water from any source (*see “flooding”*).

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulation.

“Floodplain Management Regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local

regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

“Functionally Dependent Use” means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

“Historic Structure” means any structure that is (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 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.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building’s lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “*manufactured home*” **does not include** a “*recreational vehicle*”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map” means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

“Market Value” or “Fair Market Value” means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

“Mean Sea Level” means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map (FIRM) are referenced.

“New Construction” means, for the purposes of determining insurance rates, structures for which the *“start of construction”* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *“new construction”* means structures for which the *“start of construction”* commenced on or after the effective date of the floodplain management regulations adopted by a community and included any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

“(NFIP)” means the National Flood Insurance Program (NFIP).

“Participating Community” also known as an *“eligible community”*, means a community in which the Administrator has authorized the sale of flood insurance.

“Person” includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

“Primarily Above Ground” means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

“Recreational Vehicle” means a vehicle which is (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; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Remedy A Violation” means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

“Risk Premium Rates” means those rates established by the Administrator pursuant to individual community studies and investigations that are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *“Risk premium rates”* include provisions for operating costs and allowances.

“Special Flood Hazard Area” *see “area of special flood hazard”*.

“Special Flood Hazard Area” means an area having special flood hazards and shown on an FHBM or FIRM as zones (unnumbered or numbered) A, AO, AE, or AH.

“Start of Construction” includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The ***actual start*** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filing, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the ***actual start of construction*** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State Coordinating Agency” means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

“Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *“Structure”* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, which is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

“Substantial-Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial-Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “*start of construction*” of the improvement. This term includes structures that have incurred “*substantial-damage*”, regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a “*historic structure*”, provided that the alteration will not preclude the structure’s continued designation as a “*historic structure*”.

“Variance” means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 313 § 6-10-02)

TITLE IV
BUILDINGS AND PROPERTY
CHAPTER 10 – DANGEROUS BUILDINGS

SECTION 1 PURPOSE AND SCOPE

It is the purpose of this ordinance to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or general public, and this ordinance shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the city of Gower, Missouri.

SECTION 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”:

- 2.1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- 2.2. Those that, exclusive of the foundation, show thirty-three (33) percent or more damage or deterioration of the supporting member or members or fifty (50) percent damage or deterioration of the non-supporting enclosing or outside walls or covering.
- 2.3. 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.
- 2.4. 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.
- 2.5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
- 2.6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
- 2.7. 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.
- 2.8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.

- 2.9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city.
- 2.10. Those that, due to holes or openings in the exterior building structure, harbor wild animals.

(Ord No. 431, 11-18-2019)

SECTION 3 DANGEROUS BUILDINGS DECLARED NUISANCE

All dangerous buildings, as defined by Section 2, are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided.

SECTION 4 STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance by the building inspector and the Board of Aldermen, in ordering repair, vacation or demolition of any dangerous building.

- 4.1. 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.
- 4.2. 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.
- 4.3. 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.
- 4.4. 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.

SECTION 5 BUILDING INSPECTOR

The Police Chief, or his or her designees, shall be building inspectors within the meaning of this ordinance.

SECTION 6 DUTIES OF BUILDING INSPECTOR: PROCEDURE AND NOTICE

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

- 6.1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places a dangerous building when he has reasonable grounds to believe that any such building is dangerous.
- 6.2. 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.

- 6.3. Inspect any building, wall or structure reported by the fire or police departments of this City as probably existing in violation of this ordinance.
- 6.4. Notify in writing, either the personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County in which the building is located, of any building found by him to be a dangerous building within the standards set forth in Section 2.

The notice required shall state that:

- a. The owner must vacate, vacate and repair, or vacate and demolish said building in accordance with the terms of the notice and this ordinance;
 - b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;
 - c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the county wherein the land is located, may, at his own risk, repair, vacate or demolish or have such work done, provided that any person notified under this subsection to repair, vacate or demolish any building, shall be given such reasonable time not exceeding thirty (30) days to commence the required work;
 - d. The notice provided for in this section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above subsection;
- 6.5. Report in writing to the Board of Aldermen the noncompliance with any notice to vacate, repair or demolish or upon the failure to proceed continuously with the work without unnecessary delay;
 - 6.6. Appear at all hearings conducted by the Board of Aldermen and testify as to the condition of dangerous buildings.
 - 6.7. Immediately report to the Board of Aldermen concerning any building found to be inherently dangerous and that he or she determines to be a nuisance per se. The Board of Aldermen may direct that such building be marked or posted with a written notice reading substantially as follows:

“This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other

persons having an interest in said building as shown by the land records of the Recorder of Deeds of (Clinton/Buchanan) County. It is unlawful to remove this notice until such notice is complied with.”

Provided, however, that the order by the Board of Aldermen and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this ordinance to the notice and hearing prescribed herein.

SECTION 7 DUTIES OF THE BOARD OF ALDERMEN

The Board of Aldermen shall have the power pursuant to this ordinance to:

- 7.1. Supervise all inspections required by this ordinance, and cause the building inspector to make inspections and perform all the duties required by this ordinance. Upon receiving a complaint or report from any source, that a dangerous building exists in the city, the Board of Aldermen shall cause an inspection to be made forthwith. If the Board of Aldermen deems it necessary, it may request an inspection and report be made by any other city department or retain services of an expert whenever the Board deems such service necessary.
- 7.2. Upon receipt of a report from the building inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this ordinance or upon failure to proceed continuously with work without unnecessary delay, the Board of Aldermen shall hold a hearing giving the affected parties full and adequate hearing on the matter.
- 7.3. Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks, in a newspaper qualified to publish legal notices, at least twenty-one (21) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the recorder of deeds of the county wherein the land is located, to appear before the Board of Aldermen 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.
- 7.4. Any party may be represented by counsel and all parties shall have an opportunity to be heard.
- 7.5. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 2. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Board of Aldermen shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons having an interest in said building as shown by the land records of the county wherein the land is located, to repair, vacate or demolish any building found to be a dangerous building, provided that any person so notified, shall have the privilege of

either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City or the owner or any person having an interest in said building as shown by the land records of the county wherein the land is located, may vacate and demolish said dangerous building at his own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

- 7.6. If the owner, occupant, mortgagee or lessee fails to comply with the order within 30 days, the Board of Aldermen shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant; and the Board shall certify the cost of the work borne by the City for such repair, vacation or demolition to the City clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owners. Except as provided in subsection 6 of this section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than 10 years; said assessment shall bear interest at the rate of nine percent per annum until paid.
- 7.7. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Board of Aldermen as provided in subsection 5 of this section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to 25 percent of the insurance proceeds, as set forth herein. This subsection shall apply only to a covered claim payment that is in excess of 50 percent of the face value of the policy covering a building or other structure.
- a. The insurer shall withhold from the covered claim payment up to 25 percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the ordinance.
 - b. The City shall release the proceeds and any interest that has accrued on such proceeds received under subdivision (1) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within 30 days after receipt of such insurance money, unless the City has instituted legal proceedings under the provisions of this section. If the City has proceeded herein, all moneys in excess of that necessary to comply with the removal of the building or structure, less salvage value, shall be paid to the insured.
- 7.8. If there are no proceeds of any insurance policy as set forth above, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than 10 years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

- 7.9. Nothing contained herein makes the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
- 7.10. The Board of Aldermen may certify in lieu of payment of all or part of the covered claim that there is satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Board shall issue a certificate within thirty 30 days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to this section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this subsection.

[SECTION 8 OMITTED]

SECTION 9 APPEAL

Any owner, occupant, lessee, mortgagee, agent or any other person having an interest in a dangerous building as shown by the land records of the recorder of deeds of the county wherein the land is located, may, within 30 days from the receipt of the order of the Board of Aldermen, appeal such decision to the circuit court of the county wherein the land is located, pursuant to the procedure established in Chapter 536 of the Revised Statutes of Missouri.

SECTION 10 EMERGENCIES

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished, the building inspector shall report such facts to the Board of Aldermen and the Board may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 7(5).

SECTION 11 VIOLATIONS: DISREGARDING NOTICES OR ORDERS

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Board of Aldermen shall be guilty of a municipal ordinance violation and upon conviction shall be punishable as set forth in Section 12.

Any person removing any notices provided for in this ordinance shall be guilty of a municipal ordinance violation and upon conviction shall be punished in accordance with section 12.

SECTION 12 PENALTIES

Any person violating the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each day that a person fails to comply with an order of the Board of Aldermen may be deemed a separate offense.

(Ord. No. 423, 11-12-2018)

TITLE V

BUSINESS AND OCCUPATION

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TITLE V
BUSINESS AND OCCUPATION
CHAPTER 1 – LICENSING

SECTION 1 RETAIL LICENSES

All retail business establishments and personal service establishments, unless exempted by state law, shall be required to purchase a city license for the period of July 1 through June 30 at the annual fee of \$25.00. Any person violating this Section shall be guilty of a misdemeanor. (Ord. No. 434, 3-9-2020)

- 1.1. Establishments for which a license shall be required shall include those which carry an inventory and receive a majority of their income from the resale of merchandise purchased from wholesale or jobbers or from the sale of products raised or grown by the proprietors of said establishments, and those which derive a majority of their income from personal services rendered and from those services which do not require goods or inventory to furnish their services, provided however, that it is realized that to furnish personal services there is sometimes required some small amount of inventory incidental to performance of the service.
- 1.2. No license required under the provisions of this Chapter shall be issued by the City of Gower to any person until all personal taxes, merchants' or manufacturers' ad valorem taxes, license or permit fees due and unpaid, and all penalties thereon, and any other financial obligations due from the person to the City, have been paid. (Ord. No. 208 § 12-5-1988)
- 1.3. No person or business shall make sales at retail unless such person is the holder of a valid retail sales license. If any previously issued sales license is revoked by the State of Missouri, the City's retail sales license will also be revoked, and the City may prohibit further sales at retail by such person or business in accordance with Section 144.083 RSMo. Violations of this section shall be subject to prosecution by the City of Gower. (Ord. No. 400, 12-21-15)

TITLE V
BUSINESS AND OCCUPATION
CHAPTER 2 – PEDDLERS, CANVASSERS, AND TRANSIENT MERCHANTS

SECTION 1 LICENSE REQUIRED

Peddlers, canvassers, and transient merchants must obtain a license to engage in such business within the City of Gower prior to transacting such business.

- 1.1. The term “peddler” shall include any person, whether or not a resident of the City of Gower, who goes from house to house, from place to place, or from street to street, offering or exposing goods, wares, or merchandise for sale, or making sales or delivering articles to purchasers; but shall not include vendors of milk, bakery products, groceries or ice, who distribute their products to regular established routes.
- 1.2. “Canvassers” shall include any person, whether or not a resident of the City of Gower who goes from house to house, from place to place, or from street to street, soliciting or taking orders for sale of goods, wares, or merchandise, including magazines, books, periodicals or personal property of any nature whatever for future delivery, or for service to be performed in the future, whether or not such person has, carries, or exposes for sale, a sample of the subject of such order, or whether or not he collects advance payment on such orders. The term shall also include any person who, for himself or another person, firm or corporation, hires, leases, uses, or occupies any building, motor vehicle, trailer, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, street, alley or other place within the city for the exhibition and sale of such goods, wares or merchandise, either privately or at public auction.
- 1.3. “Transient merchants” shall include any person, firm or corporation, whether as owner, agent, consignee, or employee, whether or not a resident of the City of Gower, who engages in a temporary business of selling or delivering goods, wares, and merchandise within the said City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, street, alley or other place within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction.
- 1.4. This section shall not be held to include the sale of personal property at wholesale to dealers in such articles, nor to apply to newsboys, nor to the acts of merchants or their employees in delivering goods in the regular course of business nor to any farmer or truck gardener who shall vend, sell, or dispose of, or offer to sell, vend, or dispose of the products of the farm or garden occupied and cultivated by him. Nothing in this ordinance shall be held to prohibit any sale required by statute or by order of any court, nor to prevent and person from constructing a bona fide auction sale pursuant to law.

1.5. The application for license shall include the following information:

- a. Name and physical description of applicant;
- b. Complete permanent home and local address of applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
- c. A brief description of the nature of the business and the goods to be sold;
- d. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
- e. The length of time for which the right to do business is desired;
- f. The source of supply of the goods or property to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- g. A recent photograph of the applicant, approximately 2" x 2", showing the head and shoulders of the applicant in a clear and distinguishing manner;
- h. The names of at least two property owners of Clinton and/or Buchanan County, who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- i. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any Municipal ordinance, other than traffic violations, the nature of the offense, and the punishment or penalty imposed therefore;
- j. The last cities or villages, not exceeding three, where the applicant carried on business immediately preceding the date of application, and the addresses from which such business was conducted therein.

At the time of filing the application, a Two Dollar (\$2.00) fee shall be paid the City Clerk to cover the cost of investigating the facts stated in the application.

1.6. Upon receipt of an application for a license, the Chief of Police shall investigate the applicant's business and moral character, and within 72 hours shall endorse the application with his approval or disapproval and state reasons therefore in writing to the City Clerk for approval or disapproval by the Mayor. If the application is approved, the City Clerk shall deliver a license to the applicant, upon payment of the license fee of Fifteen Dollars (\$15.00) per year, assessed from July 1 of the year to June 30 of the following year. If an application for license is disapproved, the City Clerk shall promptly notify the applicant in writing.

- 1.7. The license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued and the kind of goods sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in the licensed business. Each peddler, canvasser, or transient merchant must secure a personal license, but no license shall be required of a bona fide employee of a licensee, if such employee does not solicit sales but is engaged in assisting the licensee in making deliveries. No license shall be used any time by a person other than the one to whom the license was issued.
- 1.8. Any person aggrieved by the denial of a permit shall have the right to appeal to the Board of Aldermen. Such appeal shall be taken by filing with the City Clerk, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for appeal. The Mayor shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in writing by the City Clerk.
- 1.9. No licensee shall have any exclusive right to any location in the public streets, nor be permitted a stationary location therein, nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets.
- 1.10. Every licensee is required to exhibit his license certificate at the request of any citizen or law enforcement officer.
- 1.11. The Chief of Police shall report to the Mayor all convictions for violations of this section, and the City Clerk shall maintain a record of such license issued, and record the reports of violations therein.
- 1.12. Licenses issued under this section may be revoked by the Mayor for any of the following causes:
 - a. Fraud, misrepresentation, or incorrect statement made in the course of carrying on a business of peddler, canvasser, or transient merchant;
 - b. Fraud, misrepresentation, or incorrect statement contained in the application for license;
 - c. Any violation of the ordinance concerning such licenses;
 - d. Conviction of any crime of misdemeanor;
 - e. Conducting the business of peddler, canvasser, or transient merchant, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

Whenever the Mayor has reason to believe that any license should be revoked, he may so notify the licensee by registered letter addressed to his last known address. If within ten (10) days the Mayor has not received from the licensee a written request for a hearing as to the revocation of the license, he shall declare the license revoked. If a hearing is requested, the Mayor shall set the date for the hearing, and the City Clerk shall notify the licensee in writing. After the hearing, the Board of Aldermen shall determine whether the license shall be revoked or continued in force.

- 1.13. No licensee whose license has been revoked under the provisions of this section shall make further application for a license within six (6) months thereafter.
- 1.14. Any person who shall violate any provision of this section shall forfeit not more than One Hundred Dollars (\$100.00) and the costs of prosecution, and in default of payment of the fine and costs of prosecution shall be imprisoned in the county jail until said fine and costs of prosecution shall be paid, but not longer than twenty (20) days. Each day's violation of any provision of this section shall constitute a separate offense.
- 1.15. Religious, charitable, philanthropic, patriotic, and other noncommercial and nonsubversive organizations shall be exempt from the provisions of this section providing they file a sworn application with the City Clerk giving the following information in writing:
 - a. Name and purpose of the cause for which the permit is sought;
 - b. Names and addresses of the officers and directors of the organization;
 - c. Period during which solicitation is to be carried on;
 - d. Whether or not any commission, fee, wages or emoluments are to be expended in connection with such solicitation, and the amount thereof.

Such an organization shall be issued a license without charge.

TITLE V
BUSINESS AND OCCUPATION
CHAPTER 3 – INTOXICATING LIQUOR AND BEER LICENSES AND REGULATIONS

SECTION 1 DEFINITIONS

INTOXICATING LIQUORS: Shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (0.5%) by volume except for non-intoxicating beer as defined in Section 312.010, R.S.Mo. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter, but subject to inspection as provided by RSMo. Sections 196.365 to 196.445.

MALT LIQUOR: That alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, manufactured from pure hops, and/or pure extract of hops, and/or or pure barley malt, and/or wholesome grains, and/or cereals and wholesome yeast and pure wafer.

PERSONS: Shall mean and include any individual, association, joint stock company, syndicate, co-partnership, corporation, receiver, trustee, conservator, or other officer appointed by any State or Federal Court.

SECTION 2 NUMBER OF LICENSES

Only one license for the sale of intoxicating liquor and/or non-intoxicating beer by the package shall be issued by the Board of Aldermen for each two hundred fifty (250) population of the City of Gower or part thereof and no more than three (3) of said license-holders shall be issued an additional license for the sale of beer for consumption on premises. Said population figure is to be based on the official Federal Census population in effect at any given time. (Ord. No. 289 § 12-11-1999)

SECTION 3 YEARLY FEE

The yearly license fee for the sale of beer in the original package shall be Twenty-Two Dollars and 50/100 (\$22.50); the yearly fee for sale of non-intoxicating liquor by the drink at retail for consumption on the premises shall be Thirty-Seven Dollars and 50/100 (\$37.50); the yearly license fee for the sale of intoxicating liquor by the drink at retail for consumption on the premises shall be Fifty-Two Dollars and 50/100 (\$52.50); and the yearly license fee for the package by volume shall be Seventy Five Dollars (\$75.00). The license shall be from July 1 of each year to June 30 of the next year and if a license be applied for after July 31, the license fee shall be computed pre-rata. (Ord. No. 217 § 6-4-1990)

SECTION 4 APPLICATION CONTENTS

The issuance of licenses rests solely within the discretion of the Board of Aldermen of the City of Gower, Missouri, and any applicant for such a license shall submit the following information:

- 4.1. The exact legal description of the property in which said products are to be sold.
- 4.2. If the applicant is the owner of the property so legally described, any encumbrances upon the property and to whom, and if the applicant is not the owner of the property so

described, a copy of the lease covering the period of time for which the license will be issued must be submitted for inspection.

- 4.3. The name under which the business is to be operated.

SECTION 5 REVOCATION OF LICENSE

Any license granted under this chapter may be revoked by the Board of Aldermen at their discretion, and shall be automatically revoked if the business to which the license is issued or leased, assigned or sold to another person, proprietorship or corporation, or if the geographic location is changed from the description found in the application for license, or if the applicant has not obtained a state license in compliance with the laws of the State of Missouri within thirty (30) days after issuance.

If, for any reason other than the three reasons enumerated in Section 5, the Board of Aldermen deem it necessary in the best interests of the City of Gower, to revoke any license hereunder, the City shall so notify the holder of the license by registered mail to their address in Gower, Missouri, informing of a hearing to be held not more than fifteen (15) days nor less than ten (10) days after the posting of the notice, containing in said posting a Bill of Particulars stating to the licensee the causes which the Board of Aldermen deem necessary and proper charges to be considered just cause for the revocation of the license so issued and further that said licensee shall have the opportunity to present any competent, relevant and material evidence in its behalf at said hearing on revocation.

SECTION 6 CLERK TO ISSUE

The Board of Aldermen shall issue or instruct the City Clerk to issue a license to any applicant, which they, in their discretion, find to be worthy of a license, all in compliance with this chapter and the discretion lodged in them.

SECTION 7 PUNISHMENT

Any person violating any of the provisions of this chapter, shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 8 SUNDAY SALES RESTRICTED

No tippling house or other business establishment shall sell intoxicating liquor or non-intoxicating beer (commonly called 3.2 beer) between the hours of 1:00 a.m. and 12:00 p.m. on any Sunday, except holders of a special license to sell intoxicating liquor between the hours of 1:00 p.m. and midnight on Sunday as provided in Section 12 hereof. Any person violating this Section shall, upon conviction, be fined not more than One Hundred Fifty Dollars (\$150.00) and no less than Twenty-five Dollars (\$25.00) for each offense. Upon hearing by the Board of Aldermen held not more than fifteen (15) days and not less than ten (10) days after notice, the license may be revoked. (Ord. No. 244 § 9-19-1994)

SECTION 9 LIQUOR BY THE DRINK

Any person who possess the qualification required by Section 311.090, RSMo, and who meets the requirements of and complies with the provisions of said chapter, and the ordinances, rules and regulations of Gower, Missouri, may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for

consumption on the premises described in the application; provided, that no license shall be issued for the sale of intoxicating liquor, other than malt liquor containing alcohol not in excess of five percent by weight, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold, until the sale of such intoxicating liquor, by the drink at retail for consumption on the premises where sold, shall have been authorized by a vote of the majority of the qualified voters of this city. Such authority shall be determined by an election under the provisions and methods set out in Chapter 311 of the Revised Statutes of Missouri.

SECTION 10 RESTAURANT SUNDAY LICENSE

Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as in this chapter defined, between the hours of 12:00 noon on Sunday and midnight on Sunday by the drink at retail for consumption on the premises of any restaurant bar as described in the application. As used in this section the term "restaurant bar" means any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least Two Hundred Seventy-five Thousand Dollars (\$275,000.00) from the sale of prepared meals or food consumed on such premises.

The authority for the collection of such fees by this city as provided in Section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to a restaurant bar in the same manner as they apply to establishment licensed under Sections 311.085, 311.090 and 311.095, RSMo, and in addition, to all other fees required by law a restaurant bar shall pay an additional fee of Two Hundred Dollars (\$200.00) a year payable to the State of Missouri and at the same time and in the same manner as its other license fees.

Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 1:00 p.m. and midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than Two Hundred Seventy-five Thousand Dollars (\$275,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

SECTION 11 SUNDAY LICENSE FOR BOWLING ALLEY

Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as in this chapter defined, between the hours of 1:00 p.m. and midnight on Sunday by the drink at retail for consumption on the premises of any amusement place as described in the application. As used in this section the

term “amusement place” means any establishment whose business building contains a square footage of at least ten thousand square feet, and where games of skill commonly known as bowling are usually played, and which has annual gross receipts of at least Two Hundred Thousand Dollars (\$200,000.00) of which no more than fifty percent (50%) may be derived from the sale of alcoholic beverages.

The authority for the collection of fees by cities and counties as provided in Section 311.220, RSMo, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to an amusement place in the manner as they apply to establishments licensed under Section 311.085, 311.090 and 311.095, and in addition to all other fees required by law an amusement place shall pay an additional fee to the State of Missouri of Two Hundred Dollars (\$200.00) a year payable at the same time and in the same manner as its other fees.

Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license upon compliance with state laws.

SECTION 12 REQUIREMENTS FOR PACKAGE LICENSE

No license shall be issued for the sale for intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one or more of the following businesses: A drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionary or delicatessen store, nor to any such person who does not have and keep in his store a stock of goods having a value according to invoices of at least One Thousand Dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this law. For every license for sale at retail in the original package, the licensee shall pay to the director of revenue the sum of Fifty Dollars (\$50.00) per year, except that in cities where the sale of all intoxicating liquors by the drink at retail for consumption on the premises where sold is permitted by law, the licensee for package sales shall pay the sum of One Hundred Dollars (\$100.00) per year.

The holder of any such license may also apply for a special license to sell intoxicating liquor, at retail, in the original package, not to be consumed on the premises where sold, between the hours of 1:00 p.m. and midnight on Sundays. The special license fee shall be the sum of One Hundred Fifty Dollars (\$150.00) a year. Such application does not require separate approval by the Board of Aldermen, and the special license provided for herein may be issued forthwith upon the receipt of the application and special use license fee.

For a permit authorizing the sale of malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight by grocers and other merchants and dealers in the original package direct to consumers but not for resale, Fifteen Dollars (\$15.00) per year. The phrase “original package” shall be construed and held to refer to any package containing three (3) or more standard bottles of beer. This license shall also permit the holders thereof to sell non-intoxicating beer in the original package direct to consumers, but not for resale.

Malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water, or light wines containing not in excess of fourteen percent (14%) of alcohol by weight exclusively from grapes, berries and other fruits and vegetables, or both such malt liquor and wine may be sold by the drink at retail for consumption on the premises where sold when the person, partnership or corporation desiring to sell such malt liquor wine, or both, by the drink at retail for consumption on the premises where sold shall have been licensed so to do by the incorporated city and county in which he proposes to operate his business, and has procured a license so to do from the supervisor of liquor control. Any licensee authorized to sell malt liquor or wine, or both, at retail by the drink for consumption on the premises where sold shall be permitted to do so in any city in this state with a population in excess of twenty thousand (20,000) persons according to the last decennial census. However, in cities of twenty thousand (20,000) persons or less, no licensee authorized to sell malt liquor or wine or both at retail by the drink for consumption on the premises where sold shall be permitted to obtain a license for the sale of intoxicating liquors, other than malt liquor or wine, or both, in the original package, except in such cities where the sale of all intoxicating liquors, by the drink at retail for consumption on the premises where sold, is permitted by law. For every license issued for the sale of malt liquor or wine, or both, as herein defined, at retail by the drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of Thirty-five Dollars (\$35.00) per year, which license shall also permit the holder thereof to sell non-intoxicating beer as defined in Chapter 312, RSMo. (Ord. No. 244 § 9-19-1994)

SECTION 13 LICENSE FOR RESTAURANTS

Restaurants in portions of the City of Gower which are zoned C-1 are authorized to sell malt liquor containing alcohol not in excess of five percent by weight and light wines containing not in excess of fourteen percent of alcohol by weight, may not include a cocktail lounge or tavern, and may not serve the same between the hours of 10:00 p^m · and 10:00 a.m. Violations of this provision may result in the loss of license as provided by City Ordinance. (Ord. No. 389, 12-9-2013)

TITLE V
BUSINESS AND OCCUPATION
CHAPTER 4 – COMMERCIAL AMUSEMENT AND RECREATION ESTABLISHMENTS

SECTION 1 RESTRICTIONS

It shall be unlawful, within this city, for the owner, operator, licensee, agent or employee of any amusement and commercial recreation establishment to:

- 1.1. Permit the licensed premises to remain open for business between the hours of 1 a.m. and 8 a.m.;
- 1.2. Permit any disorderly, offensive or obstreperous conduct on the premises;
- 1.3. Permit gambling in any form on the premises;
- 1.4. Permit intoxicating liquor or beer to be consumed on the premises, except as licensed by the State of Missouri;
- 1.5. Permit any intoxicated person to be on the premises;
- 1.6. Permit any known prostitute, male or female procurer, drug or narcotics addict, or vagrant on the premises;
- 1.7. Permit drugs of any kind on the premises;
- 1.8. Permit any person under the age of sixteen (16) years on the premises of a pool hall or billiard parlor unless accompanied by a parent or guardian.

TITLE VI

HEALTH AND SANITATION

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TITLE VI
HEALTH AND SANITATION
CHAPTER 1 – SEWERS

SECTION 1 SEWER REQUIRED

Every residence and building within the city limits of Gower that is provided with one or more flush toilets shall discharge the contents from the toilets into a public sewer or into a private sewage treatment plant constructed in accordance with plans approved by the Missouri Clean Water Commission.

SECTION 2 REQUIREMENTS IF NO SEWER; PENALTY

In case a building is not provided with water-flushed toilets, a sanitary pit privy, or other sanitary method approved by the Department of Natural Resources of Missouri shall be installed.

Any person who shall violate the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars. And, if upon such trial and conviction appears that the violation complained of continues to exist, in addition to the penalty imposed, the Police Judge shall order the proper city official to correct the violation, and give judgment against the defendant for the amount of the expense involved, in addition to the fine aforesaid. A special tax bill may be issued against said property for the said expenses.

SECTION 3 PERMIT REQUIRED

Any person wishing to install a sewage treatment plant within the corporate limits of the City of Gower, Missouri, shall secure a permit from the City prior to start of construction of the said plant and before covering said construction, the plant must be inspected and approved by a designated officer of the City of Gower, Missouri. See Zoning Ordinance and Subdivision Regulations, Ord. No. 119, as amended.

SECTION 4 SEWAGE DEFINED

As used in this Chapter, the term “sewage” shall be construed to mean the bowel or kidney discharge of human beings.

SECTION 5 INSPECTION REQUIRED

Upon completion of the sanitary sewer system installation, a Missouri registered professional engineer shall certify that the sanitary sewer system complies with all standards required by the city, county, state, and federal regulatory bodies having jurisdiction regarding the same. One certified copy of the plans for such sanitary sewer system as built shall be filed with the city as well as with other such governmental regulatory bodies or agencies having jurisdiction.

SECTION 6 COMBINED SEWERS PROHIBITED

Storm sewers shall not be connected to sanitary sewers. (Ord. No. 116 § 4-7-1975)

SECTION 7 OPERATION OF SYSTEM

The sewage system and the City waterworks shall be operated and maintained as a combined waterworks and sewage system. (Ord. No. 103 § 1-30-1974)

SECTION 8 BONDS AUTHORIZED

General obligation bonds shall be issued for the purpose of constructing, extending and improving combined waterworks and sewage system of Gower, Missouri. (Ord. No. 104 § 1-30-1974; Ord. No. 106 § 3-18-1974; Ord. No. 107 § 4-1-1974; Ord. No. 108 § 5-20-1974; Ord. No. 109 § 6-1-1974; Ord. No. 159 § 6-8-1981; Ord. No. 163 § 9-8-1981)

SECTION 9 ENGINEER

The City of Gower has retained services of E.T. Archer and Company, Inc. to provide engineering services for the construction of the sanitary sewer system. (Ord. No. 147 § 2-4-1080) Addendum to Contract (Ord. No. 171 § 8-2-1982) Addendum to Contract (Ord. No. 173 § 10-4-1982)

SECTION 10 ORDINANCE 156

Operation and use of public and private sewers and drains, private sewage disposal, installation and connection of building sewers, and discharge of waters and wastes into the public sewer system, and penalties for violation thereof, in the City of Gower, Missouri, shall be governed by Ord. No. 156 § 2-3-1981. Said Ordinance shall be in full force and effect as if set forth in this Code in its entirety.

SECTION 11 USER CHARGES

Sanitary sewer user charges in the City of Gower, Missouri, shall be a minimum monthly charge of \$18.00 for up to 1,000 gallons of use and \$12.12 for each 1,000 gallons above the minimum. (Ord. No. 448, 6-13-2017)

SECTION 12 ATTORNEY

The City of Gower has retained the services of W. Mitchell Elliott, to provide legal services for the construction and operation of a sewer system in the City of Gower, Missouri (Ord. No. 159 § 3-3-1980) Addendum to Contract (Ord. No. 167 § 1-12-1982)

SECTION 13 CONTRACTOR

The City of Gower has retained the services of Copeland Brothers Construction Company, Inc. for Section I of the Gower, Missouri, sewer system. (Ord. No. 160 § 6-8-1981)

SECTION 14 CONTRACTOR

The City of Gower has retained the services of John H. Reed Construction Company, Inc. for Section II of the Gower, Missouri, sewer system. (Ord. No. 161 § 6-8-1981)

SECTION 15 ORDINANCE 175

Rules and regulations for operation and use of storm sewer drains in the City of Gower, Missouri, Ordinance No. 175 § 5-1983. Said Ordinance shall be in full force and effect as is set forth in this Code in its entirety.

SECTION 16 CONNECTION REQUIRED

The City of Gower amended Section 6.3 of the Subdivision Regulations of the City of Gower to require connection to the Municipal Sanitary Sewer System by the subdivision whenever any part of a subdivision is within 300 feet of a public sewer. (Ord. No. 238 § 6-13-1994)

TITLE VI
HEALTH AND SANITATION
CHAPTER 2 – POLLUTANTS

SECTION 1 POLLUTION PROHIBITED

No person shall pollute ground water sources by discharging sewage or chemicals or other wastes from residences, public or private buildings, swimming pools or industrial establishments, into any well, cistern, spring, sinkhole, cave, mineshaft, tunnel, pit, quarry or other excavation, or into any fissure or crevice leading to underground water bearing strata or into streets or the ground.

TITLE VI
HEALTH AND SANITATION
CHAPTER 3 – SOLID WASTE MANAGEMENT

SECTION 1 DEFINITIONS

As used in this chapter, the following terms shall have the following meanings:

1.1. **APPROVED INCINERATOR**

An Incinerator that complies with all current regulations of the responsible local, State, and Federal air pollution control agencies.

1.2. **BULKY RUBBISH**

Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments that are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore.

1.3. **CITY**

The City of Gower, Missouri

1.4. **COLLECTION**

Removal of solid waste from the designated pick up location to the transportation vehicle.

1.5. **DEMOLITION AND CONSTRUCTION WASTE**

Waste materials from the construction or destruction of residential, industrial or commercial structures.

1.6. **DIRECTOR**

The Director of the Solid Waste Management Program of the City shall be the City Coordinator.

1.7. **DISPOSABLE SOLID WASTE CONTAINER**

Disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

1.8. **DWELLING UNIT**

Any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used, or are intended to be used, for living, sleeping, cooking and eating.

1.9. **GARBAGE**

Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving and consumption of food.

1.10. **HAZARDOUS WASTE**

Any waste or combination of wastes, as determined by the Missouri Hazardous Waste Management Commission by rules and regulations, which, because of its quantity,

concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or other living organisms (subsection 260.360 (9) of the Missouri Hazardous Waste Management Law).

1.11. **MULTIPLE HOUSING FACILITY**

A housing facility containing more than one dwelling unit under one roof.

1.12. **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.

1.13. **PERSON**

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

1.14. **PROCESSING**

Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

1.15. **SOLID WASTE**

Unwanted or discarded waste materials in a solid or semi-solid state, including, but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

a. Commercial solid waste – solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than four (4) dwelling units.

b. Residential solid waste – solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than four (4) dwelling units.

1.16. **SOLID WASTE CONTAINER**

Receptacle used by any person to store solid waste during the interval between solid waste collections.

1.17. **SOLID WASTE DISPOSAL**

The process of discarding or getting rid of unwanted material; in particular, the final disposition of solid waste by man.

1.18. **STORAGE**

Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

1.19. **TRANSPORTATION**

The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

1.20. **YARD WASTES**

Grass clippings, leaves, tree trimmings.

SECTION 2 SOLID WASTE STORAGE

- 2.1. The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair.
- 2.2. The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
- 2.3. Residential solid waste shall be stored in containers of not more than 35 gallons or less than 20 gallons in nominal capacity. Containers shall be leak proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers that do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste.
- 2.4. Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 7.
- 2.5. Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds.
- 2.6. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 75 pounds.

- 2.7. Solid waste containers that do not meet the specifications outlined in this Section will be collected together with their contents and disposed of.

SECTION 3 COLLECTION OF SOLID WASTE

- 3.1. The City shall provide for the collection of solid waste as follows:
- a. Collection of residential solid waste – The City shall provide for the collection of all residential solid waste in the City, provided, however, that the City may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.
 - b. Other collections – The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.
- 3.2. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the Director.
- 3.3. Tree limbs and yard wastes, as described in Section 2.5 and 2.6, respectively, shall be placed at the curb or alley, or rear of the building for collection. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the curb, or alley or rear of the building for collection. Any solid waste containers, tree limbs, yard wastes or other solid waste permitted by this ordinance to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day.
- 3.4. Bulky rubbish shall be collected at least once annually. The Director shall establish the procedure for collecting bulky rubbish.
- 3.5. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this ordinance. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written requests of the owner and approval by the Director.
- 3.6. The following collection frequencies shall apply to collections of solid waste within the City:

All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the Director or requested by the

commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

- 3.7 Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.
- 3.8 Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this ordinance. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

SECTION 4 TRANSPORTATION OF SOLID WASTE

- 4.1 All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.
- 4.2 Permits shall not be required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.
- 4.3 Demolition and construction wastes shall be transported to a disposal area as provided in Section 5.1. A permit shall not be required for the hauling of demolition and construction waste, however, all such material shall be conveyed in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.

SECTION 5 DISPOSAL OF SOLID WASTE

- 5.1 Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo, and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons operating under Section 6 of this ordinance.
- 5.2 Hazardous wastes disposal will require special handling, and shall be disposed of only in a manner authorized by state regulations.

SECTION 6 PERMITS

- 6.1 No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City, without first obtaining an annual permit therefore from the City; provided, however, that this provision shall not be deemed to apply to employees of the holder of any such permit.
- 6.2 No such permit shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than Fifty Thousand Dollars (\$50,000.00) for each person injured or killed, and in the amount of not less than One Hundred Thousand Dollars (\$100,000.00) in the event of injury or death of two or more persons in a single accident, and in the amount of not less than Twenty-Five Thousand Dollars (\$25,000.00), for damage to property. Such policy may be written to allow the first One Hundred Dollars (\$100.00) of liability for damage to property to be deductible. Should any such policy be cancelled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.
- 6.3 Each applicant for any such permit shall state in his application therefore: (a) the nature of the permit desired, as to collect, transport, process, or dispose, of solid waste, or any combination thereof; (b) the characteristics of solid waste to be collected, transported, processed or disposed; (c) the number of solid waste transportation vehicles to be operated thereunder; (d) the precise location or locations of solid waste processing or disposal facilities to be used; (e) boundaries of the collection area; and (f) such other information as required by the Director.
- 6.4 If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this ordinance, the Director may issue the permit authorized by this ordinance. The Director shall have the authority to limit the number of annual permits issued under this section in order to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation, and to provide for collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period of one year, and each applicant shall pay therefore a fee of One Dollar (\$1.00) for each solid waste processing or disposal facility to be operated and a fee of One Dollar (\$1.00) for each transportation vehicle to be used. If modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this ordinance, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.
- 6.5 If the applicant does not make the modifications pursuant to the notice of 6.4 within the time limit specified therein, or if the application does not clearly show that the collection,

transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply – after the rejection of his application, provided that all aspects of the reapplication comply with the provisions of this ordinance. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

- 6.6 The annual permit may be renewed upon payment of the fee or fees as designed herein if the business has not been modified, the collection vehicles meet the requirements of Section 4 of this ordinance, and the renewal is approved by the Director. If modifications have been made, the applicant shall reapply for a permit as set forth in sections 6.2 and 6.3. No permits authorized by this ordinance shall be transferable from person to person.
- 6.7 In Order to insure compliance with the laws of this State, this ordinance and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the City of Gower. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this ordinance, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, the Director shall issue notice for each such violation, stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.
- 6.8 In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.
- 6.9 In the event a permit is revoked and the person continues to operate, the Director may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder. In any such action, the court may grant to the City such prohibitory or mandatory injunctive relief as the facts may warrant.
- 6.10 Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within ten (10) days of the act for which redress is sought appeal directly to the Municipal Court of Gower, Missouri, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.
- 6.11 All motor vehicles operating under any permit required by this ordinance shall display the number or numbers on each side in colors, which contrast with that of the vehicle, such numbers to be clearly legible and not less than two (2) inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

SECTION 7 RULES AND REGULATIONS

The Director shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

- 7.1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
- 7.2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
- 7.3. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
- 7.4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitation on bundles of solid waste too large for solid waste containers.
- 7.5. Storage of solid waste in solid waste containers.
- 7.6. Sanitation, maintenance and replacement of solid waste containers.
- 7.7. Schedules of and routes for collection and transportation of solid waste.
- 7.8. Collection points of solid waste containers.
- 7.9. Collection, transportation, processing and disposal of solid waste.
- 7.10. Processing facilities and fees for the use thereof.
- 7.11. Disposal facilities and fees for the use thereof.
- 7.12. Records of quantity and type of wastes received at processing and/or disposal facilities.
- 7.13. Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

The City Clerk or other such City Official who is responsible for preparing utility and other service charge billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

SECTION 8 PROHIBITED PRACTICES

It shall be unlawful for any person to: (1) deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal; (2) fail to have solid waste collected as provided in this ordinance; (3) interfere in any

manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the City; (4) burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency; (5) dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources; (6) engaged in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked; (7) violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 7.

- 8.1. Yard wastes (grass clippings, leaves, and tree trimmings), as defined in Section 1.20 of Title VI, Chapter 3, may be burned within the hours of 9:00 a.m. and 6:00 p.m. so long as no accelerants or propellants are used, all fires are extinguished and smoke-free, and the fires are set upon a landowner's property without unduly disturbing or disrupting other landowners. (Ord. No. 248 § 11-20-1995)

SECTION 9 SERVICE CHARGES

- 9.1. There is hereby imposed, for the collection and disposal of solid waste in order to protect the general public health and environment, a service charge for each dwelling unit and each commercial establishment that such service shall be provided under the provisions of this ordinance. The service charge for collection of residential solid waste shall be in the amount as stipulated and set out in the Schedule of Rates of the Contract for Residential Solid Waste Collection which is in effect at any given time between the City of Gower and the Contractor with whom said contract is made. The service charge for each commercial or institutional establishment will be determined by the Director on the basis of quantity and characteristics of material, point of pickup, time required to collect the solid waste, and number of pickups required due to the nature and quantity of material to be collected, if service is performed by the City. If service for commercial or institutional establishments is not performed by the City, then the service charge for each commercial or institutional establishment shall be as negotiated between the Contractor and each commercial or institutional establishment, on the basis of quantity and characteristics of material, point of pickup, time required to collect the solid waste, and number of pickups required due to the nature and quantity of the material to be collected.
- 9.2. The service and service charge shall be terminated upon presentation of satisfactory proof to the Director that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.
- 9.3. The system of services established by the provisions of this ordinance is designed as an integral part of the City's program of health and sanitation, to be operated as an adjunct to the City's system for providing potable water and the City's system for providing sewerage disposal. The City may enforce collection of such charges by bringing proper legal action against the occupancy of any dwelling unit or owner of any commercial establishment, which has received such service, 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.

- 9.4. The service charge herein provided for is hereby imposed upon the occupant of each dwelling unit. Service charges shall be payable to the department empowered to collect service charges imposed by the City. Billing therefore shall be made to the person contracting for City water and/or sewerage service for such dwelling service bill once each month. In the absence of information, that such person is neither the owner nor the tenant of such dwelling unit, the billing therefore shall be made to the owner. Such service charges are due and payable when billed.

SECTION 10 PENALTIES

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than Five Dollars (\$5.00), nor more than Five Hundred Dollars (\$500.00), provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

SECTION 11 BONDS

The City shall require a performance bond in the penal sum of Five Thousand Dollars (\$5,000.00).

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TITLE VII
CRIMINAL CODE
CHAPTER 1 – CRIMINAL CODE

SECTION 1 OFFENSES AGAINST PERSON

1.1 ASSAULT IN THE THIRD DEGREE

1. A person commits the crime of assault in the third degree if:
 - a. He attempts to cause or recklessly causes physical injury to another person; or
 - b. With criminal negligence he causes physical injury to another person by means of a deadly weapon; or
 - c. He purposely places another person in apprehension of immediate physical injury; or
 - d. He recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
 - e. He knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.
2. Assault in the third degree committed under subdivision three (3) or five (5) of subsection one (1) is a Class C misdemeanor.

1.2 CONSENT AS A DEFENSE

1. When conduct is charged to constitute an offense because it causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a defense only if:
 - a. The physical injury consented to or threatened by the conduct is not serious physical injury; or
 - b. The conduct and the harm are reasonably foreseeable hazards of
 - i. The victim's occupation or profession; or
 - ii. Joint participation in a lawful athletic contest or competitive sport; or
 - iii. The consent establishes a justification for the conduct under this code.
2. The defendant shall have the burden of injecting the issue of consent.

1.3 HARASSMENT

A person commits the crime of harassment if for the purpose of frightening or disturbing another person, he

1. Communicates in writing or by telephone a threat to commit any felony; or
2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility; or
3. Makes a telephone call anonymously; or
4. Makes repeated telephone calls.

1.4 INTERFERENCE WITH CUSTODY

A person commits the crime of interference with custody if, knowing that he has no legal right to do so, he takes or entices from lawful custody any person entrusted by order of a court to the custody of another person or institution.

1.5 DOMESTIC ASSAULT

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

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

(Ord. No. 402, 6-13-2016)

SECTION 2 SEXUAL OFFENSES

2.1 INDECENT EXPOSURE

A person commits the crime of indecent exposure if he knowingly exposes his genitals under circumstances he knows that his conduct is likely to cause affront or alarm.

SECTION 3 OFFENSES AGAINST THE FAMILY

3.1 ABUSE OF A CHILD

A person commits the crime of abuse of a child if he;

1. Knowingly inflicts cruel and inhuman punishment upon a child less than seventeen years old, or
2. Photographs or films a child less than seventeen years old engaging in a prohibited sexual act or in the simulation of such an act, or who causes or knowingly permits a child to engage in a prohibited sexual act or in the simulation of such an act for the purpose of photographing or filming the act.
 - a. “Prohibited sexual act” means any of the following, whether performed or engaged in either with any other person or alone: sexual or anal intercourse, masturbation, bestiality, sadism, masochism, fellatio, cunnilingus, any other sexual activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any individual who may view such depiction.

3.2 UNLAWFUL TRANSACTIONS WITH A CHILD

A person commits the crime of unlawful transactions with a child if:

1. Being a pawnbroker, junk dealer, dealer in second-hand goods, or any employee of such person, he with criminal negligence buys or receives any personal property other than agricultural products from an unemancipated minor, unless the child’s custodial parent or guardian has consented in writing to the transaction; or
2. He knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances, as defined in Chapter 195, RSMo, is maintained or conducted; or
3. He with criminal negligence sells blasting caps, bulk gunpowder, or explosives to a child under the age of seventeen, or fireworks as defined in Section 320.110, RSMo, to a child under the age of fourteen, unless the child’s custodial parent or guardian has consented in writing to the transaction. Criminal negligence as to the age of the child is not an element of this crime.

SECTION 4 ROBBERY, ARSON, BURGLARY AND RELATED OFFENSES

4.1 CHAPTER DEFINITIONS

1. “Forcibly steals”, a person “forcibly steals”, and thereby commits robbery, when, in the course of stealing, as defined in Section 570.030, RSMo, he uses or threatens the immediate use of physical force upon another person for the purpose of:
 - a. Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or
 - b. Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft;
2. “Inhabitable structure” includes a ship, trailer, sleeping car, airplane, or other vehicle or structure:
 - a. Where any person lives or carries on business or other calling; or
 - b. Where people assemble for purposes of business, government, education, religion, entertainment or public transportation; or
 - c. Which is used for overnight accommodation of persons. Any such vehicle or structure is “inhabitable” regardless of whether a person is actually present;
3. “Of another”, property is that “of another” if any natural persons, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein;
4. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an “inhabitable structure of another”;
5. “Vital public facility” includes a facility maintained for use as a bridge, whether over land or water, dam, reservoir, tunnel, communications installation or power station;
6. “Utility”, an enterprise that provides gas, electric, steam, water, sewerage disposal or communication services and any common carrier. It may be either publicly or privately owned or operated;
7. “To tamper”, to interfere with something improperly, to meddle with it, displace it, make unwarranted alteration in its existing condition, or to deprive, temporarily, the owner or possessor of that thing;
8. “Enter unlawfully or remain unlawfully”, a person “enters unlawfully or remains unlawfully” in or upon premises when he is not licensed or privileged to do so. A

person who, regardless of his purpose, enters or remains in or upon premises, which are at the time open to the public, does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

4.2 KNOWINGLY BURNING OR EXPLODING

A person commits the crime of knowingly burning or exploding when he knowingly damages property of another by starting a fire or causing an explosion.

4.3 RECKLESS BURNING OR EXPLODING

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

4.4 NEGLIGENT BURNING OR EXPLODING

A person commits the crime of negligent burning or exploding when he with criminal negligence causes or destroys a building or an inhabitable structure of another.

4.5 TAMPERING IN THE FIRST DEGREE

A person commits the crime of tampering in the first degree if, for the purpose of causing a substantial interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, he damages or tampers with property or facilities of such a utility or institution, and thereby causes substantial interruption or impairment of service.

4.6 TAMPERING IN THE SECOND DEGREE

A person commits the crime of tampering in the second degree if he:

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

4.7 PROPERTY DAMAGE IN THE FIRST DEGREE

A person commits the crime of property damage in the first degree if:

1. He knowingly damages property of another to an extent exceeding Five Thousand Dollars (\$5,000.00); or
2. He damages property to an extent exceeding Five Thousand Dollars (\$5,000.00) for the purpose of defrauding an insurer.

4.8 PROPERTY DAMAGE IN THE SECOND DEGREE

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

1. He knowingly damages property of another to an extent exceeding Five Hundred Dollars (\$500.00); or
2. He damages property to an extent exceeding Five Hundred Dollars (\$500.00) for the purpose of defrauding an insurer.

4.9 PROPERTY DAMAGE IN THE THIRD DEGREE

A person commits the crime of property damage in the third degree if:

1. He knowingly damages property of another; or
2. He damages property for the purpose of defrauding an insurer.

4.10 CLAIM OF RIGHT

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

4.11 TRESPASS IN THE FIRST DEGREE

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

4.12 TRESPASS IN THE SECOND DEGREE

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

4.13 POSSESSION OF BURGLAR'S TOOLS

A person commits the crime of possession of burglar's tools if he possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, with a purpose to use or

knowledge that some person has the purpose of using the same in making an unlawful forcible entry into a building or inhabitable structure or a room thereof.

SECTION 5 STEALING AND RELATED OFFENSES

5.1 CHAPTER DEFINITIONS

As used in this chapter:

1. “Adulterated” means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this city lawfully filed, or if none, as set by commercial usage;
2. “Mislabeled” means varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this city lawfully filed, or if none, as set by commercial usage; or represented as being another person’s product, though otherwise accurately labeled as to quality and quantity;
3. “Appropriate” means to take, obtain, use, transfer, conceal or retain possession of;
4. “Coercion” means a threat, however communicated:
 - a. To commit any crime; or
 - b. To inflict physical injury in the future on the person threatened or another; or
 - c. To accuse any person of any crime; or
 - d. To expose any person to hatred, contempt or ridicule; or
 - e. To harm the credit or business repute of any person; or
 - f. To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or
 - g. To inflict any harm this would not benefit the actor.

A threat of accusation, lawsuit or other invocation of official action is not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat.

5. “Credit device” means a writing, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of designated person or bearer;
6. “Dealer” means a person in the business of buying and selling goods;
7. “Deceit” means purposely making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or their state of mind. The term “deceit” does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor’s intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;
8. “Deprive” means
 - a. To withhold property from the owner permanently; or
 - b. To restore property only upon payment of reward or other compensation;
or
 - c. To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;
9. “Of another” property or services is that “of another” if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;
10. “Property” means anything of value whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;
11. “Receiving” means acquiring possession, control or title or lending on the security of the property;
12. “Services” includes transportation, telephone, electricity, gas, water or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;
13. “Writing” includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

5.2 DETERMINATION OF VALUE

For the purpose of this chapter, the value of property shall be ascertained as follows:

1. Except as otherwise specified in this section, “value” means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime;
2. Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:
 - a. The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof, which has been satisfied.
3. When the value of property cannot be satisfactorily ascertained pursuant to the statutes set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an amount less than One Hundred Fifty Dollars (\$150.00).

5.3 STEALING

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

5.4 LOST PROPERTY

1. A person who appropriates lost property shall not be deemed to have stolen that property within the meaning of section 6.3 unless such property is found under circumstances that gave the finder knowledge of or means of inquiry as to the true owner.
2. The defendant shall have the burden of injecting the issue of lost property.

5.5 CLAIM OF RIGHT

1. A person does not commit an offense under section 6.3 if, at the time of the appropriation, he
 - a. Acted in the honest belief that he had the right to do so; or
 - b. Acted in the honest belief that the owner, if present, would have consented is the appropriation.

5.6 RECEIVING STOLEN PROPERTY

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

2. Evidence of the following is admissible in any criminal prosecution under this section to prove the requisite knowledge or belief of the alleged receiver:
 - a. That he was found in possession or control of other property stolen on separate occasions from two or more persons;
 - b. That he received other stolen property in another transaction within the year proceeding the transaction charged;
 - c. That he acquired the stolen property for a consideration, which he knew, was far below its reasonable value.

SECTION 6 OFFENSES AGAINST PUBLIC ORDER

6.1 PEACE DISTURBANCE

A person commits the crime of peace disturbance if:

1. He unreasonable and knowing causes alarm to another person or persons not physically on the same premises by:
 - a. Loud and unusual noise; or
 - b. Loud and abusive language; or
 - c. Threatening to commit a crime against a person; or
 - d. Fighting; or
 - e. Creating a noxious and offensive odor;
2. He is in a public place or on private property of another without consent and unreasonable and knowing causes alarm to another person or persons by:
 - a. Loud and unusual noise; or
 - b. Loud and abusive language; or
 - c. Threatening to commit a crime against any person; or
 - d. Fighting; or
 - e. Creating a noxious and offensive odor;
3. He is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

- a. Vehicular or pedestrian traffic; or
- b. The free ingress or egress to or from public or private places.

6.2 PRIVATE PEACE DISTURBANCE

1. A person commits the crime of private peace disturbance if he is on the private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:
 - a. Threatening to commit a crime against any person; by:
 - b. Fighting.
2. Private peace disturbance is a class C misdemeanor.

6.3 DISTURBING RELIGIOUS CONGREGATION

It shall be unlawful for any person, within this city, to disturb or disquiet any congregation or assembly, met for religious worship, by making a noise, or by rude, indecent or unseemly conduct or behavior, or by profane or vulgar discourse, within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

6.4 PEACE DISTURBANCE DEFINITIONS

For the purpose of .1 and .2

1. "Property of another" means any property in which the actor does not have a possessory interest;
2. "Private property" means any place, which at the time is not open to the public. It includes property which is owned publicly or privately;
3. "Public place" means any place, which at the time is open to the public. It includes property which is owned publicly or privately;
4. If a building or structure is divided into separately occupied units, such units are separate premises.

6.5 DISORDERLY HOUSE OR PLACE OF BUSINESS

It shall be unlawful, within this city, for any person or persons to keep, permit or maintain a disorderly house or place of business by suffering or permitting to assemble or congregate in and about such house or place of business, idle, vicious, drunken, quarreling or swearing persons, or persons making loud noises and disturbing the peace of the neighborhood.

6.6 UNLAWFUL ASSEMBLY

A person commits the crime of unlawful assembly if he knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence.

6.7 **RIOTING**

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

6.8 **REFUSAL TO DISPERSE**

1. A person commits the crime of refusal to disperse if, being present at the scene of an unlawful assemble, or at the scene of a riot, he knowingly fails or refuses to obey the lawful command of a law enforcement officer to depart from the scene of such unlawful assembly or riot.
2. Refusal to disperse is a class C misdemeanor.

6.9 **DISORDERLY CONDUCT**

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

Incite a riot means but is not limited to urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:

- a. Advocacy of ideas; or
- b. Expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of or the right to commit any such act.

Riot means a public disturbance involving:

- a. An act of violence by one or more persons, part of an assemblage of three or more persons, which act shall constitute a clear and present danger of or shall result in damage or injury to the property of any other person or to the person of any other individual; or
- b. A threat of the commission of an act of having, individually or collectively, the ability of immediate execution of such threat, where the performance of the threatened act of violence would constitute a clear and present danger of or would result in damage or injury to the property of any other person or to the person of any other individual.

2. *Conduct prohibited.* A person shall be guilty of disorderly conduct if he willfully does any of the following acts:
 - a. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health.

- b. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
 - c. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.
 - d. Interferes with another's pursuit of a lawful occupation by acts of violence.
 - e. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic in a public way and refuses to clear such public way when ordered to do so by the city police.
 - f. Resists, by using or threatening the use of violence or physical force, the performance of duties by city police or any other authorized official of the city, when known to be such and official, or flees to evade apprehension or arrest from city police or any other authorized official of the city, when known to be by such an official.
 - g. Obstructs, either by action or inaction, the performance of duties by city police or any other authorized official of the city when known to be such an official.
 - h. Incites, attempts to incite or is involved in attempting to incite a riot.
 - i. Addresses words to any member of the city police department, and other authorized official of the city who is engaged in the lawful performance of his duties or any other person when such words by their very utterance tend to incite violence. Words merely causing displeasure, annoyance or resentment are not prohibited.
 - j. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
 - k. Makes or causes to be made any loud boisterous noise or disturbance on or in any public place whereby the public peace is broken or disturbed.
 - l. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.
3. *Exemptions.* This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.

SECTION 7 OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE

7.1 DEFINITIONS

The following definitions shall apply to Section 9:

1. “Affidavit” means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths;
2. “Government” means any branch or agency of the government of this state or of any political subdivision thereof;
3. “Judicial proceeding” means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court;
4. “Juror” means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror;
5. “Jury” means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors;
6. “Official proceeding” means any cause, matter, or proceeding where the laws of this state require that evidence considered therein by under oath or affirmation;
7. “Public record” means any document which a public servant is required by law to keep;
8. “Testimony” means any oral statement under oath or affirmation.

7.2 CONCEALING AN OFFENSE

A person commits the crime of concealing an offense if:

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

7.3 HINDERING PROSECUTION

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

1. Harbors or conceals such person; or

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

7.4 FALSE AFFIDAVIT

1. A person commits the crime of making a false affidavit if, with purpose to mislead any person, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made.
2. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:
 - a. The falsity of the statement was exposed; or
 - b. Any person took substantial action in reliance on the statement.
3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.
4. Making a false affidavit is a class C misdemeanor.

7.5 FALSE DECLARATIONS

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

1. Submits any written false statement, which he does not believe to be true
 - a. In an application for any pecuniary benefit or other consideration; or
 - b. On a form bearing notice, authorized by law, that false statements made therein are punishable; or
2. Submits or invites reliance on:
 - a. Any writing which he knows to be forged, altered or otherwise lacking in authenticity; or

- b. Any sample, specimen, map, boundary mark, or other subject, which he knows to be false.
- 3. The falsity of the statement of the item under subsection 1 of this section must be as to a fact which is material to the purpose for which the statement is made or the item submitted.
- 4. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or item but this defense shall not apply if the retraction was made after:
 - a. The falsity of the statement or item was exposed, or
 - b. The public servant took substantial action in reliance on the statement or item.
- 5. The defendant shall have the burden of injecting the issue of retraction under subsection 3 of this section.

7.6 PROOF OF FALSITY OF STATEMENT

No person shall be convicted of a violation of sections .4 or .5 based upon the making of a false statement except upon proof of the falsity of the statement by:

- 1. The direct evidence of two witnesses; or
- 2. The direct evidence of one witness together with strongly corroborating circumstances; or
- 3. Demonstrative evidence which conclusively proves the falsity of the statement; or
- 4. A directly contradictory statement by the defendant under oath together with:
 - a. The direct evidence of one witness; or
 - b. Strongly corroborating circumstances; or
- 5. A judicial admission by the defendant that he made the statement knowing it was false. An admission, which is not a judicial admission, by the defendant that he made the statement knowing it was false may constitute strongly corroborating circumstances.

7.7 FALSE REPORTS

- 1. A person commits the crime of making a false report if he knowingly:
 - a. Gives false information to a law enforcement officer for the purpose of implicating another person in a crime; or

- b. Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or
 - c. Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.
2. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.
3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

7.8 FALSE BOMB REPORT

A person commits the crime of making a false bomb report if he knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle.

7.9 TAMPERING WITH PHYSICAL EVIDENCE

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

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

7.10 TAMPERING WITH A PUBLIC RECORD

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

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

7.11 FALSE IMPERSONATION

A person commits the crime of false impersonation if he:

1. Falsely represents himself to be a public servant with purpose to induce another to submit to his pretended official authority or to rely upon his pretended official acts, and

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

7.12 SIMULATING LEGAL PROCESS

- 1. A person commits the crime of simulating legal process if, with purpose to mislead the recipient and cause him to take action in reliance thereon, he delivers or causes to be delivered:
 - a. A request for the payment of money on behalf of any creditor that in form and substance simulates any legal process issued by any court of this state; or
 - b. Any purported summons, subpoena or other legal process knowing that the process was not issued or authorized by any court.
- 2. This section shall not apply to a subpoena properly issued by a notary public.

7.13 RESISTING OR INTERFERING WITH ARREST

- 1. A person commits the crime of resisting or interfering with arrest if, knowing that a law enforcement officer is making an arrest, for the purpose of preventing the officer from effecting the arrest; he:
 - a. Resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from such officer; or
 - b. Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.
- 2. This section applies to arrests with or without warrants and to arrests for any crime or ordinance violation.
- 3. It is no defense to a prosecution under subsection 1 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

7.14 REFUSAL TO IDENTIFY AS A WITNESS

- 1. A person commits the crime of refusal to identify as a witness if, knowing he has witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a law enforcement officer

engaged in the performance of his official duties, he refuses to report or gives a false report of his name and present address to such officer.

2. Refusal to identify as a witness is a class C misdemeanor.

7.15 FAILURE TO STOP ON SIGNAL OF POLICE

A person commits the crime of failure to stop on signal of a police officer if he fails to stop on signal of any peace officer within the city limits of the city of Gower, or if he fails to obey any other reasonable signal or direction of such peace officer given in directing the movement of traffic on the streets and highways.

7.16 ESCAPE FROM CUSTODY

A person commits the crime of escape from custody if, while being held in custody for the purpose of effecting the prisoner's escape from custody.

7.17 AIDING ESCAPE OF A PRISONER

A person commits the crime of aiding escape of a prisoner if he:

1. Assists or attempts to assist any prisoner who is being held in custody for the purpose of affecting the prisoner's escape from custody.

7.18 DISTURBING A JUDICIAL PROCEEDING

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

7.19 TAMPERING WITH A JUDICIAL PROCEEDING

A person commits the crime of tampering with a judicial proceeding if, with purpose to influence the official action of a judge, juror, special master, referee or arbitrator in a judicial proceeding, he:

1. Threatens or causes harm to any person or property; or
2. Engages in conduct reasonable calculated to harass or alarm such official or juror; or
3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such official or juror.

7.20 TAMPERING WITH A WITNESS

A person commits the crime of tampering with a witness if, with purpose to induce a witness or a prospective witness in an official proceeding to disobey a subpoena or other

legal process, or to absent himself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he:

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

SECTION 8 MISCELLANEOUS OFFENSES AFFECTING PUBLIC SAFETY

8.1 DRIVING WHILE INTOXICATED

1. A person commits the crime of driving while intoxicated if he operates a motor vehicle while in an intoxicated or drugged condition.
2. A person commits the crime of driving a motor vehicle with eight hundredths of one per cent (.08%) or more alcohol in his blood if he operates a motor vehicle when he has eight hundredths of one per cent (.08%) or more by weight of alcohol in his blood, based upon grams of alcohol per one hundred millimeters of blood as shown by chemical analysis of the person's blood, breath, saliva, or urine. For purposes of this Section, the test shall be conducted in accordance with provisions of Section 2 of this Chapter. (Ord. No. 3172 § 10-14-2002)

8.2 BREATH TEST FOR DETERMINING ALCOHOLIC CONTENT OF BLOOD

1. A person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of .2, .3, and .5, a chemical test of his breath for the purpose of determining the alcoholic content of his blood if arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while intoxicated. The test shall be administered by or at the direction of a law enforcement officer whenever the person has been arrested for the offense.
2. Chemical analysis of the person's breath, to be considered valid under the provisions of Sections .1, .3, and .5, shall be performed according to methods approved by the State Division of Health for this purpose. The State Division of Health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits that shall be subject to termination or revocation by the State Division of Health.
3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

4. Upon the request of the person who submits to a chemical test at the request of a law enforcement officer, full information concerning the test shall be made available to him.

8.3 EFFECT OF CHEMICAL ANALYSIS AS EVIDENCE

1. Upon the trial of any criminal action or violations of county or municipal ordinances arising out of acts alleged to have been committed by any person while driving a motor vehicle while intoxicated, the amount of alcohol in the person's blood at the time of the act alleged as shown by chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence. Such evidence shall be given the following effect:
 - a. If there were five-hundredths of one percent (0.05%) or less by weight of alcohol in his blood, it shall be presumed that the person was not intoxicated at the time the specimen was obtained;
 - b. If there was in excess of five-hundredths of one percent (0.05%) but less than ten-hundredths of one percent (0.10%) by weight of alcohol in his blood, the fact shall not give rise to any presumption that the person was or was not intoxicated, but the fact may be considered with other competent evidence in determining whether the person was intoxicated;
 - c. If there was ten-hundredths of one percent (0.10%) or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.
2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood.
3. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.

8.4 ARREST WITHOUT WARRANT, WHEN

An arrest without a warrant by a law enforcement officer, including a uniformed member of the state highway patrol, for a violation of section 1. is lawful whenever the arresting officer has reasonable grounds to believe that the person to be arrested has violated the section, whether or not the violation occurred in the presence of the arresting officer; provided, however, that any such arrest without warrant must be made within one and one-half hours after such claimed violation occurred.

8.5 REFUSAL TO SUBMIT TO CHEMICAL TEST-REVOCATION OF LICENSE-HEARING

1. If a person under arrest refuses upon the request of the arresting officer to submit to a chemical test, which request shall include the reasons of the officer for requesting the person to submit to a test and which also shall inform the person that his license may be revoked upon his refusal to take the test, then none shall

be given. In this event, the arresting officer, if he so believes, shall make a sworn report to the Director of Revenue that he has reasonable grounds to believe that the arrested person was driving a motor vehicle upon the public highways of this state while in an intoxicated condition and that, on his request, refused to submit to the test. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of not more than one year; or if the person arrested be a nonresident, his operating permit or privilege shall be revoked for not more than one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of not more than one year.

2. If a person's license has been revoked because of his refusal to submit to a chemical test, he may request a hearing before a court of record in the county in which he resides or in the county in which the arrest occurred. Upon his request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the arresting officer. At the hearing the judge shall determine only;
 - a. Whether or not the person was arrested;
 - b. Whether or not the arresting officer had reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated condition; and
 - c. Whether or not the person refused to submit to the test.
3. If the judge determines any issue not to be in the affirmative, he shall order the director to reinstate the license or permit to drive.
4. Requests for review as herein provided shall go to the head of the docket of the court wherein filed.

8.6 CARRYING DANGEROUS OR DEADLY WEAPONS

It shall be unlawful for any person, within this city, to carry on or about his person whether concealed or exposed, a dangerous or deadly weapon of any kind or description; or to go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, political, literary or social purposes, or into any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, having upon or about his person, concealed, or exposed, any kind of firearms, metal knucks, or cutting instrument with folding or fixed blade equal to or greater than three (3) inches in length, or other similar deadly weapons, or to, in the presence of one or more persons, exhibit any such weapon in a rude, angry or threatening manner, or to sell or deliver, loan or barter any such weapon to any minor, and the police officers of the city are hereby authorized and directed to seize and confiscate all knives, firearms, blackjacks or other

dangerous and deadly weapons violating this section. Provided, however, that this section shall not be so construed as to prevent any legally qualified sheriff, police officer, or other person whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace, from carrying such weapons as may be necessary in the proper discharge of his duties.

8.7 DISCHARGE OF FIREARMS

- a. It shall be unlawful for any person, within this city, to discharge any gun, revolver, air rifle or air gun, piston, or firearm of any description, whether the same is loaded with powder and ball or shot or with “blank” cartridges, or any kind of explosives whatsoever; provided, however, that nothing contained in this section shall apply to legally qualified sheriffs or police officers, and other persons whose bona fide duty is to execute process, civil or criminal, make arrest, or aid in conserving the public peace.
- b. Notwithstanding Subsection 1, to SECTION 8.7, the City Council may approve an event for charitable purposes which involves the discharge of firearms after considering the purpose and safety procedures to be utilized. Further, the valid defense of one’s home, person or another person shall be a defense to the prohibition described in Subsection 1.

(Ord. No. 390, 3-10-2014)

8.8 EXPLOSIVES

It shall be unlawful for any person, within this city to make, use, or possess on his person or under his control any object containing dynamite or any other explosive or highly combustible substance whereby such explosive or highly combustible substance or chemical may be ignited or exploded, and capable of causing bodily injury or death to persons, or damage or destruction to property, provided that this section shall not apply to the lawful possession of such explosives by peace officers, members of the military forces in the regular discharge of their duties as such.

8.9

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of the provisions of Sections 302.010 to 302.260, RSMo 1979.

8.10

Any person whose Operator’s or Chauffeur’s license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in Section 302.010 to 302.260 shall not operate a motor vehicle in this City under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under Section 302.010 to 302.260, RSMo 1979.

8.11 FIREARMS IN CITY BUILDINGS

1. 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.
2. 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.
3. Any person violating this section may be denied entrance to the building or ordered to leave the building. Any city employee violating this section may be disciplined. No other penalty shall be imposed for a violation of this section. (Ord. No. 327 § 9-13-2004)

SECTION 9 MISCELLANEOUS OFFENSES

9.1 LITTERING

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

9.2 ABANDONING MOTOR VEHICLE

A person commits the crime of abandoning a motor vehicle if he abandons any motor vehicle on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased thereof, or any political subdivision thereof or on any government or on any private real property owned by another without his consent.

1. It shall be unlawful, within this city, for any person to abandon any motor vehicle upon any public way or other public place in the city. A motor vehicle shall be deemed abandoned when left unattended upon any public way or other public place for a period of forty-eight (48) hours prior to towing.
2. When a motor vehicle is abandoned upon any public way or other public place for forty-eight (48) hours or more its removal by a towing service may be authorized by the chief of the police department, providing that notice of the impending tow has been placed on the motor vehicle at least twenty-four (24) hours prior to towing.

3. When a vehicle removed from either public or private property is authorized by the chief of the police department, the owner of the vehicle will be responsible for all towing costs.

9.3 POSTING OF HAND BILLS

It shall be unlawful for any person in this city to post, tack, paste, nail, paint, stamp or print any poster, hand bill, card, advertisement or notice of any kind whatsoever upon any wall, fence, house, door, post, either private or public, without first obtaining the permission of the owner or agent of the property.

9.4 DESTROYING HAND BILLS OR NOTICES

It shall be unlawful for any person in this city to willfully tear, cut down, destroy, mutilate, or deface any poster, handbill, sale bill, card or other advertisement of any lawful business, trade or occupation, lawfully posted upon any bulletin board, hall or other place, either public or private.

9.5 INTOXICATING LIQUOR

It shall be unlawful, in this city:

1. For any person to consume or drink any intoxicating liquor or any kind of beer, in or upon any public street, sidewalk, park, public school, or other public place, except as authorized in paragraph 5. (Ord. No. 358, 6-8-2009)
2. For any person, or his employee, to sell or supply intoxicating liquor, or to permit intoxicating liquor to be sold or supplied to any habitual drunkard, or to any person who is apparently under the influence of intoxicating liquor, or to any person under the age of twenty-one (21) years of age.
3. For any person under the age of twenty-one (21) years of age to purchase, attempt to purchase, or have in his possession, any intoxicating liquor.
4. For any person under the age of twenty-one (21) years of age to operate, ride, drive, occupy, or sit in any automobile, whether moving or not, containing intoxicating liquor. Any operator, passenger, or occupant of an automobile under the age of twenty-one (21) years shall be deemed to be in possession of any intoxicating liquor found in said automobile, and the presence of intoxicating liquor in said automobile shall create a presumption of possession. Provided, however, this section shall not apply where the automobile is occupied by the parent or legal guardian of one of the persons under the age of twenty-one (21) years, if the parent or legal guardian is over the age of twenty-one (21) years.
5. Beer and wine may be consumed at the West City Park Shelter and within 25 feet of the shelter upon the following conditions:
 - a. A permit shall be obtained from the clerk with an application fee of \$25.00 not less than thirty days in advance.

- b. The permit must be displayed on-site to be valid.
- c. A refundable clean-up fee of \$100.00 shall be paid to the City.
- d. A permit may be revoked for cause by the duty police officer.
- e. Consumption is allowed for a consecutive four hour period between the hours of 12:00 noon and 10:00 p.m., as designated on the application.
- f. No glass or shatterable materials are authorized.

(Ord. No. 358, 6-8-2009)

9.6 DRUGS AND NARCOTICS

It shall be unlawful, in this city:

- 1. For any person to be under the influence of any narcotic drug, or any compound or mixture of which a narcotic drug is a component part, or any barbiturate, except when administered by or under the direction of a person licensed by the State to prescribe and administer narcotics. It shall be the burden of the defense to show that it comes within the exception.
- 2. For any person to administer to himself or to any other person, in any way or manner, any narcotic, or any compound, drug or mixture of which a narcotic drug is a component part, or any marijuana, or any barbiturate, except upon prescription of a duly licensed physician, nor shall any person, in any way or manner, aid, assist, abet or permit the use of or administration of any narcotic drug, or any compound, drug or mixture of which a narcotic drug is a component part, or any marijuana, or any barbiturate, except upon prescription of a duly licensed physician.
- 3. For any person to sell, give or deliver to another person any narcotic drug or other controlled substance listed in Section 195.017 RSMo 1975 Supp., except pursuant to a prescription of a duly licensed physician.
- 4. For any person to possess on or about his person or within his immediate control or custody any narcotic drug or other controlled substance listed in Section 195.017 RSMo 1975 Supp., except where the person possesses the said narcotic drug or controlled substance pursuant to a prescription of a duly licensed physician. The burden of showing that the narcotic drug or controlled substance was prescribed by a duly licensed physician to the person possessing the narcotic drug or controlled substance shall be upon the person charged.

9.7 FIRE EQUIPMENT

It shall be unlawful for any person, within this city, to willfully or carelessly interfere with the progress of working of any fire engine, truck, apparatus or other equipment of a fire department, or of any fireman while going to, remaining at, or returning from a fire or fire alarm, either by obstructing, impeding or otherwise interfering while driving or

having charge of any vehicle, or while on foot; or to willfully or carelessly cut, mark or otherwise injure or deface any such fire engine, truck, hose, or other apparatus of a fire department; or to run over or attempt to run over, the hose of the fire department with any automobile, truck or other motorized vehicle.

9.8 OPERATING VEHICLES IN PARKS AND BALL FIELDS

It shall be unlawful within the City of Gower, or any person to drive or operate any automobile, motorcycle, or other motorized vehicle in or upon any city park or any ball field, except a public officer or employee thereof in the performance of a public duty or for a valid park or ball field purpose authorized in advance and supervised by a public officer or employee.

(Amended Ord. No. 343 § 4-9-2007)

9.9 OPERATING VEHICLES IN PARKS AND BALL FIELDS

It shall be unlawful within the City of Gower, or any person to drive or operate any automobile, motorcycle, or other motorized vehicle in or upon any city park or any ball field, except a public officer or employee thereof in the performance of a public duty or for a valid park or ball field purpose authorized in advance and supervised by a public officer or employee. Violation of this ordinance can be penalized with a fine up to Five Hundred Dollars (\$500.00) or imprisonment for up to ninety (90) days or both.

9.10 FIREWORKS

1. It shall be unlawful, within this city, for any person to discharge any fireworks except during the time period beginning with the Friday before July 4 and ending with the Monday after July 4. If July 4 falls on a Saturday or Sunday, then fireworks may be discharged during the time period beginning with two Fridays before July 4 and ending with two Mondays after July 4. (Ord. No. 425, 6-10-2019)
2. It shall be unlawful, within this city, for any person to sell, barter, or trade fireworks except during the time period beginning with the Friday before July 4 and ending with the Monday after July 4. If July 4 falls on a Saturday or Sunday, then fireworks may be sold, bartered, or traded during the time period beginning with two Fridays before July 4 and ending with two Mondays after July 4. (Ord. No. 425, 6-10-2019)
3. It shall be unlawful, within this City, for any person to throw any fireworks from a vehicle.
4. It shall be unlawful, within this City, for any person to sell, barter, trade, or discharge bottle rockets.

9.11 RESISTING A POLICE OFFICER

It shall be unlawful for any person, within this city, to fail or refuse to obey any reasonable order or direction of any police officer of the city while in the exercise of his duty.

9.12 CURFEW

In order to protect those persons being in the City of Gower who are under the age of sixteen (16) from being the victims of crimes which tend to occur more frequently during nocturnal hours and also to encourage parents of children under the age of sixteen (16) to be aware of the whereabouts of their children during nocturnal hours, it shall be unlawful for any person under the age of sixteen (16) to be present in or on any public street, park, square, or any other public place, including business or entertainment facilities and parking lots adjacent thereto, between the hours of twelve a.m. and six a.m. except that the said curfew shall not apply to the following classes of persons under the age of sixteen (16):

1. Minors going or returning from a place of employment who proceed in the most direct, practical manner from residence to place of employment, or vice-versa.
2. A minor who is upon an emergency errand and is acting pursuant to an order of his parent or guardian or the person having care and custody of said minor.
3. A minor who is accompanied by his parent or guardian or person having care and custody of said minor.
4. A minor who is lawfully married.

9.13 LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT

A person commits the crime of leaving the scene of a motor vehicle accident when being the operator or driver of a motor vehicle on the highway and knowing that an injury has been caused to a person or damage has been caused to property, due to his culpability or to accident, he leaves the place of the injury, damage or accident without stopping and giving his name, residence, including city and street number, motor vehicle number and chauffeur's or registered operator's number, if any, to the injured party or to the police officer, or if no police officer is in the vicinity, then to the nearest police station or judicial officer.

9.14 LOUD VEHICLE NOISE PROHIBITED

A person shall not within the city limits permit, or cause, or permit to be caused, any loud noise or other sound by a rapid acceleration of the motor of any motor vehicle, or by causing the backfiring or any motor of any motor vehicle, or by unnecessary sounding of the horn of any motor vehicle, or by the emission of loud exhaust noise from any motor vehicle, or by making any other loud, excessive unnecessary or unreasonable noise. (Ord. No. 283 § 8-9-99)

9.15 LOUD VEHICLE NOISE BY SPINNING TIRES PROHIBITED

A person shall not within city limits permit, or cause, or permit to be caused, any loud noise or other sound by rapidly spinning the wheels of any motor vehicle. (Ord. No. 284 § 8-9-99)

TITLE VII
CRIMINAL CODE
CHAPTER 2 – TRAFFIC AND AUTOMOBILES

SECTION 1 INCORPORATION OF STATE LAW

Sections 304.014 through 304.570, inclusive, and Sections 307.010 through 307.390, inclusive, RSMo, are adopted in the City of Gower, Clinton County, Missouri, and applicable to all highways, streets, or alleys within the corporate limits and to all motor vehicles operated within the corporate limits of the City of Gower, and all police officers of the City of Gower are ordered and empowered to enforce such provisions, regulation, or regulations, in like manner and effect and in the same manner as the provisions, regulation, and regulations contained in said statutes. (Ord. NO. 113 § 1-6-1975)

SECTION 2 MODEL TRAFFIC ORDINANCE

Chapter 300, consisting of Sections 300.010 through 300.600, Revised Statutes of Missouri, commonly known as the “Model Traffic Ordinance”, is hereby adopted as and for the traffic ordinance of this city with the like effect as if recited at length herein, with the exception of the following Sections of said Model Traffic Ordinance, which are not so adopted and which are expressly deleted; Section 300.205.

- 2.1** The Municipal Court may establish a traffic violations bureau to assist the court with the clerical work of traffic cases. The bureau shall be in charge of such person or persons and shall be open at such hours as the municipal judge may designate.

The judge of the municipal court who hears traffic cases shall designate the specified offenses under this law or under the traffic ordinances of the city and the state traffic laws in accordance with Supreme Court Rule NO. 37.50 in respect to which payments of fines may be accepted by the traffic violations bureau in satisfaction thereof, and shall specify suitable schedules the amount of such fines for first, second and subsequent offenses, provided such fines are within the limits declared by law or ordinance, and shall further specify what number of such offenses shall require appearance before the court.

- 2.2** Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

SECTION 3 SPEED LIMITS

- 3.1** The maximum rate of speed on U.S. Highway 169 between Harrington Lane and the northwest end of Frederick Drive shall be thirty-five (35) miles per hour (MPH). (Ord. No. 314 § 4-8-2002)
- 3.2** The maximum rate of speed on U.S. Highway 169 between the east city limits and the northwest end of Frederick Drive and on U.S. Highway 169 between the North city limits and Harrington Lane shall be forty-five (45) miles per hour (MPH). (Ord. No. 314 § 4-8-2002)

- 3.3** The maximum rate of speed on U.S. Highway 169 between a point located approximately 1100 feet north and a point located approximately 1100 feet south of the school crosswalk located at the intersection of U.S. Highway 169 and Shivel Avenue during times when school zone speed limit signals located at said points are lawfully activated shall be twenty-five (25) miles per hour (MPH). (Ord. No. 288 § 12-11-1999)
- 3.4** The maximum rate of speed on Smith Avenue between 2nd Street and U.S. Highway 169 shall be Fifteen (15) miles per hour (MPH). (Ord. No. 274 § 12-14-1988)
- 3.5** The maximum rate of speed on Shivel Avenue between 2nd Street and U.S. Highway 169 shall be Fifteen (15) miles per hour (MPH). (Ord. No. 276 § 12-14-1998)

SECTION 4 RESTRICTIONS ON SPEED, DIRECTION OF TRAVEL, AND PARKING

The maximum rate of speed on all other street and thoroughfares within the corporate limits of the City shall be Twenty-five (25) miles per hour (MPH).

- 4.1** In accordance with Section 300.245 and when property sign-posted, traffic shall move only in the direction indicated upon the following streets:

<u>NAME OF STREET</u>	<u>DIRECTION OF TRAFFIC MOVEMENT</u>
Alley of Block Seven (7), perpendicular between 3 rd and 4 th Streets, and parallel to Railroad Avenue and Hallar Street. REPEALED (Ord. No. 331 § 3-14-2005)	Westerly
That portion of Railroad Avenue between 3 rd and 4 th Street lying North on the line of utility poles.	Westerly
That portion of Railroad Avenue between 3 rd and 4 th Street lying South of the line of utility poles.	Easterly
That portion of 3 rd Street lying between Shivel Avenue and Smith Avenue. REPEALED (Ord. No. 269 § 11-10-1997)	Southerly during the morning hours of each Sunday
That portion of 1 st Street lying between Whitney Avenue and Shivel Avenue.	Southerly between 7:45 a.m. and 8:30 a.m. and between 2:45 p.m. and 3:30 p.m. whenever school is in session
That portion of Shivel Avenue lying between 1 st Street and 2 nd Street.	Westerly between 7:45 a.m. and 8:30 a.m. and between 2:45 p.m. and 3:30 p.m. whenever school is in session
That portion of 2 nd Street lying between Whitney Avenue and Shivel Avenue. (Ord. No. 254 § 6-	Southerly during the morning hours of each Sunday

21-1996)

That portion of Shivel Avenue lying between 2nd Easterly
Street and 169 Highway (Ord. 407, 8-8-2016)

4.2 In accordance with the provisions of 300.255 and when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection before entering any of the following streets or parts of streets:

1. 169 Highway
2. Hallar Street between 4th Street and 169 Highway
3. 4th Street between Hallar Street and the South City limits
4. Field Street
5. Whitney Avenue from U.S. 169 to 4th Street

4.2A In accordance with the provisions of 300.255 and when signs are erected giving notice thereof, drivers of vehicles shall stop before entering the “T intersection of Smith Avenue and Allen Street. (Ord. No. 312 § 1-14-2002)

4.3 In accordance with Section 300.530 and 300.535 and when signs are erected giving notice thereof, no person shall park a vehicle between the hours specified herein of any day within the district or upon any of the streets or parts of streets as follows:

<u>NAME OF STREET OR DISTRICT</u>	<u>HOURS PARKING PROHIBITED</u>
Within ten (10) feet of the pavement on the West side of Rt. 169 from Hallar Street (Rt. H) North to Winner Avenue.	All hours
Within forty-five (45) feet of the North side of Railroad Avenue on the East side of 4 th St.	All hours
Within thirty-five (35) feet of the North side of Railroad Avenue on the West side of 3 rd St.	All hours
Within thirty (30) feet of the North side of Railroad Avenue on the East side of 3 rd St.	All hours
Within the no parking signs forty-five (45) feet, thirty-five (35) feet, and thirty (30) feet North of Railroad Avenue and 3 rd and 4 th Streets and the alleys of Blocks 7 and 8, except parallel parking.	All hours
The North side of Shivel Avenue between 169 Highway and 1 st Street.	Whenever school is in session

Both sides of 1 st Street between Whitney Avenue and Shivel Avenue. (Ord. No. 237 § 3-7-1994)	All hours
The East side of Gordon Waters Lane (Ord. No. 249 § 11-2-1995)	All hours
The southernmost edge of Railroad Avenue, directly north of the Gower Veterans memorial (Ord. No. 427, 9-9-2019)	All Hours
The East side of North 3 rd Street between Railroad Avenue and Winner Avenue. (Ord. No. 255 § 6-21-1996)	Anytime in Excess of 4 hours
SECTION 4.3 (continued)	
Both sides of 3 rd Street between Smith Street and Heritage Park. (Ord. No. 265 § 5-27-1997)	All hours except residential parking

- 4.4** In accordance with Section 300.540 and when signs are erected giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified herein of any day within the district or upon any of the streets or parts of streets as follows:

NAME OF STREET OR DISTRICT

**HOURS STOPPING, STANDING,
PARKING PROHIBITED**

Alley of Block Seven (7), perpendicular between 3rd and 4th Streets, and parallel to Railroad Avenue and Hallar Street.

No parking, stopping, or standing except between the hours of 8:00 a.m. and 5:00 p.m. parking for purposes of loading or unloading for a period of time not exceeding thirty (30) minutes at any one time.

- 4.5** When signs are erected giving notice thereof, no person shall operate a commercial vehicle except as provided under Section 300.550 upon any street or part of a street within the City Limits except upon the following streets or parts of streets:

Whitney Avenue between 169 Highway and 4th Street. 4th Street between South City Limits and Hallar Avenue. 3rd Street between Whitney Avenue and Hallar Avenue. Hallar Avenue between 169 Highway and the West City Limits.

For purposes of this schedule, commercial vehicle shall mean every vehicle, licenses to carry over 30,000 pounds, which is designed, maintained, or used primarily for the transportation of property. (Amended Ord. 350 § 2-18-2008)

- 4.6** Due to danger and hazards presented by the parking of trailers on the streets and rights of way of the City of Gower, the parking of unhitched trailers on city streets and rights-of-way is prohibited and is unlawful.

4.7

Repealed (Ord. No. 407, 8-8-2016)

All existing ordinances or parts of ordinances in conflict with these schedules or superseded by these schedules are hereby repealed on the effective date hereof. (Ord. No. 138 § 5-1-1978)

SECTION 5 Repealed (Ord. No. 406, 8-8-2016)

**TITLE VII
CRIMINAL CODE
CHAPTER 3 – BICYCLES**

SECTION 1 DEFINITION

As used in this Chapter, the word “bicycle” shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except scooters and similar devices.

SECTION 2 BRAKES REQUIRED

Every bicycle shall be equipped with a brake or brakes, which will enable its driver to stop the bicycle within twenty-five feet (25 ft.) from a speed of ten miles per hour (10 mph) on dry, level, clean pavement.

SECTION 3 REQUIRED EQUIPMENT

Every bicycle when in use on a street or highway during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with the following:

3.1

A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred feet (600 ft.);

3.2

A rear-facing red reflector, at least two square inches in reflective surface area, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred feet (600 ft.).

3.3

Essentially colorless or amber reflectors on both the front and rear surfaces of all pedals. Each pedal reflector shall be recessed below the plane of the pedal or reflective housing. Each reflector shall be at least ninety one-hundredths square inches (0.9 in. sq.) in projected effective reflex area, and must be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at two hundred feet (200 ft.) and;

3.4

A side-facing essentially colorless or amber reflector visible on each side of the wheel mounted on the when spokes of the front wheel within three inches (3 in.) of the inside of the wheel rim and a side-facing essentially colorless or red reflector mounted on the wheel spokes of the rear wheel within three inches (3 in.) of the inside of the wheel rim, or continuous retroreflective material on each side of both tires which shall be at least three-sixteenths of an inch (3/16 in.) wide. All such reflectors or retroreflective tire sidewalls shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred feet (300 ft.).

SECTION 4 DUTIES OF RIDERS

Every person riding a bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo, except as to special regulations in this ordinance and except as to those provisions of Chapter 304 which by their nature can have no application.

SECTION 5 RIDE ON RIGHT SIDE

Every person operating a bicycle upon a street or highway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

5.1

Wherever a usable path for bicycles practical for sustained riding for transportation purposes has been officially designated adjacent to a street or highway, bicycle riders shall use such path and shall not use the street or highway.

SECTION 6 SKATEBOARDS, WHERE PROHIBITED

No person shall ride or operate a skateboard or other similar wheeled device in areas zoned B-1 or B-2 within the corporate city limits of Gower, Missouri, unless upon private property therein with the express written consent of the landowner.

SECTION 7 SKATEBOARDS AND BICYCLES, WHERE PROHIBITED

No person shall ride or operate a skateboard, a bicycle, or any other similar wheeled device on a sidewalk in areas zoned B-1 or B-2, unless upon private property therein with the express written consent of the landowner adjacent to said sidewalk.

SECTION 8 SKATEBOARDS, PROHIBITED NEAR SCHOOL

No person shall ride or operate a skateboard or other similar wheeled device on property belonging to or immediately adjacent to property owned by the East Buchanan C-1 School District or the City of Gower, unless the property has been designated a skateboarding area by the East Buchanan C-1 School District or by the City of Gower.

SECTION 9 PENALTIES

Any person seventeen (17) years of age or older who violates any provision of this act is guilty of an infraction, and upon conviction thereof, shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00). Such an infraction does not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under seventeen (17) years of age violates any provision of this Ordinance in the presence of a police officer possessing the duty and power of arrest for violation of ordinances of counties or municipalities of the state, said officer may impound the bicycle, skateboard, or other similar wheeled device for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner. (Ord. No. 140 § 6-8-1978; Ord. No. 212 § 9-4-1989)

TITLE VII
CRIMINAL CODE
CHAPTER 4 – OTHER MOTORIZED VEHICLES

SECTION 1 OPERATION RESTRICTED

It shall be unlawful, within the City, for any person to operate a go-cart or other motorized vehicle which cannot legally be licensed in accordance with State regulations, on any public highway, street, alley or park within the corporate limits of this city, or on private property upon the complaint of the owner or occupier of the property, unless PERMITTED BY Section 2. (Ord. No. 383, 6-11-2012)

SECTION 2. MOTORIZED BICYCLES

2.1 MOTORIZED BICYCLE DEFINED

The term motorized bicycle shall be any two or three wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than 50 cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowner's or renter's insurance policy.

2.2 OPERATION OF MOTORIZED BICYCLES

No person shall operate a motorized bicycle on any street or highway in the state unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation BESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission, this date being a party thereto as provided by Missouri Law and in accordance with any regulations of the State of Missouri.

2.3 LICENSE REQUIRED

No person shall operate a motorized bicycle on any highway or street in the City of Gower unless the person has a valid driver's license to operate a motor vehicle.

(Ord. No. 383, 6-11-2012)

SECTION 3. PENALTY

Violation of this Chapter shall be deemed a violation of City Ordinance and, upon conviction, be punishable up to and including a fine of \$500.00. (Ord. No. 383, 6-11-2012)

SECTION 4. GOLF CARTS AND UTILITY VEHICLES

4.1 DEFINITIONS

- a. *Motorized Golf Cart.* A self-propelled vehicle of the type and style designed for and commonly used as patrons of golf courses or sporting or recreational purposes and that is not capable of exceeding speeds of 20 m.p.h.
- b. *Utility Vehicles.* Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes. This definition does not include an “All-terrain vehicle” as defined by RSMo 301.010 (1).
- c. *Community Events.* Events sponsored, co-sponsored, or supported by the City. Community events may also include celebrations organized by a non-profit, community based organization intended to serve the entire community. The City Council shall determine if an event qualifies for the exemption.

4.2 PERMIT REQUIRED

No motorized golf cart or utility vehicle may be operated on designated roadways, or any public right-of-way or public property without first obtaining a permit from the City.

4.3 PERMIT APPLICATION

Every application for a motorized golf cart or utility vehicle must be made on a form supplied by the City and must contain the following information:

- c. Date;
- d. The name, address and phone number of the applicant;
- e. A copy of the applicant’s driver’s license;
- f. Make, model and serial number of the vehicle;
- g. Proof of insurance (Homeowners, automobile or recreational.)

4.4 FEES

The City shall receive a fee of \$15.00 as an annual fee for a permit.

4.5 TERM OF PERMIT

Permits are effective for one (1) calendar year beginning January 1 and ending December 31. A permit is required for each operator.

4.6 OPERATING CONDITIONS

- a. *Designated Roadways:* Motorized golf carts and utility vehicles are prohibited from operating on State or federal highways and may only cross any highway at an intersection where the posted speed limit is 45 m.p.h. or less.
- b. *Prohibited Operation:* The operation of motorized golf carts and utility vehicles is expressly prohibited on all bike or walking trails, sidewalks and water ways.
- c. *Times of Operation:* Motorized golf carts and utility vehicles may be operated from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.
- d. *Application of Traffic Laws:* Every person operating a motorized golf cart and utility vehicle has all the rights and duties applicable to the driver of any other vehicle except when those provisions cannot reasonably be applied to motorized golf carts and utility vehicles.
- e. *Required Equipment:* Every motorized golf cart and utility vehicle shall be equipped with adequate brakes and an orange reflective sign designating it as a slow moving vehicle.

4.7. SUSPENSION OR REVOCATION OF PERMIT

A permit may be revoked if the permittee has violated any of the provisions of this Section or if there is evidence that the permittee cannot safely operate the motorized golf cart and utility vehicle on the roadway. The City will conduct a hearing to determine if the permit should be revoked after providing the permittee with at least five (5) days written notice. Any police officer may temporarily suspend a permit prior to the hearing if, in the police officer's professional judgment, public safety would otherwise be endangered. Any hearing shall be conducted by the judge of the Municipal Court.

4.8. EXEMPTION

The City may waive the requirements of this Section for the operation of motorized golf carts as part of a community event, as hereinabove defined. Such exemption may be restricted by the Council to such areas as are reasonably necessary for use at the community event.

(Ord. No. 371, 11-8-2010)

TITLE VII
CRIMINAL CODE
CHAPTER 5 – LICENSING AND REGULATION OF ANIMALS

SECTION 1 DEFINITIONS

For the purpose of this article, the following terms shall have the meanings respectively ascribed herein:

- Bite – The word “bite” shall mean any abrasion or laceration caused by a dog’s teeth, sufficient to break the skin.
- Dog – The word “dog” unless otherwise qualified shall include males, females, spayed females and castrated males.
- Inoculation, inoculation for rabies – The words “inoculation” or “inoculation for rabies” shall mean the inoculation of a dog by a licensed and registered veterinarian with a vaccine approved by the department of agriculture and/or the division of health of the state. A certificate of vaccination shall be considered “Valid” if it is dated within the calendar year of registration where penalized vaccine is used, and unless than two (2) years and six (6) months where chick embryo vaccine is used, provided that dogs less than six (6) months old at the time of vaccination with the chick embryo vaccine shall be revaccinated within six (6) months.
- Kennel – The word “kennel” is any lot or premises on which four or more adult dogs or cats are kept, for compensation or not. (Ord. No. 365, 6-14-2010)
- Own, owner – The words “own” or “owner” include any person having a right of property in a dog, and any person who keeps or harbors a dog or has it in his care, or who acts as its custodian, and any person who permits a dog to remain at or about any premises occupied by him.
- Vaccination, vaccination for rabies – The words “vaccination” or “vaccination for rabies” shall have the same meaning as the words “inoculation” or “inoculation for rabies”, respectively, as defined herein.
- Vicious Dog – A “vicious dog” shall mean any dog of cross, ferocious or dangerous disposition or which habitually snaps or manifests a disposition to bite any person or other animal.

SECTION 2 ANNUAL REGISTRATION, VACCINATION REQUIRED

1. The owner or keeper of any dog of the age of three (3) months or older shall register said dog with the City Clerk on or before June 1 of each year. The name and address of the owner or keeper of a dog so registered and the sex, breed and color of the dog shall be entered in a book kept for such purposes by the City Clerk, and a certificate of registration and a metal or plastic tag or check bearing identical numbers shall be issued to the said owner or keeper to be attached to a collar or other device and worn by he said dog.
2. Before any dog shall be registered or certificate of tag shall be issued as above provided, the owner or keeper of said dog shall present to the said City Clerk a certificate of immunization issued and signed by a licensed and registered veterinarian stating that said dog has been immunized against rabies for the current year, or that said animal has been permanently immunized against rabies.

3. The animal license tax for each dog shall be Four Dollars (\$4.00). Any owner or keeper of any dog who shall fail or refuse to pay such tax when payment is demanded shall forthwith surrender such dog to the Chief of Police for the purposes of being destroyed.
4. The City Clerk shall keep a list of the persons paying such tax, noting date and amount of payment, and report to the Board of Aldermen at each regular meeting the names of all persons who have paid such tax during the preceding month and the amount collected. The tax shall be due and payable on June 1st each year, provided, however, that if any person shall become the owner or keeper of any dog after the month of June in any year, such person shall pay the same tax thereon for the remainder of the year ending June 1st following, as if dog had been in the City on the preceding June, and such dog shall be fully subjected to the provisions of this ordinance. The tax shall be paid by the City Clerk into the treasury to the credit of the General Fund of the City. It shall be unlawful for any person to attach or suffer to be attached to any dog on which the tax has not been paid for the current year, the metal or plastic tag hereinbefore described or any imitation thereof.
5. No residence shall be authorized to house more than three (3) dogs unless it is a litter of puppies less than three (3) months old. Any owner or Lessor of a residence keeping more than three (3) dogs to be kept shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00). (Ord. No. § 8-14-2006)

SECTION 3 PROHIBITED BREEDS

- 3.1. **PROHIBITION; DEFINITION.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Gower, Missouri, any pit bull dog; provided, that pit bull dogs residing in the city on the date of passage of this section may be kept within the city subject to the standards and requirements herein set forth. "Pit bull dog" is defined to mean:
 - a. The bull terrier breed of dog;
 - b. Staffordshire bull terrier breed of dog;
 - c. The American pit bull terrier breed of dog;
 - d. The American Staffordshire terrier breed of dog;
 - e. Dogs of mixed breed among those listed above, or any of the above breeds mixed with Rottweiler or standard size Doberman pincher dogs;
 - f. Any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers or a combination of any of these breeds.

3.2. STANDARDS FOR KEEPING ALREADY RESIDENT PIT BULL DOGS. Pit bull dogs residing in the City of Gower at the time of the passage of this section may be kept by the owners within the city, subject to the following standards:

a. *Registration*

Pit bull dogs residing in the city at the time of passage of this section must be registered with the city by the owners within ten (10) days of the passage of this section.

b. *Leash and Muzzle*

No person shall permit a pit bull dog to go outside its kennel or pen unless such a dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such a dog from biting persons or other animals.

c. *Confinement*

All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

d. *Confinement Indoors*

No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the house.

e. *Signs*

All owners, keepers, or harborers of pit bull dogs within the city shall within ten (10) days of the effective date of this section display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog-Pit Bull". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

f. *Insurance*

All owner, keepers or harborers of pit bull dogs must within ten (10) days of the effective date of this section provide proof to the City of Gower of public liability insurance in a single incident amount of Fifty Thousand Dollars (\$50,000.00), for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the City of Gower.

g. *Identification Photographs*

All owners, keepers or harborers of registered pit bull dogs must ten (10) days of the effective date of this section provide to the deputy city clerk two (2) color photographs (two (2) different poses) of the animal clearly showing the color and approximate size of the animal.

h. *Reporting Requirements*

All owners, keepers or harborers of pit bull dogs must within ten (10) days of the incident, report the following information in writing to the deputy city clerk as required hereinafter:

- a. The removal from the city or death of a pit bull dog;
- b. The birth of offspring of a pit bull dog;
- c. The new address of a pit bull dog owner should the owner move within the corporate city limits.

i. *Sale of transfer of Ownership Prohibited.*

No person shall sell, barter or in any other way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided, that the registered owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the city.

j. *Animals Born of Pit Bull Dogs*

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

k. *Irrefutable Presumptions*

There shall be an irrefutable presumption that any dog registered with the city as a pit bull dog or any of those breeds prohibited by this section is in fact a dog subject to the requirements of this section.

l. *Failure to Comply*

It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the City of Gower to fail to comply with the requirements

and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

SECTION 4 PUNISHMENT FOR VIOLATIONS

Any person violating or permitting the violation of any provision of this Section shall upon conviction in Municipal Court be fined a sum not less than Two Hundred Dollars (\$200.00) and not more than Five Hundred Dollars (\$500.00). In addition to the fine imposed, the Court may sentence the defendant to imprisonment for a period not to exceed thirty (30) days. In addition, the Court shall order the registration of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City the Municipal Court Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Section continues shall be deemed a separate offense. In addition, to the foregoing penalties, any person who violates this Section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Section.

SECTION 5 LIMIT ON DOGS

There shall be added a new section to Title VII of Chapter 5 to read as follows:

No residence shall be authorized to house more than three (3) dogs unless it is a litter of puppies less than three (3) months old. Any owner or Lessor or a residence keeping more than three (3) dogs to be kept shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00).

SECTION 6 ENACTMENT

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

SECTION 7 RECORDS OF REGISTRATION TO BE KEPT

The City shall keep a record giving the name of the owner of every dog registered hereunder, and the number of the certificate of registration, together with a general description of the dog registered and the vaccination date, type and certification number.

SECTION 8 EXEMPTION FROM REGISTRATION CHARGES AND VACCINATION

1. Seeing-eye dogs – No charge shall be made for registration and furnishing tags for seeing-eye dogs while used as such by any blind persons, provided that an affidavit of such services is filed with the City, and provided further, that said dog shall be vaccinated in compliance with sections 2 through 5.
2. Kennels – Dogs confined in a professional kennel, which is licensed by the City, shall be exempt from sections 2 through 5, provided that said dogs are at no time allowed to run at large.

SECTION 9 COLLAR AND REGISTRATION TAG TO BE WORN

Every person owning a dog over three (3) months of age is required to have said dog wear a collar or harness having attached thereto the check or tag issued for said animal as hereinbefore required, and no dog shall be permitted to wear the color or tag obtained for any other dog.

SECTION 10 REMOVAL OF COLLAR, HARNESS, REGISTRATION TAG

No person shall remove or cause to be removed the collar, harness or registration tag from any registered dog without consent of the owner thereof.

SECTION 11 DUTY OF PUBLIC IMPOUNDER AS TO UNLICENSED DOGS

It shall be the duty of the public impounder to take possession of all dogs found within the city limits without license tags, and confine them in the public pound or shelter. For purposes of this selection, each city employee shall be considered a public impounder.

SECTION 12 DOGS AT LARGE; RESTRAINT REQUIRED

It shall be unlawful for any person owning, controlling, possessing or having the management or care, in whole or in part, of any dog, whether licensed or not, to permit said dog to leave the premises of the owner or keeper thereof unless it is securely tied or led by a line or leash of a length which allows the owner or keeper to maintain the direction, control and supervision of said dog. (Ord. No. 290 § 1-10-2000)

SECTION 13 IMPOUNDMENT OF DOGS AT LARGE

It shall be the duty of the public impounder to take possession of all dogs, whether licensed or not, found within the city limits running at large, and to confine them in the animal shelter.

SECTION 14 DESTRUCTION OF DOGS AT LARGE

If after reasonable effort by a public impounder, a dog running at large in violation of section 9 cannot be impounded whenever in the judgment of a public impounder said dog is putting persons in fear or is causing a serious neighborhood nuisance, said dog may be destroyed by the police department on written order from the Municipal judge after notice of hearing to know interested parties and hearing.

SECTION 15 RELEASE FROM IMPOUND

1. Any impounded dog may be released from the pound or animal shelter to any person proving ownership or right to possession and producing a certificate from the City Clerk showing that such dog has been duly registered, and upon payment of a Twenty Dollar (\$20.00) handling fee to a public impounder. A person wishing to purchase or claim a dog not fully registered, shall pay a handling fee of Twenty Dollars (\$20.00) in addition to the City annual registration and vaccination fees. (Ord. No. 304 § 5-7-2001)
2. A public impounder shall issue a receipt containing the name and address of the person claiming the dog, the fee paid, a description of the dog and the impounder's signature. He shall also issue a legal notice providing for vaccination by a licensed veterinarian in or near the city, and for registration of the dog; provided, however, that a person purchasing or claiming a dog to be kept or harbored outside the limits of the city shall be exempt from the registrant requirement of section 2 through 5.

SECTION 16 DISPOSAL OF UNCLAIMED, IMPOUNDED DOGS

1. Unregistered dogs – All unregistered dogs which shall have remained in the public pound or animal shelter three (3) days, counting the day of pickup as one day, without being

claimed and released shall be put to death in a humane manner at the City of St. Joseph Animal Shelter, or shall be sold, and the proceeds of such sale shall be deposited with the City Clerk, provided that a public impounder may place any such animal which is not sold in a suitable place for care, provided that the City annual registration and vaccination fees shall be paid by the prospective owner.

2. Registered dogs – All registered dogs that shall have remained in the public pound or animal shelter seventy-two (72) hours shall be disposed of as in the case of unregistered dogs except that the seventy-two (72) hours shall commence from the time a notice is placed in the mail addressed to the owner of record of said dog. In the case of registered dogs, there shall be a Five Dollars (\$5.00) per day board bill charged the person claiming said dog in addition to the usual handling fee.
3. Records to be kept – It shall be the duty of a public impounder to make a record of all dogs put to death, sold or otherwise disposed of under the provisions of this article, which record shall be at all times open to inspection.

SECTION 17 CONFINEMENT OF FEMALE DOGS IN HEAT

All female dogs shall be kept securely confined in an enclosed place while in heat. If, in the opinion of a public impounder a female in heat confined to a premises creates a serious neighborhood nuisance, the owner shall within twenty-four (24) hours of notice, provide satisfactory quarters for said female to eliminate the nuisance.

SECTION 18 CONFINEMENT, EXAMINATION OF DOG WHICH BITES PERSON

- 18.1. In all cases where a dog bites a person, such dog shall be impounded and placed in isolation in the city animal shelter, an approved veterinary hospital in or near the city, or any other place approved by the director of public health and welfare, for a period of ten (10) days. If said dog is well and healthy at the end of the ten-day period, a person proving ownership may claim it on payment of the fees charged by the licensed veterinarian. Should such dog confined in a veterinary hospital become ill, or die during the confinement, the veterinarian shall notify the department of public health and welfare immediately.
- 18.2. Whenever the owner of a dog shall refuse to surrender it in compliance with this section, the impounder or his representative shall issue written notice of impending legal action as is deemed necessary.

SECTION 19 KEEP VICIOUS DOG

- 19.1. Restraint required – No person shall own a vicious dog without keeping it securely chained by a chain not over six (6) feet in length.
- 19.2. Sign required – It shall further be the duty of the owner and of the keeper of such dog to post a notice on the premises conspicuously visible to the public and reading in letters of not less than two (2) inches high: “Bad Dog Here” or “Beware of Dog,” or words similar import.
- 19.3. Destruction authorized – If it shall appear to the municipal judge that a dog is vicious and that the owner of said dog is vicious and that the owner of said dog is willfully allowing

said dog to run at large in violation of this section, the municipal judge may, in addition to the usual judgment, order a public impounder to take possession of and destroy said dog.

SECTION 20 BARKING, HOWLING DOGS DECLARED NUISANCE

Any dog, whether registered or not, is hereby declared a public nuisance when it habitually and seriously disturbs a person or persons or neighborhood by loud, frequent barking and howling. Each offense shall be considered a separate violation of this section. The owner of any dog, which is a public nuisance under the provisions of this section, shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding Five Hundred Dollars (\$500.00). A complaint under this section may be signed by any person having knowledge of the offense including a neighborhood resident, an employee of the City, or any other citizen willing to testify concerning the nuisance.

SECTION 21 FEE FOR A PROFESSIONAL KENNEL LICENSE

The annual license fee to be paid by the operator of a kennel shall by One Hundred Dollars (\$100.00). (Ord. No. 365, 6-14-2010)

SECTION 22 INTERFERENCE WITH PUBLIC IMPOUNDER, HIS REPRESENTATIVE

Any person who shall interfere with, molest, hinder or prevent a public impounder or his representative from the discharge of their duties as prescribed in this article shall be deemed guilty of a misdemeanor, punishable as provided in Title 1, Chapter 1, Section 5.

SECTION 23 ABANDONMENT OF DOGS PROHIBITED

1. It shall be unlawful for any person owning, controlling, possessing or having the management or care, in whole or in part, of any dog to abandon, desert or forsake said dog.
2. Any violation of this section shall be punishable as a misdemeanor with a maximum penalty of Five Hundred Dollars (\$500.00).

SECTION 24 COMPENSATION FOR CITY EMPLOYEES ACTING AS IMPOUNDER

As additional compensation for new duties imposed upon employees of the City of Gower as public impounders, each employee acting as public impounder who impounds a dog within city limits of Gower shall be entitled to a one-time fee of Five Dollars (\$5.00), provided said dog is reclaimed by its owner, placed with a new owner, transported to the Animal Shelter in St. Joseph, Missouri, for an appropriate action, or the action of said impounder results in a conviction and fine assessed against the owner of said dog.

SECTION 25 DISPOSAL OF PET SOLID WASTE

25.1 PURPOSE AND SCOPE

An ordinance to establish requirements for the proper disposal of pet solid waste In City of Gower, Missouri so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

25.2 DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Immediate - shall mean that the pet solid waste is removed at once, without delay,
- b. Owner/Keeper - any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet – a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste -waste matter expelled from the bowels of the pet; excrement
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal. Disposal into a storm-drain or storm-water system is strictly prohibited.

25.3 REQUIREMENT FOR DISPOSAL

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by a private person.

25.4 EXEMPTIONS

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

25.5 ENFORCEMENT

The provisions of this Article shall be enforced by the Gower Police Department or other official designated by the Mayor.

25.6 VIOLATIONS AND PENALTY

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine for first offense not less than twenty five dollars (\$25), second (2nd) offense shall require a court appearance and fines shall not exceed five hundred dollars (\$500).

25.7 SEVERABILITY

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

25.8 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

SECTION 26 KEEPING OF ANIMALS

- 26.1.** No livestock shall be kept or harbored within the City of Gower. Livestock includes horses, mules, cattle, sheep, goats, donkeys, poultry, elk, yak, bovine, equine, burro, deer, oxen, bison, ostrich, emus and related members of the species or other similar domestic animals.
- 26.2** Small animals (cats, rabbits, chinchillas, mink, hamsters, gerbils and related members of the species or other similar domestic or wild animals) may be kept as household pets. No household shall have more than four small animals. No such small animals shall be permitted to run at large in the City of Gower.
- 26.3** Other non-mammal vertebrates, such as fish, reptiles, amphibians, and birds, may be kept and harbored as household pets, but no such animals shall be permitted to run at large in the City of Gower. Notwithstanding the foregoing, no person may keep or harbor the following, except at a properly maintained zoological park, circus, scientific or education institution, research laboratory, veterinary hospital, or animal refuge: a wild cats, such as a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canadian lynx, bobcat, or jaguarundi; hyena; wolf; bear; nonhuman primate; coyote; any deadly, dangerous, poisonous, or venomous reptile; or any deadly or dangerous reptile over eight feet long. (Ord. No. 446, 11-8-2021.)

(Ord. No. 443, 4-12-2021.)

TITLE VII
CRIMINAL CODE
CHAPTER 6 – NUISANCES

SECTION 1 PURPOSE AND SCOPE

No person, firm, partnership, corporation, association, or any other organization shall cause, maintain, permit or do, on public or private property owned or controlled by such person, firm, partnership, corporation, association, or any other organization, a nuisance as defined by the laws of the State of Missouri, or by the ordinances of the City of Gower, Missouri, or cause to be committed, caused, kept, maintained, or done any such nuisance within the city limits.

SECTION 2 DEFINITIONS

For the purposes of this ordinance, the following words, and phrases shall have the meaning respectively ascribed to them as follows:

Nuisance. The unreasonable, unusual or unnatural use and enjoyment of one's property so that it substantially impairs or potentially impairs the right of another to peacefully enjoy his property or presents such a condition as to impair or injure or potentially impair or injure the health, welfare, safety, or peace of the public.

Abandoned, wrecked, dismantled, or inoperative vehicles. Any vehicle which does not possess an engine, has one (1) or more missing tires, is ineligible for licensing under laws as set forth by the State of Missouri, or is otherwise incapable of being operated upon public highways and streets for want of major components including transmission, window glass, body panel, seat, steering wheel, or instrument panel shall be deemed an abandoned, wrecked, dismantled, or inoperative vehicle. Any vehicle which is located on private, or public property and which does not have lawfully affixed thereto an unexpired license plate and a current motor vehicle safety Inspection certificate or an antique license for a period exceeding thirty (30) days, shall be deemed an abandoned, wrecked, dismantled, or inoperative vehicle.

Junk. Any furniture, stoves, refrigerators, freezers, air tight containers, semi air tight containers, toilets, water heaters, air conditioners, sinks, all ashes, cinders, slops, filth, excrement, boards, lumber scraps, sawdust, wood or metal shavings, rubber, old tires, plastic containers, bags, wrappers, stones, rocks, sand, oil, coal, gasoline, paint, dirt, dust, straw, soot, sticks, boxes, barrels, buckets, kegs, crates, cans, bottles, cartons, paper, trash, leavings, rubbish ("rubbish" shall mean solid waste consisting of combustible and non-combustible waste materials from residential apartments, commercial, industrial, institutional establishments, including yard waste and items commonly referred to as "trash"), manure, broken ware, iron or metal, rags, old wearing apparel, sweepings, refuse, debris, vehicle parts, broken concrete, slag, garbage, offal, putrid fish, meat entrails, decayed fruits or vegetables, waste water, animal or vegetable products or matter, broken glass, bones, tacks, nails, wire, grass, dead limbs, leaves, brush, logs, weeds, foliage or shrub cuttings or clippings or any other offensive or disagreeable substance or thing thrown, cast, dropped, blown, spilled, poured, discharged or swept, left, or deposited by anyone in or upon any premises.

Person. Any person, firm, partnership, association, corporation, or other organization of any kind.

Private Property. Any real property residential, commercial, or industrial, located within the city limits of the City of Gower, which Is privately owned and which Is not public property.

Public Property. Any street, highway, alley or alleyway, or public sidewalk, which shall include the entire width between the boundary lines of every publicly maintained for the purpose of vehicular travel or pedestrian travel, and shall mean any publicly owned property or facility.

Vehicle. A machine propelled by power, other than human power, designed to travel along the surface by wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitationi automobiles, trucks, trailers, lawn and garden equipment, motorcycles, motor bikes, motor scooters, tractors, go-carts, buggies, wagons, vans, recreational vehicles, watercraft, golf carts, and all terrain vehicles.

Vehicle repair. Any activity or business designed for repair or replacement of vehicle parts such as, but not limited to vehicle body repair or replacement, vehicle drive train repair or replacement, and repair or replacement of vehicle suspension, electrical or hydraulic equipment.

Noxious plant. Any plant capable of poisoning including but not limited to poison ivy, poison oak, and poison sumac at any height or state of maturity.

Occupant. Any person who has a legal or equitable interest, other than a fee interest, in a parcel of real property including a life tenant, lessee, tenant at will, tenant at sufferance or adverse possessor as well as a person in possession or a person who has charge, care, or control of the parcel of real property as the agent or personal representative of the person holding legal title to a fee interest.

Owner. Any person who, alone or jointly or severally with others, shall have legal title to a fee Interest in the parcel of property, with or without accompanying actual possession thereof. The land records filed In the office of the recorder of deeds of the county within which the parcel of real property is located and any other official record of each county or of the city may be used to determine the identity of such owner as of the date of the notice of violation.

Rank weeds. All vegetation seven (7) inches or more in height which may emit unpleasant or noxious odors or transmit pollen into the air at any state of maturity and all vegetation, regardless of height, including thickets, which may harbor rodents, refuse, or vermin, which may create a fire hazard or which may present ablighting affect on the neighborhood.

SECTION 3 NUISANCES GENERALLY

The following are hereby deemed and declared to be a nuisance, provided that such listing shall not be deemed to be exclusive:

- 3.1.** Establishments or structures including, but not limited to food processing facility, stockyard, or carcasses of animals remaining exposed six (6) hours after death which emit noxious odors or is deemed injurious or unsafe to the public.
- 3.2.** Substances emitting noxious odors, including but not limited to any stable, stall, shed, compartment in any yard or appurtenance thereof in which any horse, cattle, cows, swine

dogs, rabbits or any other animal, chickens or any other fowl shall be kept or any place in which manure or liquid discharges of such animals shall collect or accumulate, and which stable, stall, shed or compartment, or any yard or appurtenance thereof, is not kept in a clean and wholesome condition so that an offensive smell shall be allowed to escape therefrom.

- 3.3. Any obstruction caused or permitted on any public thoroughfare, public lot, public private alley which is deemed injurious, unsafe, or unhealthy to the public.
- 3.4. Abandoned, discarded or unused objects or equipment such as deemed and declared under the definition of junk in Section 6-02 of this Chapter.
- 3.5. Any pond or pool of stagnant water or any foul or dirty liquid discharged through a drainpipe or thrown into any public thoroughfare or public lot. Malfunctioning private sewage disposal systems, which allow polluted, raw or partially treated wastewater or effluent to be deposited or stand upon any premises. When any private sewage disposal system has been determined to be malfunctioning in such condition as to emit any offensive, noxious or disagreeable odor, the owner of the subject premises will be ordered to repair or make connection to the public sewer, if available, within a period not to exceed seven (7) days. "Private sewer disposal system" shall mean any arrangement of devices and structures used for receiving, transporting, treating and disposing of sewage, including private and community sewer lines.
- 3.6. Abandoned, wrecked, dismantled, or inoperative vehicle as defined in Section 6-02 of this Chapter.

Except, that this Section shall not apply to any vehicle in an enclosed building or so located upon the property as not to be readily visible from any public place or from any surrounding private property or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or any other public agency or entity or in a zoned district permitting such use as long as the business is a legally licensed, properly zoned, and has adequate parking as specified in the zoning ordinance of the City of Gower or any legally licensed business in the proper zoned area that may use a vehicle for on-premise use for the operation of such legally licensed business. Legally licensed business engaged in vehicle repair as defined in Section 6-02 of this Chapter shall be limited to a number of vehicles not to exceed four (4) times the available number of maintenance bays on the property.

- 3.7. Storage of old, unused, inoperable vehicles and machinery. The outside storage through the use of a tarpaulin or other non-structural or fully enclosed covering of old, unused, stripped, junked or other vehicles not in good or safe operating condition or not currently licensed or of any other vehicles, machinery, implements or equipment or personal property of any kind which are no longer safely usable for the purposes for which it was manufactured.
- 3.8. Tree limbs and branches which overhang any public sidewalk or public street of such height above the sidewalk or street which shall impede or interfere with the use of said sidewalk by any person or impede or interfere with the use of said street by a pedestrian

or the operator of a motor vehicle, or shall endanger the safety of any person using such public sidewalk or endanger the safety of any pedestrian or occupant of any motor vehicle traveling on any public street.

- 3.9. Building material abandoned or stored in an area where construction is not in progress and in an area not properly zoned for such storage; however, such storage shall be permitted in an area where construction is in progress and a valid building permit issued by the City is in effect. Such permitted storage shall not extend more than thirty (30) days beyond the expiration of the building permit or completion of construction, whichever first occurs. Usable building materials for use on the premises may be temporarily stored in the open. They shall be placed at least four (4) inches off the ground and stacked neatly.
- 3.10. Any growth of grass, weeds, poisonous, noxious, or otherwise harmful vegetation to a height of seven (7) inches or greater on the average.
- 3.11. Any dwelling or multi family dwelling in the City leased, rented, or occupied by any person or persons which is not sufficiently lighted, ventilated, heated, or provided with access to clean water or kept in a clean and sanitary condition, which is injurious or unsafe to the public.
- 3.12. Any radio, stereo, television, musical Instrument, or noise making device operated in such manner or at such an hour which is injurious, unsafe, obnoxious, or offensive to the public.
- 3.13. Any loaded or unloaded garbage, trash, refuse truck or container parked within the city limits which is deemed injurious, unsafe, obnoxious, or offensive to the public.

SECTION 4 NOTICE TO ABATE NUISANCE

Whenever the Police Chief or other official designated by the Mayor shall ascertain _ have knowledge that a nuisance dangerous to the public health exists In the City, in or upon public or private property as defined in Section 6-02 of this Chapter, they shall, in writing notify the person occupying or having possession of such property and/ or the owner of such property if the owner is a different person, to abate or remove such nuisance. Such notice to abate or remove the nuisance issued hereunder shall contain the following information:

- 4.1. An order to abate the nuisance within ten (10) days from the date of the notice.
- 4.2. The location of the nuisance, if the same is stationary.
- 4.3. A description of what constitutes the nuisance.
- 4.4. A statement of the acts necessary to abate the nuisance.
- 4.5. A statement that if the nuisance is not abated as directed and a request for hearing is not made within the prescribed time, the City will abate such nuisance and assess the costs thereof against any such person.

The notice to abate any such nuisance shall be served as any other legal process may be served pursuant to law including but not limited to US Mail and/ or posting on said property.

When the owner or custodian of any such nuisance prohibited by this chapter cannot be located by reasonable search, the notice shall be attached to the property sited in this nuisance. Such notice shall Include that the nuisance must be abated within ten (10) days of the notice, or if the nuisance is on public property, within two (2) days of the date notice was posted.

SECTION 5 ABATEMENT BY CITY

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant of the provisions of this Article to abate the same, the Police Chief or other official designated by the Mayor shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

SECTION 6 SPECIAL TAX BILL FOR COSTS OF ABATEMENT

- 6.1.** The Police Chief or other official designated by the Mayor shall certify the cost of abatement authorized in Section 5 to the City Clerk who shall cause a special tax bill thereof against the property be prepared and be collected by the Collector with other taxes against the property.
- 6.2.** From the date of its issuance, the tax bill shall be a first lien on the property until paid, and shall be prima facie evidence of the recitals therein and of its validity, and no more clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto.
- 6.3.** Each special tax bill shall be issued by the City Clerk and delivered to the Collector on or before the first (1st) day of June each year. Such tax bills, if not paid when due, shall bear interest at the rate of eight percent (8%) per annum.

SECTION 7 PENALTY

Any person to whom the notice to abate the nuisance was served pursuant to Section 4 of this Article who shall fail or refuse to abate or remove the nuisance within the time limit in such notice shall be guilty of a misdemeanor. Preparation of a tax bill as authorized herein does not relieve any person of liability under this Section. Upon any person's conviction thereof before the Municipal Judge being deemed guilty of committing, causing, keeping, maintaining, or doing or causing or permitting to be committed, caused, kept, maintained, or done a nuisance, such person shall be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00), to be imposed and collected in a like manner as fines are imposed in cases of misdemeanor. Each day following the prescribed time given in the notice of abatement during which time the nuisance continues unabated, shall constitute a separate offense hereunder.

(Ord. No. 417, 6-11-2018)

**TITLE VII
CRIMINAL CODE
CHAPTER 7 – ANTI-LITTER**

SECTION 1 DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- 1.1. “Authorized private receptacle” is a litter storage and collection receptacle as required and authorized in Title VI, Chapter 3, Solid Waste Management.
- 1.2. “City” is the City of Gower, Missouri.
- 1.3. “Commercial Handbill” is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:
 - a. Which advertises for sale any merchandise, product, commodity, or thing; or
 - 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 interest thereof by sales; or
 - 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 deemed 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 benefit and gain of any person so engaged as advertiser or distributor.

- 1.4. “Garbage” is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- 1.5. “Litter” is “garbage,” “refuse,” and “rubbish” as defined herein and all other waste material, which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- 1.6. “Newspaper” is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, 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 (4) issued per year, and sold to the public.
- 1.7. “Non-Commercial Handbill” is any printed or written matter, any sample, or device, dodge, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.
- 1.8. “Park” is a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.
- 1.9. “Person” is any person, firm, partnership, association, corporation, company or organization of any kind.
- 1.10. “Private Premises” is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously inhabited 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.
- 1.11. “Public Place” is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.
- 1.12. “Refuse” is all putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
- 1.13. “Rubbish” is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- 1.14. “Vehicle” is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

SECTION 2 LITTER IN PUBLIC PLACES

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, or authorized private receptacles for collection.

SECTION 3 PLACEMENT OF LITTER IN RECEPTACLES

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

SECTION 4 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 5 TRUCK LOADS CAUSING LITTER

No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

SECTION 6 LITTER IN PARKS

No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

SECTION 7 THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the City. Nor shall any person hand out, distribute, or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

SECTION 8 PLACING HANDBILLS ON VEHICLES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

SECTION 9 DEPOSITING HANDBILLS ON UNINHABITED OR VACANT PREMISES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises, which are temporarily or continuously uninhabited or vacant.

SECTION 10 DISTRIBUTING HANDBILLS AT INHABITED PRIVATE PREMISES

No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises, which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises, unless requested by anyone upon such premises not to do so. Provided, however, that in case of inhabited private premises, such person may place or deposit any such handbill in or upon such inhabited private premises, 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, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

10.1 EXEMPTION FOR MAIL AND NEWSPAPERS

The provisions of this Section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) 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.

SECTION 11 LITTER ON OCCUPIED PRIVATE PROPERTY

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

SECTION 12 OWNER TO MAINTAIN PREMISES FREE OF LITTER

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

SECTION 13 LITTER ON VACANT LOTS

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.

SECTION 14 PENALTIES

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) or be imprisoned in the Clinton County Jail for a period not exceeding ninety (90) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 15 SEVERABILITY

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

SECTION 16 ORDINANCES REPEALED

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

(Ord. No. 216 § 5-7-1990)

TITLE VIII

TAXES AND REVENUES

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**TITLE VIII
TAXES AND REVENUES
CHAPTER 1 – TAX LEVY**

SECTION 1

The tax levy for general municipal purposes is the maximum as set by State law per One Hundred Dollars (\$100.00) assessed valuation. An additional levy shall be set annually as required to meet the debt service on general obligation bonds.

SECTION 2

The general tax levy for the year 1990 shall be set at Fifty-three Cents (\$0.53) per One Hundred Dollars (\$100.00) assessed valuation and the tax levy for streets for the year 1990 shall be set at Ten Cents (\$0.10) per One Hundred Dollars (\$100.00) assessed valuation, making a total tax levy for the year 1990 of Sixty-three Cents (\$0.63) per One Hundred Dollars (\$100.00) assessed valuation. (Ord. No. 218 § 9-8-1990)

SECTION 3

The general tax levy for the year 1991 shall be set at Fifty-three Cents (\$0.53) per One Hundred Dollars (\$100.00) assessed valuation and the tax levy for streets for the year 1991 shall be set at Ten Cents (\$0.10) per One Hundred Dollars (\$100.00) assessed valuation, making a total tax levy for the year 1991 of Sixty-three Cents (\$0.63) per One Hundred Dollars (\$100.00) assessed valuation. (Ord. No. 224 § 9-18-1991)

SECTION 4

The general tax levy for the year 2002 shall be set at Sixty-four Cents (\$0.64) per One Hundred Dollars (\$100.00) assessed valuation and the tax levy for streets for the year 1992 shall be set at Ten Cents (\$0.10) per One Hundred Dollars (\$100.00) assessed valuation, making a total tax levy for the year 1992 of Sixty-four Cents (\$0.64) per One Hundred Dollars (\$100.00) assessed valuation. (Ord. No. 232 § 10-5-1992)

TITLE VIII
TAXES AND REVENUES
CHAPTER 2 – REVENUES

SECTION 1

The Gas Service company shall not later than February 1 and August 1 of each year make a report to the governing body of the City of Gower, Missouri, of its gross receipts from the sale of gas for domestic and commercial purposes within the corporate limits of said city for the six (6) months' period ending at the last meter reading preceding December 31, and June 30, respectively; and at the time making such reports, pay into the city treasury a sum equal to five percent (5%) of said gross receipts. (Ord. No. 74 § 11-29-1965, in effect for a twenty (20) year period)

SECTION 2

Every person, firm or corporation now or hereafter engaged in the business of supplying telephone service for compensation in the City of Gower, Missouri, shall pay to the City of Gower as a license tax a sum equal to five percent (5%) of the gross receipts from such business done wholly within the corporate limits of Gower, Missouri, but gross receipts from any or all toll calls shall not be computed as part of the gross receipts. (Ord. No. 37 § 11-28-1955, in effect for a twenty-five (25) year period)

General Telephone Company of the Midwest granted a twenty-five (25) year contract in consideration of payment of a sum equal to five percent (5%) of the gross receipts from the revenue for telephone and telecommunication service within the City of Gower. In lieu of any pole tax, supervision license or inspection fee or tax, and is lieu of any other business occupation, easement, franchise, street rental tax or charge, General Telephone Company of the Midwest shall pay an annual fee of One Hundred Dollars (\$100.00). (Ord. No. 155 § 10-6-1980, for a period of twenty-five (25) year period)

SECTION 3

The St. Joseph Light and Power Company shall furnish electricity to the City of Gower and pay the City a five per cent (5%) gross receipts license fee for ten-year (10) period from 1973.

SECTION 4

In consideration of the rights and privileges granted, the Quad County Communications Company shall pay annually three (3%) per cent of the gross annual receipts derived from regular subscriber service involving the carriage of broadcast signals and required non-broadcasting revenues for services rendered within the City and such payment shall be made by February 1st of the year following the receipt of said revenues. The same shall be in lieu of any general or special license tax or occupation tax during the term of this Ordinance. Also, the Quad County Communications Company should use the city electric poles or other available utility poles for its lines, and it agrees to pay reasonable per-pole rent therefore. (Ord. No. 135 § 11-7-1977)

SECTION 5

All ordinances and contracts dealing with utilities and/or revenues are hereby expressly retained and not repealed.

SECTION 6

All persons engaged in the business of selling tangible personal property or rendering taxable services shall be imposed with a One Percent (1%) tax on receipts from sale at retail of all such taxable property and services. (Ord. No. 153 § 8-13-1980)

SECTION 7

In consideration of the rights and privileges granted, the St. Joseph Cablevision, d/b/a/ Gower Cablevision, shall pay to the City of Gower, Missouri, three percent (3%) of gross annual receipts received by the Gower Cablevision Company for Cable Television services rendered to customers with the City. (Ord. No. 164 § 9-8-1981)

SECTION 8

The tax rate of the Gower Business License Tax on the gross receipts of utility corporations is maintained. (Ord. No. 192 § 10-9-1985)

SECTION 9

Imposing a Use Tax of One Percent (1%) pursuant to Sections 144.600 through 144.763 RSMo, providing for submission of the proposal to qualified voters of the City on August 6, 1966. (Ord. No. 253 § 6-15-1996)

SECTION 10

St. Joseph Cable Communications, Inc., d/b/a Gower Cable Television, is granted consent to the assignment of the Lease Agreement dated September 30, 1982, for location of the Tower and Earth Station, to Falcon Cablevision. (Ord. No. 198 § 2-2-1987)

SECTION 11

A franchise is granted to Falcon Cablevision to operate and maintain a cable television system in the City for a period of ten (10) years, commencing on March 13, 1997, providing for payment to the City of Gower, Missouri, Five Percent (5%) of the gross annual receipts received by Falcon Cablevision for cable television services rendered to customers within the City. (Ord. No. 263 § 3-13-1997)

SECTION 12

Imposing a City sales tax for local parks in the amount of one fourth ($\frac{1}{4}$) of one percent (1%) on receipts from all retail sales within Gower, Missouri, effective e January 1, 1999. (Ord. No. 270 § 5-11-1998)

SECTION 13

All persons engaged in the business of supplying electricity for compensation shall pay to the City of Gower, as a license tax, a sum equal to Five Percent (5%) of the gross receipts. (Ord. No. 322 § 7-14-2003)

TITLE IX

UTILITIES

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**TITLE IX
UTILITIES
CHAPTER 1 – LIGHT AND POWER**

SECTION 1

St. Joseph Light and Power shall furnish electricity and electrical current to the inhabitants of the City of Gower, Missouri. (Ord. No. 91 § 10-5-1970; Ord. No. 91-A § 11-9-1970)

SECTION 2

St. Joseph Light and Power Company shall provide the City of Gower, Missouri, with lighting by means of overhead lights, streets, parks, and public ways. Changes in the number or size of lamps may be requested by the City of Gower upon submission to the company of duplicate copies of a request, duly signed by the Mayor and attested by the Clerk. (Ord. No. 97 § 6-4-1976, for a period of ten (10) years)

SECTION 3

St. Joseph Light and Power, its successors or assigns, shall provide for lighting the streets, parks, and public ways of the City of Gower by means of overhead lights for a term of ten years, specifying the prices to be paid for such lighting services, and the terms and conditions of such contract, and repealing all ordinances or parts of ordinances which may be in conflict, insofar as they so conflict. (Ord. No. 194 § 10-3-1983; Resolution 96-2 § 4-25-1996; Resolution 96-3 § 6-21-1996)

SECTION 4

St. Joseph Light and Power, its successor or assigns, shall provide for lighting the streets, parks, and public ways of the City of Gower by means of overhead lights for a term of ten (10) years. (Ord. No. 237 § 2-7-2004)

SECTION 5

Aquila Networks, a Delaware corporation, its successors or assigns, shall provide street lighting for the streets, avenues and other public places within the City of Gower, for a period of ten (10) years.
(Ord. No. 321 § 7-14-2003)

AN ORDINANCE granting to St. Joseph Light & Power Company, its successors and assigns, a renewal of a franchise to furnish and sell electricity and electrical current to the inhabitants of the City of Gower, Clinton County, Missouri, and to own, operate, construct, enlarge, extend and maintain a system for the distribution and transmission of electricity and electrical current for a term of twenty (20) years.

BE IT ORDAINED by the Board of Alderman of the City of Gower, Clinton County, Missouri, (hereinafter “the Municipality”) as follows:

SECTION I

St. Joseph Light & Power Company, its successors and assigns, (hereinafter “the Company”), is hereby granted the right and authority to furnish and sell electricity and electrical current for all purposes to the inhabitants and consumers of the Municipality and, to that end, the Company shall have the right and be authorized to own, operate, construct, enlarge, extend and maintain an electric light and power distribution and transmission system within the Municipality, together with all building, lots, equipment, apparatus, poles, wires, cross-arms, guy wires, conduits, underground cables and lines, and other fixtures and appurtenances necessary to supply the said inhabitants and consumers of such Municipality within its present corporate limits, and as the same may be changed from time to time. To that end, the Company is hereby given the right to construct, own, operate, enlarge, extend, repair and maintain its facilities in, under, over, across and along the streets, alleys and other public places of the Municipality, together with the right of ingress and egress thereto. The right and authority granted herein is a renewal of an existing franchise and this renewal shall extend for twenty (20) years from and after the effective date of this ordinance.

SECTION 2

The Company agrees that it will maintain a schedule of electric rates and rules and regulations with the Public Service Commission of the State of Missouri, or its lawful successor, for service in the Municipality, and such rates and rules and regulations shall be subject to change from time to time as provided by law. The Company shall have the unilateral right to seek changes in such rates and rules and regulations, and to have changes become effective as provided by law.

SECTION 3

The Company shall at all times save the Municipality harmless from any and all damages which may arise out of the construction and operation of said electric light and power system and transforming stations or any and all electric appurtenances used by said Company; provided, however, that the Company shall not indemnify the Municipality for the Municipality’s own negligence with regard thereto.

SECTION 4

It shall be the duty of the Company to furnish to each consumer a recognized standard meter in accordance with the rules of the Company approved by the Missouri Public Service Commission, which meters shall at all times be subject to inspection and testing in accordance with such rules.

SECTION 5

The franchise renewal granted herein shall be conditioned on this bill remaining on file with the city clerk for public inspection for thirty (30) days immediately preceding final passage hereof. This ordinance shall become effective on the approval thereof by the Mayor, subject to the provisions of Section 88.251 RSMo Supp. 1987

AN ORDINANCE ESTABLISHING A USER CHARGE SYSTEM IN THE CITY OF GOWER, COUNTY OF CLINTON, STATE OF MISSOURI, TO PROVIDE FUNDS NEEDED TO PAY FOR ALL EXPENSES ASSOCIATED WITH THE CITY'S SANITARY SEWERAGE FACILITIES.

WHEREAS, the City of Gower, Missouri, has constructed sanitary sewerage facilities; and

WHEREAS, the city must pay all expenses associated with said facilities and charge users for said works accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE Board of Aldermen, of the City of Gower, Missouri, that the following user charge system be established.

ARTICLE I

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the City of Gower to collect charges from all users who contribute wastewater to the city's sewerage facilities, the proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such public wastewater works.

ARTICLE II

Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C, expressed in milligrams per liter (mg/l).

"Collection and Treatment Facilities" shall mean any devices and systems for the collection, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial waste. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for the ultimate disposal of residues; or any other method or system or method for preventing, bating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste.

"Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 240 mg/l and a suspended solids concentration of not more than 240 mg/l.

“Operation and Maintenance” shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items, which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

“Replacement” shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the wastewater collection and treatment facilities to maintain the capability and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

“Residential Contributor” shall mean any contributor to the city’s wastewater facilities whose lot, parcel of real estate, or building is served by a three-fourths ($\frac{3}{4}$)-inch water meter or less.

“Non-Residential Contributor” shall mean any contributor to the city’s wastewater facilities whose lot, parcel or real estate, or building is served by a water meter larger than three-fourths ($\frac{3}{4}$)-inch.

“Shall” is mandatory; “May” is permissive.

“SS” (denoting Suspended Solids) shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

“Useful life” shall mean the estimated period during which a treatment works will be operated.

“User Charge” shall mean that portion of the total wastewater service charge, which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the collection facilities.

“Water Meter” shall mean a water volume measuring and recording device, furnished and/or installed by the City of Gower or furnished and installed by a user and approved by the City of Gower.

ARTICLE III

The user charge system shall generate adequate annual revenues which together with revenues produced by the waterworks system will pay the cost of operation and maintenance of the combined system, to pay the principal of and interest on the bonded indebtedness of the City associated with the financing of the combined system and to provide for reasonable reserves therefore, as provided in and as required by the ordinances of the City authorizing the issuance of such bonded indebtedness. That portion of the total user charge for sewers which is designated for operation and maintenance and that portion designated for replacement of the sewer system shall be established by this ordinance; provided, however, notwithstanding anything herein contained to the contrary, the total user charge provided for and collected hereunder together with amounts charged and collected with respect to the waterworks system shall

be apportioned to the various accounts in such amounts as shall be required by and in accordance with the ordinances of the City authorizing the issuance of said bonded indebtedness.

All income and revenues of the system shall be paid into the Combined Waterworks and Sewerage System of the City of Gower, Missouri, Revenue Fund (the "Revenue Fund"), created pursuant to Ordinance No. 159 of the City.

That portion of the total user charge collected which is designated for operation and maintenance of the sewer system, as established in Article IV, and which is needed to pay the current operation and maintenance expenses of the system shall be transferred from the Revenue Fund from month to month to a separate non-lapsing fund to be known as the Combined Waterworks and Sewerage System Operation and Maintenance Fund (the "Operation and Maintenance Fund") and used for the specific purpose of defraying current operation and maintenance expenses of the combined system. The term "current operation and maintenance expenses" shall include all reasonable and necessary costs of operating, repairing, maintaining and insuring the system, but shall exclude depreciation and payments into any bond reserve fund created under the ordinances authorizing issuance of the bonded indebtedness used to finance the system, and shall exclude replacement and payments to the Replacement and Extension Fund hereinafter described.

That portion of the total user charge collected which is designated for sewer system replacement purposes as established in Article IV shall be transferred from the Revenue Fund and deposited in a separate non-lapsing fund established pursuant to Ordinance No. 159 of the City known and designated the "Replacement and Extension Fund." Transfers and deposits monthly to said Replacement and Extension Fund shall be in the amount of not less than Two Hundred Seventy Dollars and Eighty-eight Cents (\$270.88) monthly; provided, however, the aggregate amount to be deposited to said Replacement and Extension Fund in each operating year shall not be less than Three Thousand Two Hundred Forty-one Dollars (\$3,241.00). Funds on deposit in said Replacement and Extension Fund shall be expended and used solely to pay the cost of any unusual or extraordinary maintenance repairs or replacements (as defined in Article II hereof), exclusive of any current expenses, or for the purpose of paying the cost of extension or improvements to the system which will either enhance its revenue producing capacity or provide a higher or better degree of service or for the purpose of replacing or repairing portions of the system or major items of plant and equipment which have been either fully depreciated and are worn out or have become obsolete, uneconomical or inefficient.

Fiscal year-end balances in the Operation and Maintenance Fund and the Replacement Fund shall be carried over to the same accounts in subsequent fiscal years and shall be used for no other purposes than those designated for these accounts. Monies, which have been transferred from other sources to meet temporary shortages in the Operation and Maintenance Fund or the Replacement Fund, shall be returned to their respective accounts upon appropriate adjustments of the user charge rates for operation and maintenance and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

ARTICLE IV

Each user shall pay for the services provided by the city based on his use of the collection and treatment facilities as determined by water meters acceptable to the city.

For residential contributors, monthly user charges will be based on monthly water usage.

For industrial and commercial contributors, user charges shall be based on water during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water, which is not returned to the wastewater meter, or separate water meters installed and maintained at the contributor's expense and in a manner acceptable to the city.

The minimum monthly charge shall be \$18.00 for the first One Thousand (1,000) gallons for non-residential contributors. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement of \$12.00 per one thousand (1,000) gallons of water (or wastewater) above the minimum as determined in the preceding section. (Ord. No. 420, 8-13-2018)

For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage or which discharge any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the treatment facilities, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the wastewater facilities shall pay for such increased costs. The charge to each such user shall be as determined by the responsible city officials and approved by the Board of Aldermen.

(Ord. No. 363, 6-14-2010)

ARTICLE V

All users will be billed monthly with their water bill, and delinquency will be in accordance with the policy established for non-payment of water bill. In accordance with established city policy, non-payment may result in the termination of water and sewer service until such bill is paid.

It shall be the duty of the City Clerk to notify the Board of Aldermen of all such delinquent accounts, and said Board of Aldermen shall proceed immediately to cause sewer service to each customer to be discontinued.

ARTICLE VI

Application for sewerage services shall be made to the City Clerk by the owner or occupant of the property to be served. Upon approval of such application, the applicant shall have the right to connect with sewage collection facilities. The Board of Aldermen may prescribe a connection fee to be paid by such applicant at the time of application. The city shall have the right to inspect all such connections and to reject such connects due to poor workmanship or inadequate materials.

ARTICLE VII

It shall be a misdemeanor for any person to tamper or destroy any sewage facility or to make any connection without written permission from the City Clerk, or to reconnect service when service has been disconnected for non-payment of bill. Upon conviction, there shall be imposed a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

The user of each premise receiving sewer service shall be held responsible for the proper use of the facilities. Plumbing facilities that are to be connected to the sewerage system shall be installed in accordance with the National Plumbing Code and shall be inspected for compliance by a designated representative of the City before any connection is made. No grease, petroleum products, milk, whey, paints, acids, chemicals, metals, animal wastes, food products, or other materials detrimental to the treatment facilities and process shall be discharged into the sanitary sewer system.

ARTICLE VIII

All income and expenditures for the combined Waterworks and Sewerage System, Revenue Fund, shall be recorded in such order that the rates established for the Wastewater System can be reviewed for adequacy and revised as necessary in order to maintain the system. These records shall be used solely for “tracking” purposes and shall not be intended to restrict use of funds for either the Waterworks System or the Sewerage System.

The City will review the user charge system every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users.

The City will notify each user, at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the facilities.

ARTICLE IX

All ordinances in conflict with this ordinance are hereby repealed, and this ordinance replaces it. This ordinance shall be in full force and effect from and after its passage and approval. This ordinance expressly repeals and replaces ordinances No. 148, No. 165, and No. 169.

**TITLE IX
UTILITIES
CHAPTER 2 – WATER AND SEWER**

SECTION 1 WATER RATES

The rates for water usage in the City of Gower are as follows:

Effective June 13, 2022, a minimum monthly charge of \$15.75 for up to 1,000 gallons of use and \$11.14 for each 1,000 gallons per month thereafter.

(Ord. No. 447, 6-13-22)

- 1.1** All meters shall be read and bills rendered monthly as services accrue based on water rates and sewer service charges as established by Ordinance of the Board of Aldermen; that all bills shall be due and payable from and after the date such bills are rendered, at the office of the City Clerk, during the regular hours of business.
- 1.2** On the first working day of each month, a notice of disconnection of water/sewer services shall be mailed to all customers whose bill for water and/or sewer services for the preceding month remains due and unpaid. If such bill shall remain due and unpaid on the seventh day thereafter, service to such customer shall be discontinued and shall not be reconnected until all past-due bills are paid in full, together with a reconnection charge of \$50.00. It shall be the duty of the City Clerk to notify the Superintendent of Public Works of such delinquency and said Superintendent shall proceed immediately to disconnect water service to that customer. In addition, a five percent (5%) per month penalty shall be charged on the unpaid balance of all water and/or sewer bills remaining unpaid on the 25th day of each billing month. (Ord. No. 246 § 5-15-1995; Ord. No. 428, 11-18-2019)
- 1.3** Application for water service to premises never before connected with the City's water system shall be made to the City Clerk, or other person designated by the Board of Aldermen, by the owner or the occupant of the property to be served, and upon payment of a fee of Four Hundred Dollars (\$400.00) a water connection permit shall be issued, and the owner or the occupant may then connect with the City's waterworks system, the costs of such connection to be paid by the person making the application for said permit. It shall be the responsibility of the owner or his authorized representative to notify the City Water Inspector or the Superintendent of Public Works well in advance of the time the connection is to be made so that the City Water Inspector or Superintendent of Public Works may inspect and approve the connection. (Ord. No. 256 § 8-19-1996)
- 1.3** A deposit charge of Seventy-five Dollars (\$75.00) shall be paid by each customer of the City water system who owns the property for which water service is requested. A deposit charge of One Hundred Fifty Dollars (\$150.00) shall be paid by each customer other than the owner of the property for which water service is requested. Upon discontinuance for service to the customer, the amount of the customer's final water bill shall be credited to

said deposit charge, and the balance, if any, remaining of said deposit shall be returned to the customer. (Ord. No. 305 § 5-7-2001)

- 1.5** It shall be a misdemeanor for any person or persons to tamper with any water main, or change any water meter, or to make any connection to the waterworks system without written permission by the City, or to reconnect service when it has been disconnected for nonpayment of a bill for service, until such bill has been paid in full, including any reconnection charge. Upon conviction, there shall be a fine imposed of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.
- 1.6** When the Board of Aldermen elects to provide water service to customers outside the corporate limits of the City of Gower, the extension of the water system shall be at the customer's expense, and the rate for such service outside the city limits shall be one and one-half (½) times city rates established in Section 1 of this Section.
- 1.7** The bulk water rate for the sale of water shall be \$15.75 for each 1,000 gallons sold. (Ord. No. 447, 6-13-2022)
- 1.8** There shall be a charge of \$1000.00 for the installation of a new meter. (Ord. No. 447, 6-13-2022)

SECTION 2

No plumbing fixture shall be installed or used which would allow a cross-connection between city water and untreated water, or waste and sewage; specifically all overflow on tubs must be lower than faucet mouths, and all sink rims must be lower than faucet mouths; no frost-proof toilets may be used. (See Missouri Division of Health Form 319); no frost-proof hydrant may be installed unless approved by the Missouri State Department of Natural Resources; no direct connection may be made between city water and domestic water systems.

- 2.1** The City of Gower may direct an appointed representative to inspect any existing plumbing system or any new installation, and these must be approved.
- 2.2** Any person, persons, firm, association, or corporation or the agent thereof, who shall neglect, fail, or refuse to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00) and each day that such person, persons, firm, association or corporation shall neglect, fail, or refuse to comply with any of the provisions of this ordinance shall be deemed a separate offense and punishable as herein provided. (Ord. No. 35 § 3-1-1954)

SECTION 3

Operation and use of public and private sewers and drains, private sewage disposal, installation and connection of building sewers, and discharge for waters and wastes into the public sewer system, as well as user charges for funds needed to pay all expenses associated with the system, and penalties for violations thereof shall be governed by Ordinance No. 230 (Bill No 5-92) of the City of Gower, Missouri.
(Ord. No. 420, 8-13-2018)

SECTION 4

The City of Gower shall enter into a contract for sale of water from Public Water Supply District Number 1, of DeKalb County, Missouri, under which contract the said district will supply water to the said City for a term of twenty (20) years. (Ord. No. 176 § 5-2-1983; Ord. No. 180 § 8-10-1983)

SECTION 5

A policy is established for cross-connection control of consumer's internal or private water systems with the public water distribution system of the City of Gower, Missouri. (Ord. No. 191 § 10-9-1985)

SECTION 6

Plans and specifications approved for construction of a water transmission line to connect to Public Water Supply District Number 1, of DeKalb County, and authorization given for advertisement of bids for construction thereof. (Ord. No. 202 § 3-20-1987)

**TITLE IX
UTILITIES
CHAPTER 2 A**

SECTION 1. CROSS CONNECTION CONTROL – GENERAL POLICY

1.1 PURPOSE

The purpose of this Ordinance is:

1. To protect the public potable water supply from contamination or pollution by containing within the customer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
2. To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water systems and non-potable water systems, plumbing fixtures and industrial-process systems.
3. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

1.2. APPLICATION

This Ordinance shall apply to all premises served by the potable water system of the City of Gower.

1.3. POLICY

This Ordinance will be reasonably interpreted by the Water Purveyor. It is the Water Purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The Water Purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The Water Purveyor and consumer are jointly responsible for preventing contamination of the water system within the consumer's premises.

If, in the judgment of the Water Purveyor or his authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his own expense; and failure, refusal or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been afforded.

SECTION 2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. “Air gap separation” means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.
2. “Auxiliary water supply” means any water source or system, other than the public water supply, that may be available in the building or premises.
3. “Backflow” means the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.
4. “Backflow prevention device” means any device, method, or type of construction intended to prevent backflow into a potable water system.
5. “Consumer” means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
6. “Containment” means protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility.
7. “Contamination” means an impairment of the quality of the water by sewage, process fluids, or other wastes to a degree that could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
8. “Cross connection” means any physical link, between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of the flow of the water in the piping or distribution system.
9. “Hazard, Degree of” means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
10. “Hazard-Health” – any condition, device, or practice in the water supply system and its operation that could create or may create a danger to the health and well-being of the water consumer.

11. “Hazard-Plumbing” – a plumbing type cross connection in a consumer’s potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device.
12. “Hazard-Pollutional” – an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer’s potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
13. “Hazard-System” – an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer’s potable system, or of a pollution or contamination which would have protracted effect on the quality of the potable water in the system.
14. “Industrial Process System” means any system containing a fluid or solution, which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into a potable water supply.
15. “Isolation” means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance, or system.
16. “Lead based materials” means any material containing lead in excess of the quantities specified in the definition of “lead free” found below.
17. “Lead free” means:
 - a. When used with respect to solder and flux, refers to solder and flux containing not more than two tenths of one percent (0.2%) lead; and
 - b. When used with respect to pipes and pipefittings, refers to pipes and pipefittings containing no more than eight percent (8%) lead.
18. “Pollution” means the presence of any foreign substances (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonable affect such waters for domestic use.
19. “Public Potable Water System” means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

20. “Service connection” means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection is the downstream end of the meter.
21. “Water Purveyor” means the owner, operator, or individual in responsible charge of a public water system.

SECTION 3 CROSS CONNECTIONS PROHIBITED / LEAD BANNED FROM DRINKING WATER PLUMBING

- 3.1. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumer water system may exist unless such actual or potential cross connection are abated or controlled to the satisfaction of the Water Purveyor, and as required by the laws and regulation of the Missouri Department of Natural Resources.
- 3.2. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer’s water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the Water Purveyor and the Missouri Department of Natural Resources.
- 3.3. No water service connection shall be installed or maintained to any premises that the plumbing system, facilities, and fixtures have not been contracted and installed using acceptable plumbing practices considered by the Water Purveyor as necessary for the protection of health and safety.
- 3.4. No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989. If a premises is found to be in violation of this section, water service shall be discontinued until such time that the drinking water plumbing is lead free.
(Ord. No. 271 § 9-28-1998)

SECTION 4 SURVEY AND INVESTIGATIONS

- 4.1. The consumer’s premises shall be open at all reasonable times to the Water Purveyor, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer’s premises to determine whether there are actual or potential cross connections to the consumer’s water system through which contaminants or pollutants could backflow into the public potable water system.
- 4.2. On request by the Water Purveyor or his authorized representative, the consumer shall furnish information on water use practices within his premises.
- 4.3. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system.

SECTION 5 TYPE OF PROTECTION REQUIRED

The type of protection required by this Ordinance shall depend on the degree of hazard which exists, as follows:

- 5.1.** An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
- 5.2.** An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
- 5.3.** An approved air gap separation, an approved reduced pressure principle backflow prevention device, or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a polluttional hazard not dangerous to health.

SECTION 6 WHERE PROTECTION IS REQUIRED

- 6.1.** An approved backflow prevention device shall be installed on each service line to consumer's water system serving premises, where in the judgment of the Water Purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- 6.2.** An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Water Purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:
 1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Water Purveyor and the Missouri Department of Natural Resources.
 2. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements, which make it impractical to ascertain whether or not cross connections exist.
 3. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.

4. Premises having a repeated history of cross connections being established or re-established.
 5. Premises, which due to the nature of the enterprise therein; are subject to recurring modification or expansion.
 6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 7. Premises where materials of a toxic or hazardous nature are handles such that if backsiphonage or backpressure should occur, a serious health hazard may result.
- 6.3.** The following types of facilities fall into one or more of the categories of premises where an approved air gap separation or reduced pressure principle backflow prevention device is required by the Water Purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Water Purveyor and the Missouri Department of Natural Resources:
1. Aircraft and Missile Plants
 2. Automotive Plants
 3. Auxiliary Water Systems
 4. Beverage Bottling Plants
 5. Breweries
 6. Building Complexes
 7. Canneries, Packing Houses, and Reduction Plants
 8. Car Washing Facilities
 9. Chemical Manufacturing, Processing, Compounding or Treatment Plants
 10. Chemically Contaminated Water Systems
 11. Civil Works
 12. Dairies and Cold Storage Plants

13. Film Laboratories
14. Fire Protection Systems
15. Hazardous Waste Storage and Disposal Sites
16. Hospitals, Mortuaries, Clinics
17. Irrigation and Sprinkler Systems
18. Laundries and Dye Works
19. Metal Manufacturing, Cleaning, Processing and Fabricating Plants
20. Oil and Gas Production, Storage or Transmission Properties
21. Paper and Paper Products Plants
22. Plating Plants
23. Power Plants
24. Printing and Publishing Facilities
25. Radioactive Material Processing Plants or Nuclear Reactors
26. Research and Analytical Laboratories
27. Rubber Plants – Natural and Synthetic
28. Sand and gravel Plants
29. Schools and Colleges
30. Sewage and Storm Drainage Facilities – Pumping Stations
31. Water Front Facilities and Industries
32. Zoological and Horticultural Gardens
33. Water Loading Stations (Bulk Sales)

SECTION 7 BACKFLOW PREVENTION DEVICES

- 7.1.** Any backflow prevention device required by this Ordinance shall be of a model or construction approved by the Water Purveyor and the Missouri Department of Natural Resources.
1. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch (1 in.).
 2. A double check valve assemble or a reduced pressure principle backflow prevention device shall be approved by the Water Purveyor, and shall appear on the current “list of approved backflow prevention devices” established by the Missouri Department of Natural Resources.
- 7.2.** Existing backflow prevention devices approved by the water Purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Ordinance so long as the Water Purveyor is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location, or requires more than minimum maintenance, or when the Water Purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this Ordinance.

SECTION 8 INSTALLATION

- 8.1.** Backflow prevention devices required by this Ordinance shall be installed at a location and in a manner approved by the Water Purveyor and shall be installed at the expense of the water consumer.
- 8.2.** Backflow prevention devices installed on the service line to the consumer’s water system shall be located on the consumer’s side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- 8.3.** Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid.

SECTION 9 INSPECTION AND MAINTENANCE

- 9.1.** It shall be the duty of the consumer at any premises on which backflow prevention devices required by this Ordinance are installed to have inspections, tests, and overhauls made in accordance with the following schedule or more often, where inspections indicate a need.
1. Air gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.

2. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every thirty (30) months.
 3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five (5) years.
- 9.2. Inspections, tests, and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by the Water Purveyor or a State of Missouri Certified Backflow Prevention Device Tester.
 - 9.3. Whenever backflow prevention devices required by this Ordinance are found to be defective, they shall be repaired, or replaced at the expense of the consumer without delay.
 - 9.4. The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections and repairs. Records of inspections, tests, repairs and overhauls shall be made available to the Water Purveyor upon request.
 - 9.5. Backflow prevention devices shall not be by-passed, made inoperative, removed or otherwise made ineffective without specific authorization by the Water Purveyor.

SECTION 10 VIOLATIONS

- A. The Water Purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Ordinance is not installed, tested and maintained in a manner acceptable to the Water Purveyor, or if it is found that the backflow prevention device has been removed or by-passed or if an unprotected cross connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Ordinance to the satisfaction of the Water Purveyor.

**TITLE IX
UTILITIES
CHAPTER 3 – GAS**

SECTION 1

The Gas Service Company shall furnish gas to the inhabitants of the City of Gower, Missouri.
(Ord. No. 74 § 11-29-1965)

- 1.1** The Gas Service Company shall enjoy a pipeline easement over, along, under and across the following tract of land in Clinton County, Missouri:

A 50' Easement in the Southwest Quarter and in the Northwest Quarter of Section 10, Township 55N, Range 33W, Clinton County, Missouri, the West line of said 50' Easement and the East Right-of-Way of the existing North-South County Road being described as follows: Beginning at a point on the West line of said Section 10, said point being 1135.90 feet North of the Southwest corner of the Northwest Quarter of said Section 10, thence North 89° 23' East a distance of 30 feet to the true point of beginning; Thence South as measured at right angle to and parallel with the Centerline of said existing North-South County road a distance of 3055.70 feet. Said Centerline being located on said West line of said Section 10.

**TITLE IX
UTILITIES
CHAPTER 4 – TELEPHONE**

SECTION 1

From November 28, 1956, for a period of twenty-five (25) years, the Middle States Utilities Company of Missouri, its successors and assigns, is granted the rights, privileges, license and franchise to construct, renew, maintain, extend, acquire and operate such telephone lines, poles, wires, tubs, anchors, cables, vaults, laterals, conduits and other fixtures and equipment in upon, through, over, under, along and across the public streets, alleys, highways and other public grounds of or in the City of Gower as may be necessary and convenient for supplying to the citizens of Gower telephone service and communication by telephone or other electric signals, and for conducting a general telephone business in and about the City. The company, its successors and assigns, shall pay the City of Gower the sum of One Hundred Dollars (\$100.00) on January 15 of each year during the existence of this franchise. (Ord. No. 36A § 11-28-1955)

- 1.1** Every person, firm or corporation now or hereafter engaged in the business of supplying telephone service for compensation in the City of Gower, Missouri, shall pay to the City of Gower as a license tax a sum equal to five percent (5%) of the gross receipts from such business done wholly within the corporate limits of Gower, Missouri, but gross receipts from any or all toll calls shall not be computed as part of the gross receipts. Payment of said license tax for the first six (6) months of each calendar year shall be paid on or before July 31 of the calendar year, and payment for the last six (6) months of each calendar year shall be made not later than January 31 of the next calendar year. When payment is made, statement showing the basis for the tax computations must be furnished to the City Clerk. The annual One Hundred Dollars (\$100.00) charge due each year from the Middle States Utilities Company of Missouri, pursuant to Section 1 of this Chapter shall be credited against the five percent (5%) gross receipts tax provided for in this section. (Ord. No. 74 § 11-29-1965)
- 1.2** General Telephone Company of the Midwest granted a twenty-five (25) year contract in consideration of payment of a sum equal to five percent (5%) of the gross receipts from the revenue for telephone and telecommunications service within the City of Gower. In lieu of any pole tax, supervision license or inspection easement, franchise, street rental tax or charge, General Telephone Company of the Midwest shall pay an annual fee of One Hundred Dollars (\$100.00). (Ord. No. 155 § 10-6-1980, for a twenty-five (25) year period.)

**TITLE IX
UTILITIES
CHAPTER 5 – TELEVISION**

SECTION 1

Until November 7, 1992, the Quad County Communications Company shall enjoy a nonexclusive privilege and permit to construct, maintain, and operate in the present and future a Community Antennae Television System. (Ord. No. 135 § 11-7-1977)

SECTION 2

For a term of fifteen (15) years, the St. Joseph Cable Communications, d/b/a Gower Cablevision shall be granted the nonexclusive right and privilege to construct, operate and maintain a cable television system within the City of Gower, Missouri. Terms, conditions, and regulations are fully set forth in
Ord. No. 164 § 9-8-1981.

SECTION 3

St. Joseph Cable Communications, d/b/a Gower Cablevision, is granted consent to the assignment of the television franchise to Falcon Cablevision. (Ord. No. 197 § 2-2-1987)

SECTION 4

St. Joseph Communications, Inc., d/b/a Gower Cablevision, is granted consent to the assignment of the Lease Agreement dated September 30, 1982, for location of the Tower and Earth Station, to Falcon Cablevision. (Ord. No. 198 § 2-2-1987)

SECTION 5

Falcon Cablevision is granted a 120-day extension of their existing contract with the City of Gower, or until a franchise renewal agreement is executed by the parties, whichever date first occurs.
(Ord. No. 257 § 9-16-1996)

SECTION 6

A franchise is granted to Falcon Cablevision to operate and maintain a cable television system in the City for a period of ten (10) years commencing on the date of adoption of this ordinance. An option to renew this franchise for an additional term of five (5) years is hereby granted, provided that Falcon Cablevision is in substantial compliance with the material terms of this ordinance at the time of its expiration. (Ord. No. 263 § 3-13-1997)

AN ORDINANCE GRANTING TO MISSOURI GAS ENERGY, A DIVISION OF SOUTHERN UNION COMPANY, DELAWARE CORPORATION, OPERATING A GAS DISTRIBUTION SYSTEM IN THE CITY OF GOWER, MISSOURI, ITS SUCCESSORS OR ASSIGNS, A FRANCHISE TO OPERATE A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM IN SAID CITY AND RELATING THERETO.

BE IT ORDAINED by the Board of Alderman of the City of Gower, Clinton County, Missouri, (hereinafter “the Municipality”) as follows:

SECTION 1

That there is hereby granted to Missouri Gas Energy, a division of Southern Union Company, a Delaware Corporation operating a gas distribution system, herein called the Company, its successors and assigns, the rights, privileges and franchise for a period of twenty (20) years from March 6, 2005, to construct, maintain and operate in the present and future streets, alleys, bridges and public places in the City of Gower, Missouri, herein called City, its gas distribution system as now located, together with the right, privilege and franchise to acquire, construct, maintain and operate therein and thereon such additions and extensions thereto as may be necessary or desirable, all for the purpose of supplying natural gas for all purposes to the inhabitants of said City and consumers in the vicinity thereof, which grant shall be subject to all lawful ordinances of the City of Gower now in existence or hereafter enacted which are not inconsistent herewith. Provided, further, that Company shall, upon acceptance of this franchise, be obligated to remove, relocate or adjust as promptly as is practical any of its gas distribution facilities located in or upon the City’s streets, alleys, bridges or other public places at no expense to the City when reasonably requested to do so by the City. Such requests made by the City shall be deemed reasonable unless shown to be otherwise by the Company.

SECTION 2

All rates established and charges made by Company for gas transported, distributed and sold hereunder shall be subject to valid and lawful orders of the Public Service Commission of the State of Missouri, and other competent authority having jurisdiction in the premises, and the transportation, distribution and sale of gas to consumers shall be governed by the present operating rules, regulations and customs of Company and such rules and regulations as may hereafter be prescribed or approved.

SECTION 3

That in consideration of and as compensation for the right, privilege and franchise hereby granted, the Company, its successors and assigns, shall furnish gas at such pressure and of such quality as shall be designated by lawful orders of the Public Service Commission of said State, if such gas is reasonable procurable; shall furnish to each consumer a recognized standard meter or other instrument for measurement of gas sold or computation of consumer’s bills and keep same in repair at its cost, which meter shall at all times be subject to inspection by said City; shall at all times save the City harmless from any and all damages which said City may be liable to pay that may arise from the construction, maintenance and operation by the Company of its plant system or any part

thereof; shall limit all excavations of streets, alleys or public places to the necessity of efficient operation and shall not at any one time open or encumber more of any highway or public place than shall be reasonably necessary to enable Company to proceed with advantage in laying or repairing mains or pipes and shall not permit such highway or public place to remain open longer than necessary for the purpose for which it was opened; shall refill all excavations and replace all pavements with like material and leave the same in as good condition

SECTION 3 (continued)

as when altered or removed; shall perform all work on streets, alleys and public places, under supervision of a representative of said City, if so desired; and shall repay said City all expense to which it has been put in the repair or replacement of streets, highways or pavements in the event such work is done by said City after the neglect or refusal of Company to perform same in a reasonable time.

SECTION 4

Company shall not later than February 1 and August 1 respectively of each year, make a report to the governing board of the City of its gross receipts from the sale of natural gas for domestic and commercial purposes within the corporate limits of said City for the six (6) month period ending at the last meter reading preceding December 31, and June 30 respectively; and at the time of making such reports, pay into the City treasury a sum equal to five percent (5%) of said gross receipts subsequent to the effective date of this franchise, which shall be charged to the operating expenses of the Company. Said percentage of Company's gross receipts is hereby levied and assessed as an occupation and license tax (in lieu of all other occupation, license or other revenue taxes or fees) for the privilege of engaging in the business herein recited during the term hereof; and as a further consideration for this franchise, Company agrees to recognize the same as a valid tax and make said payments during such periods.

SECTION 5

If a majority of the Board of Aldermen express their assent to the granting of said franchise, said franchise shall become effective immediately, provided that the Company shall file its written acceptance of said franchise within thirty (30) days from the date said governing body shall have declared the results of said vote.