

## TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

### CHAPTER 200: POLICE DEPARTMENT

*Cross References--Traffic division established, §305.010 et seq.; personnel, Ch. 130.*

*Editor's Note--Ord. No. 85-1875, §§1-4, previously contained in Title I, was repealed by Ord. No. 86-1905.*

#### **SECTION 200.010: JOB CLASSIFICATIONS**

The Police Department shall consist of the following classifications: Chief of Police; Captain; Patrol Lieutenant; Detective Lieutenant; Patrol Sergeant; Detective Sergeant; Detective; Patrol Corporal; Patrol Officer; Chief Dispatcher; Dispatcher; and Code Enforcement Officer; Animal Control Officer. The Chief of Police, subject to approval of the City Manager, shall establish job descriptions for Police Department personnel. (Ord. No 86-1924, §1, 11-17-86; CC 1988 §2-128; Ord. No. 94-2147 §§1--2, 6-13-94; Ord. No. 2005-2674 §1, 5-24-05)

#### **SECTION 200.020: NUMBER OF OFFICERS**

The Chief of Police will establish procedures for and will appoint regular Police Officers subject to approval of the City Manager

#### **SECTION 200.030: RESERVE POLICE OFFICERS**

The Chief of Police shall establish procedures for and will appoint Reserve Police Officers subject to the approval of the City Manager. (Ord. No. 2005-2674 §1, 5-24-05)

#### **SECTION 200.040: PERSONNEL SELECTION PROCEDURES**

The Chief of Police shall establish and implement procedures to fill vacancies within the Police Department, consistent with sound personnel practices, to identify and select the best person for the position. The selection procedures shall determine the relative qualifications, fitness and ability of the person(s) tested to perform the duties as specified in the job description for such rank or position. (Ord. No. 86-1924, §4, 11-17-86; CC 1988 §2-131; Ord. No. 99-2393 §§1--2, 6-8-99; Ord. No. 2005-2661 §1, 3-22-05)

#### **SECTION 200.050: REMOVAL FROM DEPARTMENT**

A member of the Police Department may be removed in accordance with the provisions of Section 130.530 of this Code. (Ord. No. 86-1924, §5, 11-17-86; CC 1988 §2-132)

**SECTION 200.060: POLICE TRAINING REQUIREMENTS**

All newly hired Peace Officers shall be certified by the Missouri Peace Officer Standards and Training (P.O.S.T.) Commission prior to being hired. (Ord. No. 93-2120 §§1--2, 8-30-93; Ord. No. 97-2299 §1, 11-11-97)

**CHAPTER 204: SAFETY REGULATIONS**

**ARTICLE I. GENERAL SAFETY AND HEALTH INFORMATION**

**SECTION 204.010: SAFETY FIRST**

- A. This manual has been implemented to provide safety and health information to you, the City of Aurora employee. It should be used as a guideline to perform your job functions in the safest manner possible. Along with education and training. We feel safety is a priority and it should be yours too.
- B. Please utilize the information in this manual very carefully. Take time to ask yourself, "How does safety work in my job?" Hopefully, you will have answered this question by the end of your work shift. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.020: WHAT TO DO WHEN INVOLVED IN AN ACCIDENT**

- A. *Reporting Employee Injuries.*
  - 1. All injuries to City personnel, no matter how minor, shall be given first aid and a notation made in the daily log. Accidents shall be reported immediately to the supervisor. Supervisors will contact Safety Officer on accidents.
  - 2. When professional medical services are necessary, a physician designated by the City of Aurora shall be used whenever possible. Such injuries shall be reported to supervisors immediately.
- B. *Reporting Motor Vehicle Accident.*
  - 1. The driver shall report accurately and immediately every accident involving a vehicle in their possession according to the City of Aurora policy. Additionally, Vehicle Accident Report Form No. 408-PER-8.5, Page 1-A must be completed and submitted to the Safety Officer by the next working day following the accident. Additional reports shall be made to the Police or State authority as required.
  - 2. The driver shall not admit or sign any statements or talk to an insurance investigator or to an attorney who may be representing other parties involved in the accident without first contacting the department head who, in turn, will contact the City Manager.
  - 3. The driver, when involved in an accident, shall stop and give his/her name and address and the employer's name and address. The driver shall also secure the name and address of others involved in the accident and of witnesses to the accident. (This is very important!!) The driver shall also note the position of all vehicles after a collision in reference to the edge of the road, sidewalk line, center of intersection and notify the department head.

4. The driver shall not discuss or argue the causes or results of any accident with other parties but shall secure all pertinent facts and information. Questions asked by a proper authority shall be answered, but under no circumstances shall fault or negligence be admitted or any statement signed for anyone except proper representatives of the City.
5. If any person is injured as a result of a vehicle accident, employees shall see that necessary emergency aid is provided, do not move the victim. All injured employees shall report to the City designated doctor or medical facility. If injury is life threatening, designation will be waived. Only work-related injuries are compensable. Any fraudulent action by the employee will be thoroughly investigated and subject to a fine of up to ten thousand dollars (\$10,000.00) under the Missouri Workers' Compensation Law. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.030: INFORMATION**

If you should have any questions regarding a work-related injury/illness or compensation of an injury, please ask your supervisor. (Ord. No. 2004-2623, 10-26-04)

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**ARTICLE II. GENERAL SAFETY RULES FOR ALL EMPLOYEES**

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**SECTION 204.040: TAKING CHANCES**

- A. Before commencing any work that may be hazardous, care should be taken to establish a safe procedure. When more than one (1) employee is engaged in the same job, all employees concerned shall understand the procedure to be followed (detailed conference). Under no circumstances shall safety be sacrificed for speed.
- B. Employees shall always try to place themselves in a safe and secure position. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.050: HORSEPLAY AND CARELESSNESS**

All acts of horseplay, practical jokes, carelessness and/or neglect by an employee which could cause injury or harm (as determined by the supervisor or foreman) are prohibited and will be subject to disciplinary action by the supervisor. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.060: GUARDS**

- A. No guard shall be removed from any machine or piece of equipment except to perform required maintenance.
- B. Guards removed to perform maintenance operations shall be replaced immediately and the machine shall not be operated while the guards are removed (except maintenance certification). (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.070: WARNINGS**

- A. Warning signs shall be heeded. Persons in a dangerous situation shall be warned without startling them, employees not required to be near potentially dangerous places shall keep away

from them.

- B. For additional information concerning warning signs, refer to OSHA Standard 29 CFR 1919.145. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.080: INTOXICATING BEVERAGES AND SUBSTANCE ABUSE**

Being under the influence of or the use of intoxicating beverages or drugs on City premises or on the job or during working hours are highly prohibited and shall be sufficient cause for disciplinary action. Prescription drugs prescribed by a physician or over-the-counter drugs that could impair assigned work shall be reported to the supervisor and reported as required by Drug Policy. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.090: MEDICAL SERVICES AND FIRST AID**

In the event that first aid is needed, trained personnel should administer first aid or CPR, supervisory personnel shall be contacted of the incident, an ambulance can be requested if needed by City personnel. First aid kits are to be placed in all City vehicles and are not to be removed from such vehicle unless there is a need to use it. These kits should be properly supplied at all times. Please notify the office for replacement items for the kit. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.100: SEXUAL HARASSMENT**

It is our policy that employees are responsible for assuring that the workplace is free from sexual harassment not only in the workplace but the public's eye. Such findings will be subject to disciplinary action (see City policy). (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.110: HOUSEKEEPING**

Good housekeeping is mandatory on the job site. We use the term "*housekeeping*" as a condition of arrangement, cleanliness, orderliness and efficiency. It is an important element in measuring one's job performance. We recommend that all employees follow these good housekeeping rules:

1. Keep aisles and work areas clear. Materials should be neatly secured and stacked so that people passing will not be injured. All tools are to be kept up, when not in use.
2. Flammable liquids shall be used only for designated purposes. Gasoline, benzene, naphtha, lacquer thinner, etc., shall not be used for cleaning purposes or for starting of kindling fires.
3. All solvents shall be kept in approved, properly labeled containers. Gasolines, naphtha, lacquer thinner and other solvents of this class shall be handled and dispensed only in UL-approved, properly labeled, red safety cans.
4. Permanent floors and platforms shall be kept free of dangerous projections or obstructions and shall be maintained reasonably free from oil, grease or water. Where the type of operation produces slippery conditions, mats, grates, cleats or other methods shall be used to reduce the hazard from slipping. Slippery surfaces caused by grease, oil or mud shall be cleaned up immediately or covered with sand or other anti-slip material until the floor can be cleaned.

5. Scrap from machines should be cleaned up regularly and not allowed to accumulate on the floor or workbench.
6. Use a brush, never an air hose, to remove chips and dust from machinery or clothing.
7. Keep exits clear at all times. Fire doors should never be blocked or made inoperative. Fire extinguishers shall be readily accessible and free of obstructions.
8. Paper and other combustible material shall not be allowed to accumulate and weeds or other range vegetation shall not be permitted to grow in or around the neighborhood of the City's oil tanks or any other structure.
9. In any building, except one provided for their storage, no more than twenty-five (25) gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. No more than sixty (60) gallons of flammable or one hundred twenty (120) gallons of combustible liquids shall be stored in any one (1) storage cabinet. Not more than three (3) such cabinets may be located in a single storage area. Quantities in excess of this shall be stored in an inside storage room designated for storage of flammable and combustible liquids.
10. Strict adherence shall be paid to "NO SMOKING" and "STOP YOUR ENGINE" signs at field dispensing locations.
11. For additional information concerning housekeeping requirements, refer to OSHA Standards 29 CFR 1910.141 and 29 CFR 1919.106. (Ord. No. 2004-2623, 10-26-04)

#### **SECTION 204.120: FIRE PREVENTION**

Fire can destroy your life, assets and your job. Don't let it take your paycheck away!! Fire prevention is another way of providing safety and security. It is your duty to report all possible fire hazards to your supervisor. Fire extinguishers are provided in all heavy machinery and in the garage. These should be used only to fight small fires. If the fire is bigger than the fire extinguishers can handle, call the Fire Department!!

**REMEMBER, MACHINES AND BUILDINGS CAN BE REPLACED, YOU CANNOT!!!**  
(Ord. No. 2004-2623, 10-26-04)

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### **ARTICLE III. EMPLOYEE HEALTH**

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#### **SECTION 204.130: EMPLOYEE RECORDS**

Employee records will be maintained at the City Hall. Employee accident records will be copied to the Safety Office. All medical records will be confidential, unless, with the written consent of the injured employee, he/she wishes them to be examined. (Ord. No. 2004-2623, 10-26-04)

#### **SECTION 204.140: PHYSICAL FITNESS**

Employee physical fitness is as important to the job as it is at home. We ask that you take care of your mind and body so you can lead a happy, healthy life. We feel that your proper health will lead to a more productive lifestyle and more output on the job. Please eat right and exercise your body and mind. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.150: EMPLOYEES WITH DISABILITIES**

It is the policy of the City to provide a workplace free of recognizable hazards and to accommodate the workplace for those employees who have disabilities. If you feel that there is a dangerous situation or if you have a complaint, please notify your supervisor, Safety Officer or City Manager. (Ord. No. 2004-2623, 10-26-04)

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**ARTICLE IV. PERSONAL PROTECTIVE EQUIPMENT**

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**SECTION 204.160: GENERAL**

- A. As an employee of the City of Aurora, you are responsible for wearing appropriate clothing. You should consider the hazard of your job and the elements of weather you must face, such as in cold weather wear warm clothing and in the summer wear light colored clothing.
- B. The department will provide safety equipment to employees who perform hazardous operations. This equipment is your responsibility. If it becomes lost or stolen, it is your responsibility to replace it. If it becomes over worn or deformed in any manner while on the job, the department will replace the equipment. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.170: MANDATORY PERSONAL PROTECTIVE EQUIPMENT**

It is the responsibility of the supervisor and Safety Officer to evaluate the job and determine the need of proper personal protective equipment. It is required that you, the employee, follow these rules to protect yourself and others from hazards of the job by utilizing:

- 1. *Hard hats.*
  - a. Will be worn where there is possible danger of head injury from impact of falling or flying objects or from electrical shock or burns or as determined necessary by the supervisor or foreman.
  - b. Hard hats will meet specifications according to ANSI Z89.1.
  - c. No emblems or names on hard hats without approval.
- 2. *Eyeglasses/face shield/goggles.*
  - a. Eye or face protection will be worn where there is potential for eye or face injury from physical, chemical or radiation agents.
  - b. Eye or face protection will meet specifications according to ANSI Z87.1.
  - c. Eye or face protection will be worn when required by the supervisor or foreman.
  - d. For additional information concerning eye and face protection requirements, refer to OSHA Standard 29 CFR 1910.1323.
- 3. *Respirators.*
  - a. Respirators will be used in areas where the atmosphere has a potential of becoming contaminated with gases, fumes or vapors.
  - b. Respirators will be worn when required by the supervisor or foreman.
  - c. Supplemental breathing equipment shall not be used unless the employee has been trained in its use and it has been determined that the employee is physically able to perform the work and use the equipment.
  - d. For additional information concerning supplemental breathing equipment, refer to OSHA Standards 29 CFR 1910.94 and CFR 1910.134.
- 4. *Fall protection.*

- a. Fall protection (extended work period).
    - (1) When an employee is working in a boom truck bucket or is engaged in work that exposes the employee to a fall in excess of four (4) feet and protective measures, such as catch platforms, guardrails and safety nets, are not practical, the employee shall be protected by the use of fall-arrest equipment or positioning devices, such as body belts, body harnesses, lanyards, lifelines and rope grabs. When choosing fall-arrest equipment or positioning devices, consideration should be given to type of work to be performed and limiting the shock load on the body of the wearer in the event of a free fall.
    - (2) Equipment shall be checked for defect on a scheduled basis, as per manufacturer's instruction and any (S.O.G.) as set forth by the City. Any defects noticed shall be told to supervisor and equipment shall be removed from service.
    - (3) All fall-arrest equipment and positioning devices subjected to impacts caused by a free fall or by testing shall be removed from service.
    - (4) Employees should store fall-arrest equipment and positioning devices in a cool dry place that is not subject to direct sunlight.
    - (5) Employees shall not use fall-arrest equipment or positioning devices until they have been properly trained in their use.
    - (6) For additional information on fall-arrest equipment and positioning device requirements, refer to OSHA Standards 29 CFR 1926.104 and CFR 1910.269.
  - b. Fall protection (momentary work period). As deemed necessary by supervisor or foreman.
5. *Hearing protection.*
- a. Earplugs or earmuffs will be provided to those workers who work around operations with high noise levels.
  - b. If you think your job could cause a noise induced hearing loss, notify your supervisor or Safety Officer about the problem. He will issue you hearing protection equipment.
  - c. Hearing protection will be worn as directed by supervisor or Safety Officer.
6. *Foot protection.*
- a. Footwear is very important when handling heavy equipment, tools and materials. Employees should wear adequate footwear, such as composite toed boots or shoes, steel toed boots or shoes. Footwear will be outlined by department policy.
  - b. Rubber insulated boots will be worn while working in wet conditions, near or around electrical power lines.
7. *Seat belts.*
- a. SEAT BELTS CAN SAVE YOUR LIFE!
  - b. Use a seat belt when operating all equipment and motor vehicles including trucks, tractors, dozers, graders, forklifts and backhoes with roll over protective structures (ROPS) or cabs to minimize the chance of injury from an accident such as an over turn. Do not use a seat belt if operating equipment without (ROPS) or cabs.
  - c. It is mandatory that you advise others riding in a vehicle to wear their seat belt, unless emergency conditions exist.
8. *Traffic safety vests.*
- a. Safety vests will be worn when working on roadways or as directed by supervisor.
  - b. All safety personal protective equipment should be kept in good condition, clean and stored properly after use. (Ord. No. 2004-2623, 10-26-04)

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## ARTICLE V. MATERIALS HANDLING

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### SECTION 204.180: LIFTING

Materials handling is the movement and storage of equipment used by people. It is essential that you evaluate each material handling job and perform the task safely and efficiently. In order to do this, you must recognize both your own and the machine's limits for lifting.

1. *Humans.*
  - a. It's not what you lift, but how you lift it. This applies to the lifting, lowering or moving of heavy equipment or loads.
  - b. Incorrect lifting methods require unnecessary effort and often cause back injuries. Sometimes, the safe way to lift is the easiest way to lift. Remember and utilize these lifting techniques:
    - (1) Check the area and mentally picture a safe path to move the material.
    - (2) Size up the load. If it's too heavy, ask someone for help.
    - (3) Then, get a secure footing.
    - (4) Bend at the knees to grasp the object.
    - (5) Keep your back straight and as nearly upright as possible.
    - (6) Get a firm hold.
    - (7) Lift gradually by straightening the legs, keeping back straight.
    - (8) Avoid twisting and turning while carrying or putting down the load.
2. *Machines.*
  - a. Use proper equipment for moving or lifting the load. Make sure that such equipment as hooks, ropes, slings, chains and levers are free of defects.
  - b. Always look out for the other guy.
  - c. Make sure the load is stable and secure. Do not overload your equipment. (Ord. No. 2004-2623, 10-26-04)

### SECTION 204.190: STORAGE

The proper storage of equipment is crucial to protecting yourself and the stored materials. When piling materials, you should always check the base to see if it's firm. Always cross-tier materials and make sure they are level. Check to see if the material is still secure after movement.

1. Store flammable materials away from heat sources.
2. Store explosives in approved containers.
3. All hazardous chemicals are to be marked and labeled.
4. All compressed gas cylinders shall be stored in upright position and securely chained to wall, cart or vehicle.
5. Tools shall be put away in cabinets and sharp instruments stored with blades faced down. (Ord. No. 2004-2623, 10-26-04)

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## ARTICLE VI. MOTOR VEHICLES

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**SECTION 204.200: GENERAL**

- A. Only specifically authorized employees who possess a valid license for the equipment being used shall operate City-owned motor vehicles or personally owned vehicles on City business. All operators shall carry their valid Missouri driver's license with them at all times.
- B. Use of City-owned vehicles must be authorized by the department head.
- C. Drivers shall know all State and local motor vehicle laws applicable to the operation of their vehicle.
- D. The driver shall drive at safe speeds no greater than that permitted by law. Traffic, road and weather conditions shall be given consideration in determining the safe speed within legal limit at which the vehicle shall be operated.
- E. A driver shall not permit unauthorized persons to drive, operate or ride in or on a City vehicle.
- F. Employees shall not permit anyone to ride on the running boards, fenders or any part of the vehicle and equipment except on the seats or inside the body walls. Passengers shall not stand in a moving vehicle except as approved by supervisor.
- G. Employees shall not ride on trailers, nor shall anyone else.
- H. Employees shall not jump off or on vehicle in motion.
- I. Any operator under the influence of alcohol, drugs or prescription medications will not be allowed to operate a vehicle.
- J. All operators whose Missouri driver's license requires glasses to operate a motor vehicle must wear their prescription glasses or contacts at all times.
- K. Any accident involving City-owned vehicles or damage to such a vehicle shall be reported to the supervisor immediately. The supervisor will notify the City Manager and Safety Officer. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.210: DRIVER RESPONSIBILITIES**

- A. *Inspection Of Equipment.*
  - 1. A pre-trip inspection shall be done before operating any City vehicle. Check tires, fluids, lights and have clean windows, mirrors and windshield and be sure it's clear to move the vehicle.
  - 2. The driver shall determine that brakes are in a safe operating conditions before operating equipment. If brakes are not working properly, they must be corrected before the vehicle is used.
  - 3. The driver shall inspect all vehicle lights and reflectors and, if found defective, they shall be repaired immediately.
  - 4. Do not remove a vehicle from the shop area if it has mechanical problems.
- B. The driver shall report any defects that may have developed during the day. If the brakes are not working properly, they shall be adjusted or repaired before the vehicle is put in operation. Other items that effect safety shall be repaired prior to continued vehicle operations.
- C. Drivers are responsible for the cleanliness of their vehicle and during the time they borrow or use someone else's vehicle.
- D. Make sure cargo is securely attached to the vehicle. Check that gravel is properly tarped and covered leaving the quarry or City garage. If the vehicle is not equipped with tarps, be sure no gravel will spill or flow from the vehicle.
- E. The use of entertainment radio headphones is highly prohibited when operating vehicles. No radios or other equipment shall be installed in a City-owned vehicle without approval of the department supervisor. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.220: EXHAUST GAS**

The driver shall not operate a motor in any garage except when driving in or out and then the motor shall be operated as little as practicable. The motor shall not be warmed up inside a garage nor shall the driver test motor operation in a garage unless the exhaust gas is carried directly to outside atmosphere or doors and windows are open so that adequate ventilation exits. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.230: SAFE DRIVING PRACTICES**

- A. Be aware of the traffic situations far ahead on both sides and to the rear of the vehicle.
- B. Always signal mechanically or physically before turning or coming to a complete stop.
- C. Check clearance on both sides of vehicle before backing out of garage, making turns and loading or unloading vehicle.
- D. When parking vehicle, make sure to turn wheels against the curb and to set the parking brake. Other means of parking can be done by blocking the wheels or lowering the blade or bucket.
- E. Check road conditions and be aware of the weather at all times.
- F. The driver of a vehicle shall be courteous toward other operators and pedestrians. The vehicle shall be operated in a safe manner. The driver shall yield the right of way to pedestrians and other vehicle; failure to do so might endanger any person or other vehicle.
- G. The driver shall maintain sufficient distance behind another vehicle to safely stop the vehicle in the clear distance ahead.
- H. Drivers shall exercise added caution when driving through residential and school zones.
- I. When entering or leaving any building, enclosure, alley or street where vision is obstructed, a complete stop shall be made and the driver shall proceed with caution.
- J. All ignition systems shall be turned off and no smoking permitted while refueling.
- K. When proceeding down grade, the clutch shall be disengaged. Trucks, particularly if heavily loaded, shall be in a lower gear on steep grades. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.240: "HIGH RISKS" REQUIRING EMPLOYEE'S ALERTNESS**

- A. *Sideswipe Of Fixed Objects.* Extra care should be used when driving a vehicle in areas where side clearance is restricted to avoid coming into contact with stationary objects, i.e. trees, bushes, etc.
- B. *Parking.*
  - 1. When vehicles must be parked on the roadway, they shall be parked on the right-hand side facing in the direction of traffic flow whenever possible.
  - 2. When parking on a roadway, vehicle shall be parked off the traveled road surface whenever possible. When vehicle must park closer than ten (10) feet to the traveled road surface, appropriate warning devices shall be used.
  - 3. Trucks or trailers stopped on any public roadway shall be protected by proper warning lights, reflectors or red flags in accordance with State and local requirements.
  - 4. Vehicles shall not be parked on bridges or over culverts except where necessary to work.
  - 5. When it is necessary to work on an incline, the driver shall make sure the vehicle is left in a safe position. The engine shall be turned off, the vehicle placed in the lowest gear or "park" position and the parking brake set; the front wheel cut into the curb or if a curb is not present, the rear wheels shall be chocked.
- C. *Backing.* Extreme caution should be exercised when backing a vehicle to avoid injury to

persons and to prevent property damage. Check behind your vehicle before backing, making sure there are not obstructions, trees, curves, bushes, mailboxes or small children at the rear or sides of the vehicle. Another employee, if present, should be stationed at the rear of the vehicle to assist the driver in backing the vehicle safely.

D. *Stopping On The Roadway.* When it is absolutely necessary to stop on the roadway, use extreme caution. Warning signals and lights shall be used.

1. Rotating beacon and strobes shall be used if vehicle is so equipped.
2. Taillights/emergency flashers shall be used.
3. If work is in progress, traffic control devices shall be used in accordance with this manual's provisions regarding work area protection. (Ord. No. 2004-2623, 10-26-04)

### **SECTION 204.250: HEAVY EQUIPMENT SAFETY PRECAUTIONS**

A. Never-----

- \*\*\* Repair, adjust or oil machinery when it is in motion except as manufacturer's recommendation.
- \*\*\* Operate machinery for purposes it was not designed to perform.
- \*\*\* Let anyone ride on equipment unless they are a mechanic or inspector.
- \*\*\* Let anyone stand on brackets, hitches of trucks when in motion.
- \*\*\* Smoke while refueling motor vehicle.
- \*\*\* Leave your motor running while refueling a vehicle.
- \*\*\* Stand under a suspended load or inside the angle of a winch line.
- \*\*\* Stand or work near a cable, chain or rubber under tension unless the nature of your work requires it.
- \*\*\* Guide by hand any winch lines, ropes and cables, when standing within the reach of the drum or sheave.

B. Always-----

- \*\*\* When parked on side of roadway, vehicle should be facing the way traffic is moving.
- \*\*\* Be cautious when working on the edge of roadways and bridges.
- \*\*\* Continually guard against overturning your vehicle on slopes.
- \*\*\* Designate only one (1) person to be your signaler.
- \*\*\* Operate equipment at safe consistent speeds.
- \*\*\* Have operators who are competent with the vehicle or heavy equipment they drive (exception drivers training).
- \*\*\* Follow operating and maintenance procedures as specified by the equipment's manufacturer.
- \*\*\* Exercise extreme caution when in close proximity to energized lines or equipment.
- \*\*\* Lower the blade or bucket to the ground when leaving your backhoe, loader, grader, hi-lift, etc., and make sure the brake is set. (Ord. No. 2004-2623, 10-26-04)

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## **ARTICLE VII. TOOLS--SAFE USE**

### **SECTION 204.260: GENERAL**

All hand tools and power tools and similar equipment furnished by the City or owned by the employees shall be maintained in safe conditions. When power-operated tools are designed to accommodate guards, they shall be equipped with such guards when in use. We will not issue unsafe hand tools or power tools. If equipment becomes unsafe, notify your supervisor immediately. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.270: HAND TOOLS**

- A. All tools, regardless of ownership, shall be of an approval type and maintained in a good condition.
- B. Defective tools shall be tagged to prevent their use or they shall be removed from the job site.
- C. Employees shall always use the proper tool for the job performed. Makeshift and substitute tools shall only be used with proper authorization and under supervision.
- D. Wrenches with sprung jaws shall not be used.
- E. Impact tools such as chisels, punches, drift pins, etc., shall not be used when their heads have mushroomed but shall be dressed, required or replaced before future use.
- F. Pipe shall not be used to extend a wrench handle for added leverage unless the wrench was designed for such use.
- G. Wooden handles that are loose, cracked or splintered shall be replaced. The handle shall not be taped or lashed with wire.
- H. For additional information concerning hand tools, refer to OSHA Standard 29 CFR 1910.242. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.280: POWER TOOLS**

- A. All power tools shall be examined before use to insure general serviceability and the presence of all applicable safety devices. The electric cord and electric components shall be given an especially thorough examination.
- B. Powered tools shall be used only within their capability and shall be operated in accordance with the instructions of the manufacturer.
- C. All tools shall be kept in good condition.
- D. The non-current carrying metal parts of portable electric tools, such as drills, saws and grinders, will all effectively be grounded when connected to a power source unless the tool is an approved double-insulated tape.
- E. The removal of guards shall be prohibited.
- F. The use of appropriate personal protective equipment shall be mandatory. This is the responsibility of the user to operate using safe practices.
- G. For additional information concerning portable electric tools, refer to OSHA Standard 29 CFR 1910, Sub Part P and 29 CFR 1910.269. (Ord. No. 2004-2623, 10-26-04)

**SECTION 204.290: PNEUMATIC TOOLS**

- A. Compressed air and compressed-air tools shall be used with caution.
- B. Pneumatic tools shall never be pointed at another person.
- C. Pneumatic power tools shall be secured to the hose by some positive means to prevent the tool from becoming accidentally disconnected or expelled.
- D. Compressed air shall not be used for cleaning purposes except when reduced to less than thirty

(30) pounds per square inch and then only with effective chip guarding and personal protective equipment.

- E. The manufacturer's safe operating pressure for hoses, pipes, valves, filters and other fittings shall not be exceeded.
- F. Before making adjustments or changing air tools, unless equipped with quick-change connectors, the air shall be shut off at the air supply valve head of the hose. The hose shall be bled at the tool before breaking the connection.
- G. Pneumatic tools shall be operated only by competent persons who have been trained in their use.
- H. Eye protection, foot protection and other protective devices shall be worn when their use would reduce the possibility of injury.
- I. For addition information concerning pneumatic tools, refer to OSHA Standards 29 CFR 1910, Sub Part P and 29 CFR 1910.269. (Ord. No. 2004-2623, 10-26-04)

## **ARTICLE VIII. LADDERS**

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### **SECTION 204.300: GENERAL SAFETY**

- A. Use of all ladders shall be done using safe practices. All ladders shall be inspected frequently and regularly. Ladders with weakened, broken or missing steps, broken side rails or other defects shall be tagged and removed from service.
- B. Ladders and scaffolds shall be sufficiently strong for their intended use.
- C. Portable metal ladders shall not be used in the vicinity of energized electric circuits.
- D. Ladders should be placed at a lean ration of four to one (4:1) only if the ladder is not fixed or attached.
- E. Ladders should not be placed in doorways, passageways or driveways unless there is adequate barricading and guarding.
- F. Ladders shall not be placed on front of doors opening toward the ladder unless the door is open, locked or guarded.
- G. When ascending or descending from ladders, employees shall have both hands free and shall face the ladder.
- H. Only one (1) employee shall work from a ladder at one time. If two (2) employees are required, a second (2nd) ladder shall be used.
- I. Portable straight ladders shall not be used without non-skid bases.
- J. Straight ladders shall not be climbed beyond the third (3rd) step from the top.
- K. When dismounting from a ladder at an elevated position, such as a roof, the employee shall ensure that the ladder side rails extend at least three (3) feet above the dismount position or that grab bars are present. (Ord. No. 2004-2623, 10-26-04)

### **SECTION 204.310: CONSTRUCTION OF LADDERS**

- A. Job-made ladders shall be constructed for intended use. If a ladder is to provide the only means of access or exit from a working area for more than five (5) employees or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.
- B. Single cleat ladders shall not exceed thirty (30) feet from base to landing.
- C. All ladders are to be inspected prior to use for defects, cracks, breaks, etc.

- D. For additional information concerning ladder requirements, refer to OSHA Standards 29 CFR 1910.25, 29 CFR 1910.26 and 29 CFR 1910.27. (Ord. No. 2004-2623, 10-26-04)

## **ARTICLE IX. EXCAVATION, TRENCHING AND SHORING OPERATIONS**

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### **SECTION 204.320: GENERAL SAFETY**

- A. Walkways, runways and sidewalks shall be kept clear of excavated materials or other obstructions.
- B. All employees shall be protected with personal protective equipment for the protection of the head, eyes, respiratory organs, hands, feet and other parts of the body as needed.
- C. No employees shall be allowed underneath loads handled by power shovels, derricks or hoists.
- D. Daily inspection of excavated site shall be made by the supervisor to determine possible hazards, such as cave-ins or slides. (Ord. No. 2004-2623, 10-26-04)

### **SECTION 204.330: EXCAVATIONS**

- A. Prior to excavation, efforts shall be made to determine whether underground utilities exist around the work site. Missouri One Call, Inc. must be contacted and requested to locate at excavation site.
- B. When employees are required to enter excavated site, materials shall be stored and retained at least five (5) feet or more from the edge of excavation.
- C. Soil types shall be determined to calculate the degree of slopes, slides and faces.
- D. Support systems shall be planned by and designed by a qualified person when excavation is in excess of ten (10) feet in depth, near structures or subject to vibrations.
- E. Water shall not be allowed to accumulate in an excavation.
- F. For additional information concerning excavations and trenching, refer to OSHA Standards 1926.652 Subpart P App. C. (Ord. No. 2004-2623, 10-26-04)

### **SECTION 204.340: TRENCHING**

- A. Banks more than five (5) feet high shall be shored, laid back to a stable slope.
- B. Sides of trenches in unstable or soft material or five (5) feet or more in depth shall be shored, sheeted, braced or sloped to protect employees working within.
- C. When employees are required to enter a trench four (4) feet or more in depth, there shall be some means of exit, such as a ladder or steps located within twenty-five (25) feet of the workers. (Ord. No. 2004-2623, 10-26-04)

## **ARTICLE X. CONTROL OF TRAFFIC THROUGH WORK AREAS**

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### **SECTION 204.350: FUNCTION**

- A. Traffic control and work area protection through work zones is an essential part of all City

department operations. Work area protection is designed to safeguard pedestrians, motorist, City department workers and equipment by the use of adequate barriers, warning signs, lights, flags, traffic cones, high-level standards, barricade rope, flagmen, etc., on approaches to work areas, excavations, parked equipment, etc. The primary function of traffic control is to move traffic safely and with a minimum of interruption through or around work areas.

- B. Work area protection is accomplished by good information and protective devices, keeping in mind that a safe installation requires the use of these devices in relation to the location of the workers and the equipment involved. The use of these devices must be coupled with proper planning, design, installation, inspection, maintenance and the use of good common sense. It is of the utmost importance that the work area be properly identified and that warning devices clearly convey the message to traveling public well in advance of arrival at the work area.
- C. The public must be warned in advance then regulated and guided safely through and around the work area. Proper work area protection shall be planned to ensure the safety and protection of the public, the worker and the equipment.
- D. For more information refer to OSHA Standard 29 CFR 1910.269. (Ord. No. 2004-2623, 10-26-04)

#### **SECTION 204.360: EQUIPMENT**

- A. Only those signs, standards, barricades, flags and cones that conform to State or local codes shall be used.
- B. All State and local traffic codes shall be followed when provided work area protection.
- C. During night operations or in periods of reduced visibility, special precautions shall be taken. Adequate warning equipment, which may include flashing lights, flares or area illumination, shall be used.
- D. Warning devices and equipment shall be removed as soon as the hazards are eliminated. (Ord. No. 2004-2623, 10-26-04)

#### **SECTION 204.370: FLAGGERS**

- A. Flaggers shall be used anytime work is being performed in the roadway where clear sight of the work zone is hampered by hills, curves, etc., or at the discretion of your supervisor.
- B. Flaggers shall wear a red or orange/yellow warning vest or other garment. Warning garments worn at night shall be of a reflectorized material.
- C. Flaggers using hand-signaling equipment shall ensure signals provide sufficient warning to protect themselves and the work site. The use of sign paddles is preferred and should be used if available.
  - 1. Signal flags shall be red and at least twenty-four (24) inches square.
  - 2. Sign paddles--stop and slow.
  - 3. In periods of darkness or reduced visibility, yellow or blue lights shall be used.
- D. Flagmen shall place themselves in a proactive position to reduce possibility of injury from traffic.
- E. Flagmen shall ensure they can fully observe the operation and guide vehicular traffic in such a manner as to minimize the possibility of accidents or injuries.
- F. When flagmen are used at both ends of a job site, reliable communications or prearranged signals shall be used to ensure proper traffic flow.
- G. Flagmen shall face traffic when giving signals.

- H. Flagmen shall give positive, direct signals that leave no doubt as to their meaning. (Ord. No. 2004-2623, 10-26-04)

### **SECTION 204.380: SIGNING**

The proper signing shall be used anytime work is being performed in the roadway. If in question as to the proper signs to use or their location for placement in relation to the work site, consult your supervisor. (Ord. No. 2004-2623, 10-26-04)

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## **ARTICLE XI. RESPONSIBILITIES**

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### **SECTION 204.390: RESPONSIBILITIES OF MANAGER**

It is the responsibility of the member's manager to eagerly support the safety activities within his or her entity. Department heads and supervisors reflect the safety attitude of the top officials and a worker's attitude is usually the same as his supervisor's. If the top officials do not have an active interest in safety, this attitude will spread through the ranks of the entity's employment.

The specific responsibilities of the manager include, but are not limited to:

1. Formation and distribution to all employee's of a signed safety policy.
2. Being "visible" in the safety program by occasionally attending safety committee meetings, safety-training seminars with employees and visiting building or grounds where projects are being completed. This visual display of support for the safety program will do more than any words could ever do.
3. Review accident investigation forms on a regular basis (see Accident Investigation Section of this manual).
4. Request accident data (number of occurrences, costs, etc.) from the Safety Coordinator.
5. Evaluate those people who report directly to you for their accident prevention performance. This should be done in conjunction with salary reviews.
6. Review and reply to Safety Committee and Safety Coordinator recommendations. (Ord. No. 2004-2623, 10-26-04)

### **SECTION 204.400: RESPONSIBILITIES OF SAFETY COORDINATOR**

The Safety Coordinator is the member's representative in all safety activities. The Safety Coordinator has the responsibility of evaluating the accident prevention needs of the entity and with the development and implementation of safety programs which will control exposures of potential accident situations. The duties include, but are not limited to, the following:

1. Provide the leadership and stimulation necessary to assure and maintain full employee interest and participation.
2. Become familiar with all job operations to the degree that unsafe conditions can be recognized, discussed and corrected.
3. Organize safety committees. The Safety Coordinator should be a permanent member of all committees.
4. Encourage and coordinate safety-training activities for employees.
5. Establish procedures for the completion and handling of accident reports and follow up

on supervisor accident investigations.

6. Review and select applicable safety materials for display or distribution.
7. Advise Board on the development and progress of the safety program.
8. Assist in making safety inspections and accident analysis in order to identify problem areas.
9. Establish specific safety performance objectives that address known problem areas.  
(Ord. No. 2004-2623, 10-26-04)

#### **SECTION 204.410: RESPONSIBILITIES OF DEPARTMENT HEAD**

All department heads are held directly responsible and accountable by the top official for the prevention and/or elimination of accidents within their respective departments and the enforcing of all safety rules and regulations as outlined in their plan. These individuals will be responsible for the following:

1. Instill safety awareness in each employee through personal contacts and by conducting periodic department safety meetings.
2. Immediate investigation of all accidents to ascertain what can be done to prevent a recurrence of the same accident and file a report to be routed to the department head and Safety Coordinator.
3. Enforcement of all written and existing safety rules. Help with development and implementation of additional rules and policies, as required.
4. See that all essential safety devices and personal protective equipment are provided and are used on all jobs requiring them.
5. See that all injuries are promptly and properly reported.
6. Take prompt corrective action whenever unsafe conditions and/or human errors are noted.
7. Train and retrain all employees, new and old, on the safe and proper procedures to follow when completing a job.
8. Evaluate those people who report directly to you for their accident prevention performance. This should be done in conjunction with salary reviews.
9. Perform department inspections on a regular basis. Get employees involved.
10. Set an example for your department in safety.
11. Assist the Safety Committee.
12. Complete the supervisor's personal contact form for all employees' injuries involving lost time. (Ord. No. 2004-2623, 10-26-04)

#### **SECTION 204.420: RESPONSIBILITIES OF FOREMAN**

Each foreman must realize that employees interpret the foreman safety attitude as representative of the importance of the safety program. The foreman will be responsible for accident prevention. They are to have a thorough knowledge of the hazards encountered by their employees and minimize such hazards by taking appropriate corrective action. They are to operate on the basis that accident prevention is essential for efficient operation and that all accidents can be prevented. The foreman shall be responsible to:

1. Set a good example through effective leadership.
2. Make sure that machinery, equipment and tools are in good working condition and insist that they be used properly to avoid accidents.

3. Properly report physical and mechanical hazards. If corrective action is not within his authority, he shall immediately report the condition to the department head for corrective action and take such temporary protective measures as he deems necessary.
4. Employee on-the-job training is one of the foreman's responsibilities; therefore, he must instruct or reinstruct, as necessary, all of his employees in safe work methods. They are to place particular emphasis on the instructions to new employees and those transferred to different jobs.
5. The foreman should and shall see that improper work habits are corrected immediately and enforce all safety regulations.
6. Insist that all injuries, no matter how slight, be reported promptly for first aid.
7. Each foreman is required to initially investigate all accidents that occur to employees, reporting them on their respective shifts. He shall prepare an accident investigation report for all cases before the end of his shift.
8. Each foreman shall make frequent safety inspections to insure that safe work practices are followed. (Ord. No. 2004-2623, 10-26-04)

#### **SECTION 204.430: DUTIES OF EMPLOYEES**

The employees should be the person most concerned for his/her safety. In addition, each employee has to assume certain duties to assure on the job safety. These duties should include:

1. Report all accidents, no matter how minor, to the supervisor.
2. Knowing his/her job and always applying safe work practices.
3. Recognizing the hazards of the job and taking precautions to assure his/her safety and the safety of others.
4. Informing the supervisors of hazardous conditions and unsafe practices and recommending how to eliminate or minimize each hazard.
5. Use proper personal protective equipment and safety equipment at all times, as needed.
6. Actively participating and cooperating in the overall safety program.
7. Maintaining cleanliness and good personal health habits.
8. Identify and report and hazards which could possibly cause injury to children, parents or public. (Ord. No. 2004-2623, 10-26-04)

#### **SECTION 204.440: SAFETY COMMITTEE**

- A. The Safety Committee can help maintain a higher level of interest in safety at all levels of the entity's employment. It is a visible measure of the entity's commitment to this safety program.
- B. The Committee is to be composed of a "management" representative and a supervisor or employee from each department. If the Committee is composed of hourly employees, a system of membership rotation shall be utilized. The rotation shall involve overlapping terms so that there are always a percentage of experienced members around. Safety committees can also be formed within departments. Meeting will be held as set by City management to City Manager.
- C. The Safety Committee will have established objectives which include, but are not limited to:
  1. Review all accidents and near misses reported during the month, conduct follow-up investigation on serious accidents and accident trends and report findings at the following meeting.
  2. Conduct inspections of the facilities to identify and eliminate hazardous conditions and unsafe work methods, recommend corrective actions to City Manager.

3. Promote entity or department safety awareness by implementing awareness programs, working closely with supervisory persons and obtain their input, etc.
- D. A written report of inspections and recommendations along with Committee minutes shall be given to management so that follow-ups can be made and a positive elimination of hazardous conditions achieved. It is advantageous that all supervisory persons be provided with meeting agendas and minutes to allow for their feedback and positive interactions. (Ord. No. 2004-2623, 10-26-04)

#### **SECTION 204.450: SAFETY COMMITTEE AGENDA**

- A. Chairman calls meetings to order.
- B. Secretary calls roll and lists members present and absent. Note: A member who must be absent should notify the Secretary in advance. When possible, a substitute should be delegated to attend.
- C. Introduce visitors and/or new members.
- D. Guest speaker or special presentation.
- E. Read previous minutes.
  1. Corrections or discussions.
  2. Approval of minutes.
- F. Discuss all unfinished business.
  1. Report on matters held over.
  2. List all recommendations not acted on since last meeting.
- G. New business.
  1. Review committee member accident investigations. (From injury reports reviewed and assigned last meeting.)
  2. Review new employee injury reports and assign members to investigate.
  3. Review subcommittee reports.
  4. Review of departmental inspection reports:
    - a. Inspections by supervisors.
    - b. Insurance company loss control consultant's report.
- H. Review employee training needs.
  1. Employee training needs.
  2. Group or departmental safety meetings.
- I. Announcements.
  1. Assignments.
  2. Date and time of next meeting.
  3. Other.
- J. Adjournment. (Ord. No. 2004-2623, 10-26-04)

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## **ARTICLE XII. NEW EMPLOYEE ORIENTATION**

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#### **SECTION 204.460: NEW EMPLOYEE ORIENTATION**

The success of a well-developed loss control program depends upon the effectiveness of the initial employee training effort. Adequate methods should be developed to communicate the

attitude of the entity, the general and specific safety rules and regulations and the ways and means to develop good, productive, safe work habits. Such training should start on the employee's first (1st) day of work and whenever an employee changes jobs, since it is often wrongly assumed that experienced employees can look out for themselves.

1. *Orientation and introduction.*
  - a. Emphasize entity's commitment to a safe, healthy working environment. Discuss safety procedures and review safety or job manuals with employee.
  - b. Discuss the work situation and entity policies.
  - c. Introduce the employee to fellow employees, working conditions and work procedures.
  - d. Develop employee confidence and interest in the work.
  - e. Show the employee how to find first aid station, fire extinguishers, restrooms, break area, correct parking, etc.
2. *On-the-job training by the supervisor or department head.*
  - a. Make sure the employee is physically capable of performing the job.
  - b. Interest and educate the employee. Explain:
    - (1) What the job is.
    - (2) Who is involved in completing the job?
    - (3) Where the job is located.
    - (4) When the work must be done.
    - (5) Why the work is necessary and how it fits into the overall operation. Tour the facilities showing the employee(s) where the materials are, where his/her job fits in and what happens after his/her particular job is performed.
    - (6) Review cleanup and housekeeping responsibilities.
  - c. Demonstrate exactly how the job is to be performed and what safety precautions are to be taken into consideration.
  - d. Observe the employee and determine if correct and safe methods of performance are utilized.
  - e. Set a good example and high goal.
    - (1) Show your sincerity and interest by "practicing what you teach".
    - (2) Be practical so the employees will be receptive and cooperative.
    - (3) Be "visible" so that employees will know that they can ask questions.
    - (4) Be sure your instructions make sense.
  - f. Conduct regularly scheduled department safety meetings and ask for employee's involvement.
3. *Training for supervisory positions.*
  - a. The knowledge and techniques of the work to be performed is one (1) prerequisite to making a good supervisor. A supervisor must also know how to get a job done with people, safely and efficiently.
  - b. A supervisor should:
    - (1) Be intimately acquainted with all jobs within the department.
    - (2) Teach, assist, encourage and inspire each individual to greater achievement.
    - (3) Maintain discipline and order.
    - (4) Make the employee feel that the job is a vital part of the overall function that he/she "belongs" in order to develop a more receptive, cooperative, dependable and safer worker. (Ord. No. 2004-2623, 10-26-04)

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## **CHAPTER 205: FIRE DEPARTMENT**

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*Cross Reference--For interchange of services of fire departments, §205.050 of this Chapter.*

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

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#### **SECTION 205.010: DUTY TO RESPOND TO ALARM AND SUPPRESS FIRES**

It shall be the duty of all members of the Fire Department to respond immediately with the greatest haste to each and every alarm of fire turned in from any place within the corporate limits of the City, and to use their best efforts to extinguish or prevent the spreading thereof. (Code 1972, §13-10; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §2-137)

#### **SECTION 205.020: DEPARTMENT UNDER ORDER OF CITY MANAGER**

The Fire Department shall at all times be under direct order of the City Manager, and each of the members thereof shall be subject to and obey the orders of the City Manager. (Code 1972, §13-11; Ord. No. 85-1891, 7-8-85; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §2-138)

#### **SECTION 205.030: REMOVAL FROM DEPARTMENT**

The City Manager has the power at any time to remove any member of the Fire Department in accordance with the provision of Section 130.530 of this Code. (Code 1972, §13-12; Ord. No. 85-1891, 7-8-85; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §2-139)

#### **SECTION 205.040: OBSTRUCTING FIRE HYDRANTS**

It shall be unlawful for any person to place any obstruction within fifteen (15) feet of any fire hydrant in the City. (Code 1972, §13-6; CC 1988 §10-6)

*Cross Reference--Streets, sidewalks and other public places, Ch. 535; tampering with fire apparatus, §215.240.*

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### **ARTICLE II. MUTUAL-AID AGREEMENT**

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#### **SECTION 205.050: MUTUAL-AID AGREEMENT**

- A. The City of Aurora hereby contracts with the cities of Monett, Marionville, Mt. Vernon and Verona effective upon the passage and approval of a like agreement by the cities hereto mentioned for the interchange of service of the Fire Departments of the parties hereto upon the conditions and provisions hereinafter contained.
- B. The Fire Department of the City Aurora, shall respond to fire alarms on call in any part of the territory of the Fire Departments of the parties hereto, and the parties hereto shall respond to fire alarms on call in any part of the City of Aurora.
- C. This contract shall take effect and be in force commencing on the first (1st) day of January,

1992, and will remain in force indefinitely until either party terminates it with a sixty (60) day cancellation notice.

- D. This contract may be terminated at any time during its term on the passage of an ordinance to that effect by the legislative body of any of the municipalities and written notice thereof given to the other party hereto by serving on the City Clerk of such other municipality a certified copy of such ordinance terminating this agreement. The termination shall take effect sixty (60) days from the date of service of such written notice.
- E. The consideration for the service of the Fire Department of each municipality shall be the service given for the protection of the lives and property in such municipality or association by the service of the Fire Departments of the other parties hereto, and no compensation shall accrue or be paid by either parties for the service of the Fire Department of the other parties hereto.
- F. Neither municipality or association shall be liable to the other for failure to respond to any call by the order of such municipalities, or for delay or negligence or mistake in receiving or responding to any call, nor shall this contract be interpreted as being an agreement for the benefit of any third party.
- G. Neither municipality shall be liable by reason of this contract to any Fireman, official or employee of the other nor shall any Fireman, official or employee of either municipality or association be considered for any purpose a Fireman, official or employee of any municipality or association other than the one by which he is regularly employed.
- H. In case of loss or damage to the equipment or property of either municipality or association while responding to fire alarms, such loss or damage shall be borne by the City or association owning such equipment or property. (Ord. No. 91-2061 §1-8, 12-9-91)

## **CHAPTER 210: ANIMALS AND DOGS**

*Cross References--Administration, Title I; buildings and building regulations, Title V; cemeteries, Ch. 140; garbage and refuse as a public nuisance, §220.030; nuisances, Ch. 220; parks and recreation, Ch. 245; streets, sidewalks and other public places, Ch. 535; zoning, Ch. 400.*

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

#### **SECTION 210.010: ANIMAL ABUSE**

A person is guilty of animal abuse when a person:

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of RSMo., Sections 578.005 to 578.023;
2. Purposely, intentionally or recklessly causes injury, suffering or pain to an animal;
3. Abandons an animal in any place without making provisions for its adequate care;
4. Overworks or overloads an animal, or drives or works an animal unfit to work; or
5. Having ownership or custody of an animal willfully fails to provide adequate care or adequate control. (Code 1972, §4-1; CC 1988 §4-1)

*Cross Reference--Offenses, Ch. 215.*

**SECTION 210.020: DOGFIGHT EXHIBITIONS**

- A. It is unlawful for any person to:
  - 1. Own, possess, keep or train any dog, with the intent that such dog shall be engaged in an exhibition of fighting with another dog;
  - 2. For amusement or gain, cause any dog to fight with another dog, or cause any dogs to injure each other; or
  - 3. Permit any act as described in Subparagraph (1) or (2) above to be done on any premises under his charge or control, or aid or abet any such act.
- B. It is unlawful for any person to be knowingly present, as a spectator, at any place, building or structure where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or to be knowingly present at such exhibition or at any other fighting or injuring, as described in Subsection A(2) above with the intent to be present at such exhibition, fighting, or injuring.
- C. Nothing in this Section shall be construed to prohibit:
  - 1. The use of dogs in the management of livestock by the owner of such livestock or his employees or agents or other persons in lawful custody of such livestock;
  - 2. The use of dogs in hunting; or
  - 3. The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law. (Code 1970, §22-8; CC 1988 §4-2)  
*Cross Reference--Offenses, Ch. 215.*

**SECTION 210.030: BULL BAITING AND COCKFIGHTING**

- A. It is unlawful for any person to keep or use, or in any way be connected with or interested in the management of, or to receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, cock or other creature.
- B. It shall be unlawful for any person to encourage, aid or assist or be present thereat, or to permit or suffer any place belonging to him or under his control to be so kept or used. (Code 1972, §22-8; CC 1988 §4-3; Ord. No. 2004-2597 §I, 9-28-04)  
*Cross Reference--Offenses, Ch. 215.*

**SECTION 210.040: HORSES, PONIES, MULES ON SIDEWALKS**

No person shall at any time ride, drive or permit to be ridden or driven any horse, pony or mule over or upon any sidewalk within the City. Nor shall any person permit such an animal to run at large over any sidewalk. (Code 1972, §4-5; CC 1988 §4-4; Ord. No. 2004-2597 §I, 9-28-04)  
*Cross Reference--Streets, sidewalks and other public places, Ch. 535.*

**SECTION 210.050: MAINTENANCE OF STOCKYARDS, PENS**

- A. No person shall own, keep or use any yard, pen or place on his premises, or on premises occupied by him or under his charge or control, in this City in or upon which any number of cattle, swine, horses, sheep, boars or other animals, or any kind of fowl unless said premises is zoned "A-1" Agricultural or has an appropriately approved commercial zoning for such activities. Such premises shall be kept in such a manner as to not become offensive or annoying to the public or persons residing in this City or to emit any offensive or unhealthy smell or odor.
- B. Any person violating any provision of this Section shall upon conviction be deemed guilty of

committing a nuisance. (Code 1972, §4-8; CC 1988 §4-5; Ord. No. 2004-2597 §I, 9-28-04)  
*Cross Reference--Nuisances, Ch. 220.*

**SECTION 210.060: SLAUGHTERING**

- A. No person shall be allowed to erect or maintain any house, pen or place for the slaughter of any cattle, hogs, sheep or other animals, and no person shall slaughter any such cattle, hogs, sheep or other animals within the City.
- B. Any person violating any provisions of this Section shall upon conviction be deemed guilty of committing a nuisance. (Code 1972, §4-9; CC 1988 §4-6; Ord. No. 2004-2597 §I, 9-28-04)  
*Cross Reference--Nuisances, Ch. 220.*

**SECTION 210.070: REMOVAL OF DEAD ANIMALS**

- A. The owner or person having charge of any dead animal shall within twenty-four (24) hours cause the carcass to be removed from the City. In no case shall such owner or person permit such carcass to remain in the open air in this City until it becomes offensive in smell.
- B. Any person violating any provision of this Section shall upon conviction be deemed guilty of committing a nuisance. (Code 1972, §4-13; CC 1988 §4-7; Ord. No. 2004-2597 §I, 9-28-04)  
*Cross Reference--Nuisances, Ch. 220.*

**ARTICLE II. ANIMAL REGULATIONS**

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**SECTION 210.075: LICENSING**

- A. *License Requirements.* All dogs and cats six (6) months of age and older being kept or harbored in the City of Aurora must be licensed. Upon proof of initial rabies vaccination as required by ordinance, a one (1) year license will be issued for the dog or cat. Upon a rabies booster vaccination at one (1) year as required by ordinance, a three (3) year license will be issued. The license must be renewed every three (3) years when the required rabies vaccination is obtained. Unlicensed dogs and cats that have been previously vaccinated for rabies can be issued a license upon proof of vaccination for the duration of the remaining effective vaccine immunization period. No other prorating of license fees is permitted.
- B. *License Fees.*

<i>License Period</i>	<i>Spayed/Neutered</i>	<i>Non-Spayed/Neutered</i>
One (1) year license	\$3.00	\$ 5.00
Three (3) year license	9.00	15.00
Partial three (3) year license	3.00 per year	5.00 per year
- C. *Administrative Fees.* A fee of one dollar (\$1.00) will be added to the issuance of each license as compensation for the issuing private entity.
- D. *Obtaining Licenses.* Dog and cat licenses are issued by licensed practicing veterinary clinics in the City of Aurora. The City of Aurora will provide all necessary licenses and tags for issuance by the approved clinics.
- E. *Remittance Of Fees To The City.* All approved veterinarian clinics will be required to remit all fees for licenses and tags to the City of Aurora on a quarterly basis.

- F. Proof of licensing shall be produced upon request of animal control officer or other appropriate City Official.
- G. *Enforcement--Penalties.* The Police Department is hereby authorized and directed to carry out and enforce all of the provisions of this Article. Upon conviction of a violation of Section 210.075, the minimum fine shall be not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each separate violation. (Ord. No. 2004-2614 §I, 10-26-04, effective January 1, 2005; Ord. No. 2006-2745 §I, 11-28-06)

**SECTION 210.080: CONTROL OF ANIMALS**

- A. All of the owners of animals in the City of Aurora, Missouri are encouraged to exercise responsible animal ownership. Every person who is the owner of any animal(s), and who resides or maintains such animal(s) within the City, is responsible for the control and behavior of their animal(s), and must avoid having such animal(s) create a nuisance for other property/occupants.
- B. Every person who is the owner of a dog(s), or has in his charge any dog(s), and who resides or maintains such dog(s) within the City, is required to keep such dog(s) confined to the owner's premises at all times, or confined to a leash, or portable kennel when taken off the premises in the company of the animal's owner or custodian. (Code 1972, §4-14; CC 1988 §4-26; Ord. No. 2004-2597, 9-28-04; Ord. No. 2004-2619 §I, 10-26-04)

**SECTION 210.090: ANIMAL POUND ESTABLISHED -- COMPENSATION OF IMPOUNDER**

- A. There is hereby established an Animal Pound for the City to be located west of the City at the disposal plant. All animal(s) found running at large will be collected and confined at the pound until redeemed or legally disposed of after the minimum five (5) day holding period.
- B. In payment for this service of impoundment, the City will pay to the Animal Control Officer a monthly salary and fees as provided in the budget; provided, that the Animal Control Officer shall give credit for all redemption fees paid to him and submit an itemized statement of all charges and credits to the City Council monthly. (Code 1972, §4-15; CC 1988 §4-27; Ord. No. 2004-2597 §I, 9-28-04; Ord. No. 2004-2619 §I, 10-26-04)

**SECTION 210.100: IMPOUNDMENT -- MINIMUM HOLDING PERIOD**

There is hereby established a minimum holding period of five (5) days, not including the date of apprehension, during which the Animal Pound shall confine, house and feed, in a humane manner, all animal(s) apprehended and impounded by the City under the provisions of this Article. (Code 1972, §4-16; CC 1988 §4-28; Ord. No. 2004-2597 §I, 9-28-04; Ord. No. 2004-2619 §I, 10-26-04)

**SECTION 210.110: IMPOUNDMENT -- DISPOSITION OF UNREDEEMED ANIMALS**

At the end of the holding period mentioned in Section 210.100, any animal(s) not redeemed will be taken to the Southwest Missouri Humane Society surrendered to C.A.R.E. or other such approved animal shelter or adopted to responsible citizens or humanely euthanized by a licensed veterinarian. (Code 1972, §4-17; CC 1988 §4-29; Ord. No. 2004-2597 §I, 9-28-04; Ord. No.

2004-2619 §I, 10-26-04; Ord. No. 2007-2758 §I, 5-8-07)

**SECTION 210.120: IMPOUNDMENT -- REDEMPTION -- FEES**

The owner or custodian may reclaim any dog impounded in the Animal Pound by presenting to the City, or its agent in charge of the Animal Pound, sufficient evidence of ownership, evidence of compliance with vaccination requirements contained in Section 210.180(B). In addition, payment is required of a redemption fee of ten dollars (\$10.00), plus any penalty assessed under Section 210.130(B), plus the sum of two dollars (\$2.00) per day for each day the animal is impounded to pay for the cost of feeding during impoundment. The payment of any fees for redemption requirements shall not constitute a bar to the prosecution for violation of any of the provisions of this Chapter. (Code 1972, §4-18; CC 1988 §4-30; Ord. No. 92-2075, 5-11-92; Ord. No. 2004-2597 §I, 9-28-04; Ord. No. 2004-2619 §I, 10-26-04)

**SECTION 210.130: NUISANCE ANIMALS**

- A. No person who is the owner or is responsible for or has in his charge any animal(s), who is kept or maintained and resides in the City of Aurora, Missouri and such animal(s) by loud, frequent, habitual barking, howling or yelping, or making other offensive noises or sounds which shall annoy, or cause damage to the property of, or disturb the peace, or otherwise annoy or disturb or destroy the property of any person or neighborhood shall be punished in accordance with the penalty as expressed in Subsection (B) of this Section.
- B. Upon a written and signed complaint by the party complaining using the proper and usual Police procedure of reporting a property owner/occupant, a representative of the City shall first attempt to contact the owner of the offending animal(s) with a directive to abate the nuisance. If the owner cannot be determined, an animal control officer shall attempt to collect the offending animal(s). Any animal(s) collected will be impounded according to Section 210.090. The penalty for violations of this Section shall be no more than twenty-five dollars (\$25.00) for the first (1st) offense, and no more than fifty dollars (\$50.00) for a second (2nd) offense within six (6) months of the first.
- C. After three (3) day's notice by the City or a representative thereof to the owner or possessor of such animal(s), or the person occupying the premises where the animal(s) is located, of a violation of Subsection (A), it shall be prima facie evidence of the causing, allowing or permitting by such owner or possessor, so notified, of such violation unless the nuisance has been abated. (Code 1972, §4-19; CC 1988 §4-31; Ord. No. 90-1997, §2, 2-12-90; Ord. No. 2004-2597 §I, 9-28-04; Ord. No. 2004-2619 §I, 10-26-04)

*Cross Reference--Nuisances, Ch. 220.*

**SECTION 210.140: SIZE AND CLEANLINESS OF SHELTERS**

Every person keeping or maintaining animal(s) shall keep the barn, shed, kennel, cattery or pen in which such animal(s) are kept or maintained in a clean and sanitary condition so that the same will not emit foul or disagreeable odors and shall not permit any concentration of manure. Such enclosure shall be large enough to humanely accommodate the animal(s). Keeping or maintaining four (4) or more dogs or cats over six (6) months of age shall be deemed to be operating a kennel/cattery which is only authorized in an appropriately zoned area. (Code 1972, §4-20; CC 1988 §4-32; Ord. No. 2004-2597 §I, 9-28-04; Ord. No. 2004-2619 §I, 10-28-04)

**SECTION 210.150: ENFORCEMENT -- PENALTIES**

The Police Department is hereby authorized and directed to carry out and enforce all of the provisions of this Article. Upon conviction of a violation of Section 210.010, Section 210.080, Section 210.130 or Section 210.140, the minimum fine shall be not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each separate violation and shall pay restitution for expenses incurred by retention of animal. (Code 1972, §4-21; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §4-33; Ord. No. 92-2075, 5-11-92; Ord. No. 2004-2597 §I, 9-28-04; Ord. No. 2006-2745 §I, 11-28-06; Ord. No. 2008-2783 §I, 1-22-08)

**SECTION 210.160: VICIOUS DOGS**

- A. It is unlawful for any person to own, harbor or possess a vicious dog; except as allowed by the provisions of this Section of the City Code. The Municipal Court Judge may declare a dog vicious:
  - 1. When evidence shows an attack or bite to a human is unprovoked,
  - 2. When evidence shows an attack upon another domestic animal is unprovoked,
  - 3. In the absence of a bite, when sufficient evidence is presented to show the dog or dogs display characteristics such as habitually snapping, charging, growling, or
  - 4. Otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet if afforded the opportunity, or if in the judgment of the court it causes any person to have a reasonable fear of immediate serious physical injury.
- B. It is unlawful for any person to violate any restriction imposed by this Section after a dog has been declared a vicious dog by order of the Municipal Court.
- C. Following the filing of charges under this Section, upon the affidavit of the Animal Control Officer or Chief of Police alleging the dog is a vicious dog and upon the motion of the prosecutor, the Judge of the Municipal Court may order any of the following:
  - 1. That the dog be seized and impounded,
  - 2. That the dog be impounded past the ten (10) day rabies observation period, or
  - 3. That the dog be impounded during the pendency of charges and not be released while the charges are pending without order of the Municipal Judge.
- D. Any dog declared vicious by the Judge of the Municipal Court may be ordered humanely euthanized immediately.
- E. Any dog owner who owns, keeps or harbors a dog declared vicious by the Judge of the Municipal Court and not ordered euthanized and as a condition of residing within the corporate limits of Aurora shall be required to meet the following mandated restrictions:
  - 1. The dog or dogs must receive an identification microchip implant within one (1) week of the order of the Municipal Court. The micro chip used must be approved by the Animal Control Officer and implanted by a licensed veterinarian. It shall be a violation of the City Code for a microchip to be removed unless it is for a medical reason and then only by a licensed practicing veterinarian. The Animal Control Officer must be notified immediately of said removal.
  - 2. The dog or dogs shall be securely confined indoors or in a securely enclosed and locked kennel or cage. The kennel or cage shall be the size appropriate to the size of the dog or dogs kept therein and shall provide adequate ventilation, shade from the sun and protection from the elements. In the event of a dispute over the appropriate size, the guidelines of the Missouri Department of Agriculture Regulations for Animal Care Facilities shall apply. The kennel or cage must be constructed with nine (9) gauge steel

chain link. Such kennel or cage must have secure sides, a secure top and secure bottom or floor attached to the sides, or sides must be embedded in the ground. In addition, the kennel or cage must have a double-blind entrance and must be locked with a key or a combination lock when such dog or dogs are within the structure. Any such kennel or cage must be located on the back half of the concerned property at least twenty-five (25) feet from the nearest point to the dwelling of another, a church, a school or place of business of another and must comply with all zoning and building regulations of the City.

3. The dog or dogs shall not be allowed by remedy to be removed from the City to a location outside the City limits.
- F. Any dog declared vicious by the Judge of the Municipal Court and not ordered euthanized, and as a condition of residing within the corporate limits of Aurora may be required to meet any or all of the following restrictions:
1. The dog or dogs shall be spayed or neutered within one (1) week of the ruling unless a duly licensed veterinarian documents to the Animal Control Officer that medical conditions of the dog contradict sterilization. Such sterilization shall require surgical removal of the gonads. Verification that sterilization has taken place shall be presented to the Animal Control Officer by the licensed practicing veterinarian performing the procedure.
  2. The dog or dogs shall be registered with the City of Aurora each year with the annual fee to be set at fifty dollars (\$50.00).
  3. All owners, keepers or harborers of any vicious dog must maintain in effect public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) 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 dog. A one hundred thousand dollar (\$100,000.00) surety bond or letter of credit may be substituted for the insurance policy. All owners, keepers or harborers of vicious dogs shall present to the Animal Control Officer a statement from all parties involved certifying that they have the required insurance policy, surety bond or letter of credit within ten (10) days of the dog being declared vicious.
  4. When confined indoors, no vicious dog or dogs may be kept on a porch, patio or in any part of the house, building or structure that would allow the dog or dogs to exit such building on its own volition. No such dog or dogs may be kept in a house, building or structure when the windows are open. No vicious dog may be kept in a house, building or structure when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
  5. No person shall permit a vicious dog or dogs to go outside its kennel, cage or secure structure unless that person has the dog or dogs securely leashed to a buckle collar and on a leash no longer than six (6) feet in length and that person has physical control of the dog. Such dogs shall not be leashed to inanimate objects such as trees, posts and buildings. Additionally, all such dogs on a leash outside the dog's kennel, cage or secure structure must be muzzled by a humane muzzling device sufficient to prevent the dog from biting persons or other animals.
  6. The premises on which the dog or dogs are kept shall be clearly posted with signage warning the public of the following:

WARNING

**A DOG IS PRESENT ON THIS PROPERTY  
THAT HAS BEEN DECLARED VICIOUS BY THE  
AURORA MUNICIPAL COURT**

The sign shall be visible and capable of being read from the street, road or highway that abuts the premises. In addition, the sign must include a picture or symbol that conveys the idea of a vicious dog to small children that cannot read.

7. Any dog or dogs declared vicious by the Municipal Court cannot be sold, given away, or ownership otherwise transferred without the expressed permission of the Animal Control Officer.
  8. To assure compliance with the court-ordered restrictions, the Animal Control Officer is hereby authorized to conduct unannounced inspections of such frequency so as to determine if said restrictions are being met.
  9. Refusal or failure to comply with any of the mandated or court-ordered restrictions or authorized inspection shall constitute a violation of the City Code and, in addition, shall be considered as justifiable grounds for the Judge of the Municipal Court to order further restrictions or euthanization of the dog or dogs.
- G. Any dog or dogs maintained and utilized by any governmental law enforcement agency shall not be considered a vicious dog so long as it is maintained and utilized for law enforcement purposes. (CC 1988 §4-34; Ord. No. 92-2075, 5-11-92; Ord. No. 2004-2597 §I, 9-28-04)

**SECTION 210.170: INTERFERENCE WITH OFFICERS**

It is unlawful for any unauthorized person to break open the pound or to attempt to do so, to take or let out any animals therefrom, or to take or attempt to take from any officer any dog taken up by him or her in compliance with this Chapter or in any matter whatever to interfere with or hinder such officer in the discharge of his duties under the provisions of this Chapter. (CC 1988 §4-35; Ord. No. 92-2075, 5-11-92; Ord. No. 2004-2597 §I, 9-28-04)

**SECTION 210.180: RABIES CONTROL**

- A. *Definitions.* For purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Subsection:
- AFFECTED WITH RABIES:* An animal shall be considered to be affected with rabies when manifesting the principal characteristic symptoms of rabies as described in the standard textbooks treating upon the diseases of domestic animals.
- RABIES:* The term "rabies" shall mean hydrophobia.
- B. *Vaccination Required.*
1. Every person residing within the City owning, keeping, harboring or permitting a dog or cat to remain on premises shall have every such animal vaccinated against rabies by a licensed veterinary in compliance with Section III of the Compendium of Animal Rabies Prevention and Control issued by the National Association of State Public Health Veterinarians. In summary, all dogs and cats over the age of three (3) months shall be vaccinated with an appropriately licensed vaccine. Every animal shall receive a booster vaccination one (1) year after initial vaccination, regardless of age at initial vaccination or product used, and triennial vaccinations thereafter. Should there be a rabies epidemic in the City and quarantine is declared, all dogs and cats whose vaccination is more than twelve (12) months old shall immediately be revaccinated according to

recommendations by the State Public Health Department.

2. Vaccinated animals shall be identified with metal or plastic tags or microchips. The City hereby adopts the standard tag system put forth in the Compendium of Animal Rabies Prevention and Control to aid in the administration of animal rabies control procedures. A rabies certificate issued by a licensed veterinarian may also serve as proof of vaccination.

C. *Management Of Animals That Bite.*

1. A healthy dog or cat or ferret that bites a person shall be confined and observed daily for ten (10) days at the animal pound or at a licensed veterinary facility at the owner's expense. Such animal shall be evaluated by a veterinarian at the first (1st) sign of illness during confinement. Any illness in the animal shall be reported immediately to the local Health Department. If signs suggestive of rabies develop, the animal shall be euthanized, prepared and shipped for testing at a State-approved laboratory by a licensed veterinarian. Any stray or unwanted dog or cat or ferret that bites a person shall be euthanized and the head submitted for rabies examination.
2. Other biting animals, which might have exposed a person to rabies, shall be reported immediately to the local Health Department. Prior vaccination of an animal may not preclude the necessity for euthanasia and testing if the period of virus shedding is unknown for that species. Management of animals other than dogs, cats and ferrets will be deferred to State or local Health Department officials. (Code 1972, §4-22; CC 1988 §§4-46--4-48; Ord. No. 86-1905, §2, 4-28-86; Ord. No. 92-2075, 5-11-92; Ord. No. 2004-2597 §I, 9-28-04)

**SECTION 210.190: ADOPTION POLICY -- FEES**

A. *Adoption Policy.* Responsible persons may adopt a pet from the Aurora Municipal Animal Facility in accordance with the following regulations:

1. Persons must be eighteen (18) years of age or older to adopt. In some cases, proof of age is required.
2. Valid identification must be provided with name and present address.
3. No persons under the influence of alcohol or drugs can adopt.
4. Animals must be spayed or neutered within four (4) months of adoption. Failure to provide proof of such procedure will result in a fifty dollar (\$50.00) fine and surrender of the animal to the Animal Control Officer.
5. Dogs are not allowed to go out as guard dogs or to be trained as an attack dog. Watch dogs are acceptable.
6. The adopters are required to take the animal(s) for a medical checkup within ten (10) days of the adoption date.
7. The adopter is allowed to exchange for another animal within thirty (30) days of the adoption date. If the exchange is made within thirty (30) days, the adopter is allowed up to six (6) months to adopt another animal but the adoption fee is not refunded. The only exception will be a pup/dog that is claimed by the owner.
8. The City of Aurora does not guarantee the health of any animal. Adopters are responsible for all medical care required by the adopted animal. The City does not test for heartworms, internal parasites or give rabies shots. The City of Aurora is not responsible for fees incurred by the adopter.

9. If a previous animal in the adopter's home has died of an airborne disease, adopters must wait one (1) month before any animals of the same kind can be brought into the home unless they have permission from their veterinarian.
10. Puppies that are six (6) to eight (8) weeks of age can only be left alone for four (4) hours a day at the most.
11. The adopter must relinquish animal to its rightful owner if it is claimed within fourteen (14) days of the adoption date.
12. The City of Aurora reserves the right to refuse adoption.
13. Although the adoption fees are required in advance, the adopted animal is not legally owned by the adopters until the spaying or neutering has been completed.
14. The City of Aurora may examine and inquire about said animal at any time. If not satisfied with the conditions, said animal shall be returned to the City.
15. Adopters must sign a written contract with the City.
16. Adopters must not sell, trade or abandon said animal in any way.
17. No person or persons shall be allowed to adopt more than two (2) dogs in a twelve (12) month period.

**B. Fees.**

1. *Adoption charge.* Fifteen dollars (\$15.00). (Ord. No. 98-2340 §1, 9-8-98; Ord. No. 2004-2597 §I, 9-28-04)

**SECTION 210.200: HARBORING WILD/NON-DOMESTIC ANIMALS**

- A. No person shall own, keep or use any yard, pen or place on his premises, or premises occupied by him or under his charge or control in this City, in or upon which any non-domesticated animals shall be kept.
- B. Should there be a dispute as to whether an animal is domesticated or non-domesticated, a permit may be issued by the Animal Control Officer with Council approval on a case-by-case basis.
- C. Any animal deemed a threat to the public health will be immediately surrendered to the Animal Control Officer or appropriate State Conservation or Humane Society official to be housed at an appropriately licensed facility until permanent resolution can be made. (Ord. No. 2004-2597 §I, 9-28-04)

**CHAPTER 215: OFFENSES**

*Cross References--Possession of alcoholic beverages by minors prohibited, §600.060; animal abuse prohibited, §210.010; dog fight exhibitions prohibited, §210.020; bull baiting and cock fighting prohibited, §210.030; fire code and fire protection, Ch. 520; municipal court, Ch. 135; traffic code, Title III; obstructing fire hydrants, §205.040.*

**ARTICLE I. OFFENSES AGAINST PUBLIC ADMINISTRATION**

**SECTION 215.010: FALSE REPORTS**

- A. A person commits the offense of making a false report if he knowingly:
  - 1. Gives false information to a Police Officer for the purpose of implicating another person in a crime;
  - 2. Makes a false report to a Police Officer that a crime has occurred or is about to occur; or
  - 3. Makes a false report or causes a false report to be made to a Police 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.
- B. It is a defense to a prosecution under Subsection (A) 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.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section. (Code 1972, §13-3; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §19-16)

**SECTION 215.020: REFUSING TO ASSIST OFFICER**

For the enforcement of this Code and all ordinances of the City the Police Chief and any member of the Police Department shall have the authority to enter any premises either public or private, and to call to his assistance any bystander that may be necessary to assist in the enforcement of the same and no bystander or other person shall refuse when so called upon by the Police Chief or any member of the Police Department to obey such summons. (Code 1972, §22-22; Ord. No 86-1905, §2, 4-28-86; CC 1988 §19-17)

**SECTION 215.030: FALSE IMPERSONATION**

A person commits the offense 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 State 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. (Code 1972, §22-23; CC 1988 §19-18)

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

- A. A person commits the offense of resisting or interfering with arrest if, knowing that a Police Officer is making an arrest, for the purpose of preventing the Officer from effecting the arrest, he:
  - 1. Resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from such officer; or
  - 2. Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.

- B. This Section applies to arrests with or without warrants and to arrests for any crime or ordinance violation.
- C. It is no defense to a prosecution under Subsection (A) of this Section that the Police Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest. (CC 1988 §19-19)

**SECTION 215.050: ESCAPE FROM CONFINEMENT**

A person commits the offense of escape from confinement if, while being held in confinement after arrest for any crime, or while serving a sentence after conviction for any crime, he escapes from confinement. (Code 1972, §22-26; CC 1988 §19-20)

**SECTION 215.060: AIDING ESCAPE OF A PRISONER**

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

- 1. Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime; or
- 2. Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement. (Code 1972, §22-27; CC 1988 §19-21)

**SECTION 215.070: PASSING ARTICLES INTO JAIL**

No person shall convey or pass into the jail any intoxicating liquors or poisonous drink. (Code 1972, §22-28; CC 1988 §19-22)

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**ARTICLE II. OFFENSES AGAINST THE PERSON**

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**SECTION 215.080: ASSAULT**

A person commits the offense of assault if:

- 1. He attempts to cause or recklessly causes physical injury to another person; or
- 2. With criminal negligence he causes physical injury to another person by means of a deadly weapon; or
- 3. He purposely places another person in apprehension of immediate physical injury; or
- 4. He recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
- 5. He knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative. (Code 1972, §22-1; CC 1988 §19-46)

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**ARTICLE III. OFFENSES AGAINST PUBLIC MORALS**

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**SECTION 215.090: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES**

Any room, building or other structure regularly used for sexual contact for pay as defined in RSMo., Section 567.010 or any unlawful prostitution activity prohibited by this Chapter is a public nuisance. (CC 1988 §19-61)

**SECTION 215.100: PROSTITUTION**

- A. A person commits prostitution if he engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person.
- B. A person commits the crime of prostitution if he performs an act of prostitution. (CC 1988 §19-63)

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**ARTICLE IV. OFFENSES AGAINST PUBLIC ORDER**

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**SECTION 215.110: PEACE DISTURBANCE**

- A. *Definitions.* For the purposes of this Section the following words shall have the meanings ascribed below:
  - PRIVATE PROPERTY:* Any place which at the time is not open to the public. It includes property which is owned publicly or privately.
  - PROPERTY OF ANOTHER:* Any property in which the actor does not have a possessory interest.
  - PUBLIC PLACE:* Any place which at the time is open to the public. It includes property which is owned publicly or privately.
  - SEPARATE PREMISES:* If a building or structure is divided into separately occupied units, such units are separate premises.
- B. *Peace Disturbance.* A person commits the crime of peace disturbance if:
  - 1. He unreasonably and knowingly disturbs or alarms another person or persons by:
    - a. Loud noise; or
    - b. Offensive and indecent language which is likely to produce an immediate violent response from a reasonable recipient; or
    - c. Fighting; or
    - d. Creating a noxious and offensive odor;
  - 2. He is in a public place or on the 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 to or egress from a public or private place.
- C. *Private Peace Disturbance.* A person commits the crime of private peace disturbance if he is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:
  - 1. Threatening to commit a crime against any person.
  - 2. Fighting. (Code 1972, §22-7; Ord. No. 87-1953, §1, 11-9-87; CC 1988 §19-84)

**SECTION 215.115: DISORDERLY CONDUCT**

- A. Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:
1. Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged.
  2. Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.
  3. Any person who shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.
  4. Any person who shall assemble or congregate with another or others and cause, provoke or engage or attempt to engage in gaming.
  5. Any person who shall collect in bodies or in crowds and engage in unlawful activities.
  6. Any person who shall frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.
  7. Any person who assembles with another or others and engages in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person, or attempts to do so.
  8. Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
  9. Any person who shall assemble or congregate with another or others and do bodily harm to another.
  10. Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.
  11. Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuse to clear such public way when ordered to do so by a Peace Officer or other person having authority.
  12. Any person who damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
- B. Any person convicted of or who pleads guilty to disorderly conduct, as defined in this Section, shall be punished by a fine of not less than one dollar (\$1.00), nor more than five hundred dollars (\$500.00), confinement in the Aurora City Jail of not less than one (1) nor more than ninety (90) days, or by both fine and confinement to be determined by the Municipal Judge. (Ord. No. 94-2153 §215.115, 6-27-94)

**SECTION 215.120: UNLAWFUL ASSEMBLY**

A person commits the crime of unlawful assembly if he knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence. (Code 1972, §22-32; CC 1988 §19-24)

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**ARTICLE V. OFFENSES AGAINST PUBLIC SAFETY**

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**SECTION 215.130: UNLAWFUL USE OF WEAPONS**

- A. No person shall discharge any air, spring, rubber or powder gun, pistol or other firearm, or

explode any detonating material within the City, except by special permit from the Public Safety Director.

- B. A person commits the offense of unlawful use of weapons if he knowingly:
1. Carries concealed upon or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
  2. Sets a spring gun; or
  3. Discharges or shoots a firearm with the City limits; or
  4. Exhibits, in the presence of one (1) or more persons, any weapons readily capable of lethal use in an angry or threatening manner; or
  5. Possesses a firearm or projectile weapon while intoxicated; or
  6. Carries a firearm or any other weapon readily capable of lethal use.
- C. Subsections (A) and (B)(1), (3), (4), and (6) of this Section shall not apply to or affect any of the following:
1. All State, County and Municipal Law Enforcement Officers possessing the duty and power to arrest for violation of the general criminal laws of the State or for violation of ordinances of counties or municipalities of the State, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
  2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
  3. Members of the Armed Forces or National Guard while performing their official duty;
  4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State;
  5. Any person whose bona fide duty is to execute process, civil or criminal.
  6. Any person possessing a permit from the Police Department for special activity.
  7. Any person using the Aurora Parks and Recreation Department Gun and Skeet Facility during authorized hours for the purpose of practice shooting with shotguns and bows and arrows. Firing of handguns and long rifles shall be prohibited.
- D. Subsections (A) and (B)(1), (5) and (6) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection (B)(1) of this Section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. (Code 1972, §22-4; CC 1988 §19-101; Ord. No. 96-2223, 3-12-96)

### **SECTION 215.135: FIREARMS IN CITY BUILDINGS**

- A. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Sections 571.101 to 571.121, RSMo., or who has been issued a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City.
- B. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the City stating that carrying of firearms is prohibited. Where the City owns, leases or controls only

a portion of a building, signs shall be posted at each entrance to the portion of the building stating that carrying of firearms is prohibited.

- C. This Section shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges or private dwellings owned, leased or controlled by the City.
- D. Any person violating this Section may be denied entrance to the building or ordered to leave the building. Any City employee violating this Section may be disciplined. No other penalty shall be imposed for a violation of this Section.
- E. No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the Director of Revenue begins issuing concealed carry endorsements in July, 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City. (Ord. No. 2004-2596 §1, 4-27-04)

#### **SECTION 215.140: UNLAWFUL TRANSFER OF WEAPONS -- PENALTY**

A person commits the crime of unlawful transfer of weapons if he:

- 1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the armed forces or national guard while performing his official duty; or
- 2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated. (RSMo. §571.060)

#### **SECTION 215.150: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS**

- A. A person commits the crime of abandonment of an airtight icebox if he abandons, discards or knowingly permits to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with a hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. This Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section. (Code 1972, §22-17; CC 1988 §19-102)

#### **SECTION 215.160: EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCY**

- A. The City of Aurora hereby adopts and will enforce this policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in

nonviolent civil rights demonstrations. The City also prohibits the physical barring of any entrance or exit to any facility and will enforce all applicable State laws regarding same.

B. *Violation and Penalty.*

1. Any person found to be violating any provision of this Section shall be served by the City with written notice stating the nature of the violation.
2. Any person guilty of this violation shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00), for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Any person violating any of the provisions of this Section, shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation. (Ord. No. 91-2047 Art. I-II, 8-12-91)

**SECTION 215.170: THROWING MISSILES**

No person shall throw any stone, club, ball or any other missile in the City to the damage or injury of any person's property. (Code 1972, §22-31; CC 1988 §19-23)

**SECTION 215.180: OBSTRUCTING STREET OR SIDEWALK**

It shall be unlawful for two (2) or more persons to congregate on a sidewalk or street in such manner as to obstruct the same. Any person so obstructing any such sidewalk or street, and who shall fail, neglect or refuse to disperse when commanded to do so by the Police Chief or a Police Officer, shall be punished as for a misdemeanor. (Code 1972, §22-33; Ord. No 86-1905, §2, 4-28-86; CC 1988 §19-25)

**SECTION 215.190: TAMPERING WITH FIRE APPARATUS**

No person shall wilfully cut or injure any hose or any portion of the fire apparatus of the City, or in any way render the same unfit for use. (Code 1972, §13-4; CC 1988 §10-3)

*Cross Reference--Fire department, Ch. 205*

**SECTION 215.200: FIRECRACKERS, FIREWORKS**

It shall be unlawful for any person within the City to sell or dispose of firecrackers or fireworks at any time, except between the dates of June twentieth (20th) up to and including July fifth (5th) and December twentieth (20th) up to and including January first (1st). It shall be unlawful to shoot or explode fireworks or firecrackers at any time, except July fourth (4th), New Year's Eve and New Year's Day. It shall be unlawful to shoot or explode torpedoes or dynamite, except for commercial purposes, at any time. No person shall sell firecrackers or fireworks within one hundred (100) feet of the place of sale of flammable liquids. (Code 1972, §22-11; Ord. No. 82-1797, 4-12-82; CC 1988 §10-4; Ord. No. 2000-2454 §I, 12-12-00)

**SECTION 215.205: PROCEDURE FOR THE ISSUANCE OF PERMITS FOR PUBLIC FIREWORKS AMUSEMENT DISPLAY**

- A. This Section authorizes the issuance of a permit for public fireworks amusement display.

## City of Aurora--QuickCode

- B. Such permit may be issued by the City of Aurora Fire Chief or other official specifically designated by the Fire Chief.
- C. Said permit may be issued only upon strict compliance with the provisions of the ordinance.
- D. The Fire Chief or other designated official shall determine that appropriate measures are established to provide acceptable crowd management, security, fire protection and other emergency services.
- E. All planning and use of pyrotechnics shall be coordinated with the venue manager and producer.
- F. Before the performance of any public fireworks amusement display, the permit applicant shall submit a plan for use of pyrotechnics to the Fire Chief.
- G. After a permit has been granted, the permittee shall keep the plan available at the site for safety inspectors or designated agent of the authority having jurisdiction.
- H. Any additional pyrotechnics to a performance or any significant change in the presentation of the public fireworks display shall require approval by the Fire Chief.
- I. The plan for the public fireworks amusement display shall be made in writing and shall contain the following information:
  - 1. The name of the person, group or organization sponsoring the production.
  - 2. The date and time of the display.
  - 3. The exact location of the display.
  - 4. The name of the person actually in charge of firing the fireworks display (i.e. pyrotechnic operator).
  - 5. The number, names and ages of all assistants who are to be present.
  - 6. The qualifications of the pyrotechnic operator.
  - 7. The pyrotechnic experience of the operator.
  - 8. Confirmation of any applicable State and Federal licenses held by the operator or assistants. The City may require certified pyrotechnic operator.
  - 9. The permittee will be required to indemnify or hold harmless the City, its officers, directors, or employees, from any loss, liability or damage arising out of, as the result of, or in connection with the fireworks amusement display, including all costs of defending any claim arising as a result thereof. In such case, the user shall present the City with evidence of a policy of insurance, effective throughout the period of use, in amounts not less than one million dollars (\$1,000,000.00) coverage per occurrence and two million dollars (\$2,000,000.00) aggregate. All policies of insurance shall not be cancelable without thirty (30) days' prior written notice to City, and shall name the City as an additional insured.
  - 10. The number and type of pyrotechnic devices and the materials to be used, the operator's experience with those devices and effects.
  - 11. A definition of the general responsibilities of assistants.
  - 12. A diagram of the grounds or facilities where the display is to be held. This diagram shall show the point at which the fireworks are to be fired, the fallout radius for each device used in the performance, and the lines beyond which the audience shall be restrained.
  - 13. The point of on-site assembly of each fireworks device.
  - 14. The manner and storage of the fireworks and other related materials.
  - 15. A material safety data sheet (MSDS) for the fireworks to be used.
  - 16. Certifications that the set, scenery and rigging materials are inherently flame retardant or have been treated to achieve flame retardancy.
- J. All plans shall be submitted as soon as possible so that the Fire Chief has time to be present and

to notify other interested parties.

- K. A copy of the application to be filled out by any permittee is on file in the City offices. (Ord. No. 99-2387 §§1--11, 5-11-99)

## **ARTICLE VI. OFFENSES AGAINST PROPERTY**

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### **SECTION 215.210: STEALING**

- A. A person commits the crime of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any criminal prosecution under this Section on the issue of the requisite knowledge or belief of the alleged stealer:
1. He failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
  2. He gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
  3. He left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
  4. He surreptitiously removed or attempted to remove his baggage from a hotel, inn or boardinghouse. (Code 1972, §22-25; CC 1988 §19-121)

### **SECTION 215.220: PROPERTY DAMAGE**

A person commits the crime of property damage if:

1. He knowingly damages property of another; or
2. He damages property for the purpose of defrauding an insurer. (CC 1988 §19-122)

### **SECTION 215.230: TRESPASS**

- A. *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.
  3. Trespass in the first degree is a misdemeanor.
- B. *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. (RSMo. §§569.140--569.150)

**SECTION 215.240: NEGLIGENCE IN SETTING FIRES; ALLOWING FIRES TO ESCAPE**

- A. A person commits the crime of negligently setting fire to a woodland, cropland, grassland, prairie or marsh when he with criminal negligence causes damage to a woodland, cropland, grassland, prairie or marsh of another by starting a fire.
- B. A person commits the crime of negligently allowing a fire to escape when he with criminal negligence allows a fire burning on lands in his possession or control to escape onto property of another. (Code 1972, §13-5; CC 1988 §10-5)

**SECTION 215.250: BURNING REGULATIONS**

- A. No person shall burn trash, refuse, leaves or other matter on that part of any street or alley within the corporate limits of the City.
- B. No person shall deposit or burn trash, refuse or other matter within the limits of the streets or alleys described as follows: the alley east of the public square of the original townsite of Aurora, between College Street and Pleasant Street; the alley east of Madison Avenue, between Olive Street and Pleasant Street; the alley west of Madison Avenue between Olive Street and Pleasant Street; the alley between Olive Street and Locust Street, from Jefferson Avenue to Washington Avenue; the alley between Locust and Pleasant Street, from Jefferson Avenue to Washington Avenue; Commercial Street to Commercial alley, located adjacent to the Missouri Pacific right-of-way, between Morgan Avenue and Jefferson Avenue.
- C. The burning of trash or refuse in containers and at any other approved area is prohibited on any day between the hours of 6:00 P.M. and 6:00 A.M. the following day.
- D. Any person violating any provision of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00). (Code 1972, §14-7; CC 1988 §11-22; Ord. No. 2006-2746 §I, 11-28-06)

**SECTION 215.255: LITTERING**

- A. A person commits the crime of littering if he/she throws, places or deposits or permits anyone in his/her employ or under his/her control to throw, place or deposit glass, glass bottles, wire, nails, tacks, cans, garbage, trash, refuse or rubbish of any kind, nature or description on the right-of-way of any public street or alley, sidewalk, highway, thoroughfare or other public place or on any private real property owned by another without his/her consent.
- B. Littering is punishable as a misdemeanor. (Ord. No. 2005-2682 §1, 7-12-05)

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**ARTICLE VII. CURFEW**

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**SECTION 215.260: CURFEW REGULATIONS**

- A. It shall be unlawful for any minor under the age of seventeen (17) years to be in or upon any public street, highway, alley, road, park, playground, public grounds, public place or public building, place of amusement or entertainment, vacant lot, or any other unsupervised place in the City between the hours of 11:00 P.M. and 5:00 A.M. on Sundays, Mondays, Tuesdays,

Wednesdays, and Thursdays or between 12:00 Midnight and 5:00 A.M. on Fridays and Saturdays.

- B. It shall not be unlawful for a minor to be on or about such property at the times mentioned above if such minor is attending to urgent business, proceeding to or from place of employment or can give a satisfactory reason for being in or upon the places herein mentioned, or is accompanied by a parent, guardian, relative or adult friend approved by a parent or guardian, or is returning or going to any school sanctioned event.
- C. When upon such lawful errands, it shall be unlawful for any such minor to loiter or linger or ride aimlessly upon any street, highway, alley, road or public place in the City. Such minor must transact such business as speedily as possible.
- D. It shall be unlawful for the parent or guardian of a minor under the age of seventeen (17) years to knowingly permit such minor to violate this Section. (Ord. No. 91-2052, 9-9-91; Ord. No. 98-2344 §1, 10-9-98)

**SECTION 215.270: RELEASE OF VIOLATORS**

- A. Violators of the curfew may be released in the field by the officer, provided a Field Interrogation Card and citation are completed, and the parent/guardian is notified immediately by the officer.
- B. If the parent of the juvenile cannot be contacted, a family member, relative, or neighbor may take custody of the juvenile if they are over the age of eighteen (18) years. Parent/Guardian shall be notified as soon as possible (twenty-four (24) hours) by the detaining officer to advise the parent/guardian concerning the reason the juvenile was detained (211.131 Missouri Revised Juvenile Statute).
- C. "Notification of Juvenile Taken Into Custody and Released" form must be completed for the County Juvenile Office on each violator under seventeen (17) years of age.
- D. Written notification will be sent by City Juvenile Officer on juveniles, if released to anyone other than the parent.
- E. Curfew enforcement will not take effect until one-half (1/2) hour after the curfew begins.
- F. Officers may elect to take a juvenile to his home and release him, even if the parent is not available, if the child is old enough to normally be left alone. (Ord. No. 91-2052, 9-9-91)

**SECTION 215.280: PREVIOUS RECORD VIOLATORS**

- A. Given unusual circumstances or a previous record violation, violators will be brought to the station and held pending release to the parent/guardian.
- B. If unable to locate the parent/guardian, the juvenile is to be taken to detention upon approval from the on-call County Juvenile Officer and will be detained for parent or court. (Ord. No. 91-2052, 9-9-91)

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**ARTICLE VIII. MISCELLANEOUS OFFENSES**

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**SECTION 215.290: PROOF OF FINANCIAL RESPONSIBILITY**

- A. No person shall operate a motor vehicle registered in this State, whether owned by such operator or by another, upon the streets, alleys or highways of the City, unless such operator or owner of

the vehicle maintains financial responsibility which covers the operation of that vehicle by such operator.

- B. No person shall operate a motor vehicle registered in this State, whether owned by such operator or by another, upon the streets, alleys or highways of the City, unless such operator exhibits proof of financial responsibility upon demand of a Police Officer, which covers the operation of that vehicle by such operator.
- C. For the purposes of this Section, the term "*financial responsibility*" shall mean the ability to respond in damages for liability occurring after the effective date of proof of such financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars (\$50,000.00) because of injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) accident.
- D. Proof of financial responsibility may be shown by any of the following:
  - 1. An insurance identification card issued by a motor vehicle insurer or by the State Director of Revenue for self-insurance as provided by Section 303.024, RSMo. A motor vehicle insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card.
  - 2. A certificate of the State Treasurer of a cash deposit as provided by Section 303.240, RSMo.
  - 3. A surety bond filed with the State Director of Revenue as provided by Section 303.230, RSMo.
- E. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of the motor vehicle shall exhibit the proof of financial responsibility on the demand of any Police Officer who lawfully requests the same from such operator while that officer is engaged in the performance of the duties of his office.
- F. Failure of any person who operates a motor vehicle on the streets, alleys or highways of the City to exhibit proof of financial responsibility on the demand of any Police Officer who lawfully requests same from such person shall be prima facie evidence that such person, or that the owner of the vehicle, does not maintain financial responsibility as required by this Section. It shall be absolute affirmative defense to a violation charged under Section 215.290(A) that the operator of a motor vehicle, or the owner of the vehicle, did maintain financial responsibility which covered operation of the vehicle by such operator on the date of the violation. It shall be a mitigating circumstance to the violation charged under Section 215.290(A) that the operator subsequent to the date of the offense, and prior to a trial or guilty plea, obtained and maintained financial responsibility which covers the operation of motor vehicles by such operator.
- G. Any person violating Subsection (A) of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00).
- H. Any person violating Subsection (B) of this Section shall be guilty of a misdemeanor and upon

conviction thereof shall be subject to a fine of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00). (Ord. No. 98-2313 §1, 2-10-98; Ord. No. 2006-2746 §I, 11-28-06)

**SECTION 215.300: ATTEMPT TO COMMIT AN OFFENSE**

- A. A person is guilty of attempt to commit an offense when, with the purpose of committing the offense, he/she does any act, which is a substantial step towards the commission of the offense. A "substantial step" is conduct, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.
- B. It is no defense to a prosecution under this Section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be. (Ord. No. 99-2377 §1, 5-11-99)

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**CHAPTER 220: NUISANCES**

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*Cross References--Animals and dogs, Ch. 210; maintenance of stockyards and animal pens required, §210.050; slaughtering of animals prohibited in the city, §210.060; removal of dead animals from the city required, §210.070; noisy or offensive dogs prohibited in the city, §210.130; buildings and building regulations, Title V; building standards, §500.030 et seq.; fire code and fire protection, Ch. 520; junked, wrecked, abandoned property, Ch. 250; circumstances for declaring nuisances regarding junked, wrecked, abandoned property, §250.010; parks and recreation, Ch. 245; sign regulations, Ch. 530; streets, sidewalks and other public places, Ch. 535; utilities, Title VII; parking and storage of motor vehicles which are not in operating condition, §250.160.*

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**ARTICLE I. GENERAL PROVISIONS**

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**SECTION 220.010: CREATING, ALLOWING PROHIBITED**

It shall be unlawful for any person to create, cause, permit or allow a nuisance to exist or be maintained within the City. (Code 1972, §22-36; CC 1988 §18-1)

**SECTION 220.020: RIGHT TO ENTER PREMISES WHERE NUISANCE SUSPECTED**

The Police Chief, Police Officers and Health Officer of this City are hereby authorized to enter into or upon any premises within this City where there is reason to suspect the existence of any nuisance. (Code 1972, §27-1; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §18-2)

**SECTION 220.030: ENUMERATION OF PUBLIC NUISANCES**

In addition to those nuisances named and defined in other Sections of this Code, the following are hereby declared to be public nuisances within the meaning of this Section:

1. Any act done or committed or suffered to be done or committed by any person or any substance or thing kept, maintained, placed or thrown on or upon any public or private place which is injurious to the public health.
2. All pursuits followed or acts done by any person to the hurt, injury, annoyance, inconvenience or danger of the public or any member thereof.
3. All acts, all uses of property, personal or real, in such a way as to be troublesome or obnoxious or offensive so as to annoy the community or any member thereof; or any act that creates obnoxious odors; the keeping of a disorderly house; the keeping of a dangerous entity, known to be such or permitting it to go at large; exposing a person having a contagious disease; or the commission of any other act arising from unreasonable, unwarranted or unlawful use of public or private property, either personal, real or mixed, so as to work an obstruction of the rights of the public or any member thereof by producing material annoyance, inconvenience, discomfort or hurt.
4. The accumulation of waste paper, trash, rubbish, old metal, scrap metal, scrap lumber, scrap machinery and other waste materials in a haphazard, careless and unsightly manner on any premises in the City is hereby declared to be and constitute a nuisance.
5. Every vehicle used to haul any trash, garbage or offal in or about any street, alley, highway or thoroughfare of the City shall be fitted with a good and substantial tight vessel thereon and adequately covered so that no portion of such trash, garbage or offal shall be scattered, thrown or dropped into or upon any street, alley, highway or thoroughfare.
6. No person shall place or permit to remain on his premises or premises under his charge or under his control as agent or owner any filth, offal, dead animal or decaying vegetable matter or any stagnant or standing water. No person shall permit any filth, decayed or decaying animal, vegetable matter or stagnant or standing water to remain in the cellar or basement of his house. No person shall engage in or carry on any business or vocation on his premises or on any premises occupied by him or under his charge or control that shall cause or produce noxious, unhealthy, disagreeable or offensive smells or odors in the neighborhood.
7. No person in this City shall cause or suffer any offal, manure, rubbish or water or suffer any animal or vegetable matter or refuse or any foul nauseous matters or liquor to be discharged out of or flow from any premises owned or occupied by him or under his charge or control or to be thrown or deposited or left upon any street, alley, public avenue, public square, vacant lot or park or any other place in this City. (Code 1972, §§14-1--14-2, 14-5--14-6, 22-37; CC 1988 §§11-1--11-3, 11-21, 18-3; Ord. No. 2005-2681 §1, 7-12-05)

**SECTION 220.040: PROPER NOTICE REQUIRED FOR CONVICTION**

No person shall be convicted for maintaining any nuisance created by him or those under his charge or control, unless he shall have first been notified by the proper authority to abate such nuisance and shall have failed to do so within the time required in such notice. (Code 1972, §22-21; CC 1988 §18-4)

**SECTION 220.050: NOTICE TO ABATE**

Whenever it shall come to the attention of the City that there exists on any lot or parcel of land in the City any of the conditions enumerated in this Article or other articles dealing with nuisances in this Code, the owner thereof or the person maintaining the nuisance, whichever is applicable, shall be served with a notice by the City or by such notice being mailed to the last known address of such individual, that such conditions exist and that he shall have ten (10) days from the date of such service in which to remedy such. (Code 1972, §22-38; CC 1988 §18-5)

**SECTION 220.060: ABATEMENT BY CITY**

If the person upon whom notice is served to abate any nuisance under the provisions of this Article fails, refuses or neglects to remedy such nuisance within the time allowed, the City shall cause such condition to be remedied. (Code 1972, §22-39; CC 1988 §18-6)

**SECTION 220.070: NUISANCES--EXPENSE OF SUPPRESSION, HOW PAID**

The City shall have the power to suppress all nuisances which are, or may be, injurious to the health and welfare of the inhabitants of this City or prejudicial to the morals thereof, within the boundaries of the City and within one-half (½) mile of the boundaries thereof. Such nuisances may be suppressed by the ordinances of the City, or by such act or order as the charters of the City authorize them to adopt. If the nuisance is suppressed within the City limits, the expense for abating the same may be assessed against the owner or occupant of the property, and against the property on which said nuisance is committed, and a special tax bill may be issued against said property for said expenses. (RSMo. §71.780)

**SECTION 220.080: PENALTY FOR VIOLATION**

Any person violating any provision of this Code regarding a nuisance for which no penalty is otherwise established shall be punished by a fine not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00). (Code 1972, §22-41; CC 1988 §18-8; Ord. No. 2006-2747 §I, 11-28-06)

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**ARTICLE II. WEEDS AND WILD GROWTH**

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*Cross References--Planning and development, Ch. 405; streets, sidewalks and other public places, Ch. 535; subdivisions, Ch. 410; zoning, Ch. 400.*

**SECTION 220.090: WEEDS, OTHER GRASSES--EXCESSIVE GROWTH PROHIBITED**

- A. It is hereby prohibited to allow the growth of weeds and other grasses in excess of ten (10) inches on any lot or plot of land within the City limits.
- B. It is hereby prohibited to allow the growth of weed, grasses and other organic vegetation in excess of ten (10) inches in stormwater drainage ditches. Although it is considered the responsibility of the property owner to prevent or abate any such nuisance, the City at its option may mow all drainage ditches and right-of-ways as deemed necessary and may assess the cost of

such mowing and removal of debris to owners of the ground fronting or abutting upon the obstruction in the interest of the public health, safety and welfare of the City.

- C. Whenever a public right-of-way, walk, street, alley, curb, gutter, stormwater drainage ditch or public stream shall become obstructed by or to have placed upon or in it yard waste (organic debris such as grass clipping, leaves, tree limbs, bark, branches, flowers, etc.) or refuse, the City may remove such debris or refuse and may assess the expense of removal in favor of the City against the owners of the ground fronting or abutting upon the obstruction.
- D. The situations described in Subsections (A), (B) and (C) above shall be considered nuisances under City ordinances.
- E. Property owners shall be given notice of the nuisance in accordance with Section 220.050 "Notice To Abate" of this Chapter.
- F. If the nuisance is suppressed by the City, the abatement expense may be assessed against the property owner or occupant and against the property and a special tax bill may be issued against the property in accordance with Section 220.070 "Nuisance--Expense Of Suppression, How Paid" of this Chapter. (Code 1972, §14-4; Ord. No. 82-1815, §I, 10-12-82; CC 1988 §18-26; Ord. No. 99-2370 §1, 1-26-99; Ord. No. 2002-2508 §1, 5-28-02)

**SECTION 220.100: RESERVED**

*Editor's Note--Ord. No. 99-2370 adopted January 26, 1999, repealed this Section and set out new provisions in Section 220.090 herein. Former Section 220.100 derived from CC 1988 §18-27 and Ord. No. 82-1815 §II, 10-12-82.*

**SECTION 220.110: DELIVERY DATE OF SPECIAL TAX BILL**

Each special tax bill issued pursuant to this Article shall be issued by the City Clerk and delivered to the Collector on or before the first (1st) day of June each year. (Ord. No. 82-1815, §VI, 10-12-82; CC 1988 §18-31)

**SECTION 220.120: INTEREST ON TAX BILL**

Tax bills issued pursuant to this Article, if not paid when due, shall bear interest at the rate of eight (8) percent per annum. (Ord. No. 82-1815, §VII, 10-12-82; CC 1988 §18-32)

**CHAPTER 225: DRUGS AND DRUG PARAPHERNALIA**

**SECTION 225.010: DEFINITIONS**

As used in this Chapter the following words and phrases shall have the following meanings, unless the context clearly indicates a different meaning:

**CONTROLLED SUBSTANCE:** Any drug, substance, or immediate precursor defined by State law as a controlled substance, or defined as a controlled substance by the laws of the United States, including Section 102, paragraph (6) of the Controlled Substance Act, 21 USC 802(6).

**DRUG PARAPHERNALIA:** All equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting,

manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of Sections 195.005 to 195.425, RSMo. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;
3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;
4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;
5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
  - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - b. Water pipes;
  - c. Carburetion tubes and devices;
  - d. Smoking and carburetion masks;
  - e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - f. Miniature cocaine spoons and cocaine vials;
  - g. Chamber pipes;
  - h. Carburetor pipes;
  - i. Electric pipes;

- j. Air-driven pipes;
- k. Chillums;
- l. Bongs;
- m. Ice pipes or chillers;

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
3. The proximity of the object, in time and space, to a direct violation of Sections 195.005 to 195.425, RSMo.;
4. The proximity of the object to controlled substances or imitation controlled substances;
5. The existence of any residue of controlled substances or imitation controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of Sections 195.005 to 195.425; RSMo., the innocence of an owner, or of anyone in control of the object, as to direct violation of Sections 195.005 to 195.425, RSMo., shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National or local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;
14. Expert testimony concerning its use.

**POSSESSED or POSSESSION:** A person, with the knowledge of the presence and illegal nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one (1) person alone has possession of a substance possession is sole. If two (2) or more persons share possession of a substance, possession is joint. (RSMo. §195.010; Ord. No. 87-1932 §1, 2-9-87; CC 1988 §6A-1; Ord. No. 92-2091 §2, 11-9-92)

## **SECTION 225.020: POSSESSION, MANUFACTURE AND SALE OF CONTROLLED SUBSTANCES AND DRUG PARAPHERNALIA**

### **A. *Possession or Control of a Controlled Substance--Penalty.***

1. Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his control a controlled substance.

2. Any person who violates this Subsection with respect to any controlled substance except thirty-five (35) grams or less of marijuana is guilty of a felony.
  3. Any person who violates this Subsection with respect to not more than thirty-five (35) grams of marijuana is guilty of a misdemeanor.
- B. *Unlawful Use of Drug Paraphernalia--Penalty.*
1. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of Sections 195.005 to 195.425, RSMo.
  2. A person who violates this Subsection is guilty of a misdemeanor.
- C. *Unlawful delivery or manufacture of drug paraphernalia, penalty.*
1. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of Sections 195.005 to 195.425, RSMo.
  2. A person who violates this Subsection is guilty of a felony.
- D. This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with the State law. This Section shall not be construed to prohibit any possession, manufacture or use of hypodermics made lawful by City ordinances.
- E. Any drug paraphernalia used in violation of this Section shall be seized and forfeited to the municipality. (RSMo. §195.202, 195.233, 195.235; Ord. No. 87-1932, §3, 2-9-87; CC 1988 §6A-3)

#### **SECTION 225.030: PENALTY**

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding three (3) months, or by both such fine and imprisonment. (Ord. No. 87-1932, §5, 2-9-87; Ord. No. 87-1955, §1, 11-9-87; CC 1988 §6A-4)

## **CHAPTER 230: EMERGENCY MANAGEMENT**

*Cross References--Administration, Title I; alcoholic beverages, Ch. 600; fire code and fire prevention, Ch. 520; streets, sidewalks and other public places, Ch. 535; traffic code, Title III.*

### **ARTICLE I. EMERGENCY MANAGEMENT AGENCY**

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**SECTION 230.010: CREATED--PURPOSE**

There is hereby created an Emergency Management Agency known as Aurora Emergency Management Agency which is responsible for the preparation and implementation of emergency functions required to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities, excluding functions for which the military forces are primarily responsible, in accordance with RSMo., Chapter 44. (Code 1972, §8-1; CC 1988 §8-16)

**SECTION 230.020: COMPOSITION**

The Emergency Management Agency shall consist of a Coordinator and other additional members to be selected by the Coordinator in order to conform to the State Organization and procedures for the conduct of emergency operations as outlined in the Missouri Disaster Operations Plan. (Code 1972, §8-2; CC 1988 §8-17)

**SECTION 230.030: FUNCTIONS**

The Emergency Management Agency shall perform Emergency Management functions within the territorial limits of the City, and may conduct these functions outside of the territorial limits as may be required pursuant to the provisions of RSMo., Chapter 44. (Code 1972, §8-3; CC 1988 §8-18)

**SECTION 230.040: APPOINTMENT, DUTIES OF COORDINATOR**

- A. The Coordinator of the Emergency Management Agency for the conduct of emergency operations will be appointed by the City Manager and shall serve until removed by him.
- B. The Coordinator shall have direct responsibility for the organization, administration and operation of local disaster planning for Emergency Management subject to the direction and control of the City Manager or the City Council, as provided by Statute.
- C. The Coordinator is authorized to select and obtain Federal Government surplus property through the State Disaster Planning and Operations Office, Emergency Management Agency and State Department of Education. The Coordinator shall obtain the necessary approval to obligate the City for the handling charge imposed by the Department of Education, the State agency for surplus property. The Coordinator may delegate authority to obtain surplus property at the State agency for surplus property warehouse with the approval of the City Manager.
- D. The Coordinator shall be responsible for maintaining records on the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Agency.
- E. The Coordinator is authorized to submit all materials and sign all documents requested by the State Disaster Planning and Operations Office, Emergency Management Agency to qualify the City for participation in Federal contributions for Emergency Management Agency Personnel and Administrative Expense Program under P. L. 85-606.
- F. The Coordinator shall appoint, provide or remove rescue teams, auxiliary public safety personnel and other emergency operations teams, units or personnel who may serve without compensation. (Code 1972, §8-4; Ord. No. 85-1891, 7-8-85; CC 1988 §8-19)

**SECTION 230.050: OATH OF MEMBERS**

No person shall be employed or associated in any capacity in the Emergency Management Agency established under this Article who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this State or the overthrow of any government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Emergency Management Agency 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 time as I am a member of the 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." (Code 1972, §8-5; CC 1988 §8-20)

**SECTION 230.060: OFFICE SPACE**

The City Manager is authorized to designate space in any municipally owned or leased building for the City Emergency Management Agency as its office. (Code 1972, §8-6; Ord. No. 85-1891, 7-8-85; CC 1988 §8-21)

**SECTION 230.070: EMERGENCY PROCUREMENT OF SUPPLIES, ETC.**

- A. In the event of an emergency, and during such emergency only, as defined in RSMo., Chapter 44, the Coordinator of the Emergency Management Agency is authorized on behalf of the City to produce such services, equipment or material without regard to the statutory procedures of formalities normally prescribed by law pertaining to municipal contracts or obligations, as authorized by RSMo., Chapter 44; provided, that if the City Council meets at such time, he shall act subject to the directions and restrictions imposed by that body.
- B. In the event of enemy attack, the City Manager may waive any time-consuming procedures and formalities otherwise required by Statute pertaining to the advertisement for bids for the performance of public work or entering into contracts. (Code 1972, §8-7; Ord. No. 85-1891, 7-8-85; CC 1988 §8-22)

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**ARTICLE II. CONTINUITY OF GOVERNMENT**

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*Cross Reference--Administration, Title I.*

**SECTION 230.080: DEFINITIONS**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**DISASTER:** Any attack or series of attacks by any enemy of the United States which, because of substantial damage or injury to civilian property or persons in the United States, shall cause a disruption of the government of the City and result in all or a part of the officers of the City necessary for efficient operation of the City being unavailable to carry out the functions of the City Government.

**EMERGENCY INTERIM SUCCESSOR:** A person designated pursuant to this Article for possible temporary succession to the powers and duties of the office of a City Officer in the event such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office. (Code 1972, §2-49; CC 1988 §8-41)

*Cross Reference--Definitions and rules of construction generally, §100.020.*

### **SECTION 230.090: CITY COUNCIL SUCCESSORS**

In the event of a disaster, there are hereby appointed by the Council the persons who have been former members of the City Council to succeed to emergency vacancies on the Council in the order of their most recent service on the Council. If two (2) former Council members are eligible to the fifth (5th) vacancy on the Council, the Council place shall be decided by lot. (Code 1972, §2-50; CC 1988 §8-42)

### **SECTION 230.100: REORGANIZATION OF CITY GOVERNMENT -- APPOINTMENT OF CLERK -- POWERS OF INTERIM APPOINTEES**

- A. Following any disaster, the available members of the Council, together with such persons as are designated to fill any vacancies on the Council, shall meet, make such reorganization of the Council and the City Government as may be necessary, appoint a City Clerk, if that office is vacant, and if such meeting is more than six (6) months before the next first (1st) Tuesday in April, provide for a City election.
- B. During the period until City Council members are elected, the interim successors shall have all the powers of Council members under the laws of the State, this Code, the ordinances of the City and any emergency duties placed upon them by the Federal or State Government. Emergency Council members shall hold office until their successors are duly elected. (Code 1972, §2-51; CC 1988 §8-43)

### **SECTION 230.110: APPOINTMENT, POWERS AND DUTIES OF INTERIM MAYOR**

- A. If the Mayor becomes unavailable as a result of a disaster, at its first (1st) meeting the Council shall appoint an Acting Mayor.
- B. The emergency interim successor to the Mayor's office shall have all the duties and powers provided by State law, this Code and other ordinances of the City. With the exception of Council members, Clerk and Assessor, and Treasurer, the Mayor shall make all interim appointments to City offices and positions in the City service as may be needed and shall take immediate steps after any disaster to restore to City Government and services. (Code 1972, §§2-52, 2-53; Ord. No. 85-1891, 7-8-85; CC 1988 §8-44)

**SECTION 230.120: EMERGENCY POWERS GENERALLY**

The emergency interim City Council and Mayor shall have the power to make and enforce emergency rules, regulations and ordinances and shall keep a record thereof. (Code 1972, §2-54; Ord. No. 85-1891, 7-8-85; CC 1988 §8-45)

**CHAPTER 235: COMMUNITY HOSPITAL**

*Cross References--Administration, Title I; finance, Ch. 120; streets, sidewalks and other public places, Ch. 535.*

**ARTICLE I. IN GENERAL**

**SECTION 235.010: PURPOSE**

The purpose of this Chapter is to establish a working arrangement for the management, operation and maintenance of the Community Hospital of the City which is located on a part of block six, east side addition to the City.

1. The Aurora City Council and the Aurora Community Hospital Board of Trustees, after conducting appropriate public hearings and receiving public input, determined that the course of action having the greatest chance to succeed in providing continuing quality health care to citizens of Aurora and the surrounding area was to lease the Aurora Community Hospital (Lessor) to St. John's Health System's Inc. (Lessee), a Missouri not-for-profit corporation.
2. The purpose of this Chapter is:
  - a. To assign the duty and responsibility for monitoring compliance, by both parties, with the lease agreement dated November 1, 2001, to the Board of Trustees; and
  - b. To establish a working arrangement for the management, operation and maintenance of the hospital by the City upon termination of the lease.
3. The provisions of this Chapter are subject to the terms of the lease agreement. (Code 1972, §9-1; CC 1988 §12-16; Ord. No. 2003-2570 §1, 12-9-03)

**SECTION 235.020: NAME OF HOSPITAL**

The name of the community hospital is hereby designated "The Aurora Community Hospital." (Code 1972, §9-2; CC 1988 §12-17)

**SECTION 235.030: AREAS OF RESPONSIBILITY -- OWNERSHIP OF PROPERTY**

- A. *Board of Trustees* It is the intent of the City Council to vest in the Board of Trustees the full and complete responsibility for the efficient operation, management and maintenance of the Aurora Community Hospital to include the building, equipment and hospital grounds.
- B. *City Council*. It is the express intent of the City Council, and the Council does hereby reserve the following powers, ownership and control of the hospital building or buildings, funds and equipment:

1. *Ownership of property.* The legal title to all real property and improvements thereon, together with the equipment and furnishings, shall remain at all times vested in the City and under the general control of the City Council, subject only to the supervision and delegated authority vested in the board of trustees by this Chapter under Section 235.110.
2. *Sale, lease or transfer of land, buildings or equipment.* The City Council reserves unto itself the final sale, lease or transfer of all land, buildings or equipment which have been used for hospital purposes as such; provided, that the Board of Trustees shall retain their authority to sell and dispose of equipment declared surplus or obsolete as is provided in Section 235.150, unless Aurora Community Hospital shall cease to be used as a hospital, in which case all property, both real and personal and of every type and description, shall automatically revert to the absolute control of the City Council.
3. *Funds.* The City Council does expressly reserve unto itself the absolute ownership and control of all money which has accrued or may hereafter accrue from the following sources:
  - a. Funds created from the sale of all bond issues voted by the citizens of the City;
  - b. Funds created from the annual tax levy based on the assessed valuation of property within the City;
  - c. Funds created by donations or bequests for a specific purpose to the City for capital improvements.
4. *Expansion or capital improvements.* The City Council does further reserve unto itself the power and authority to contract for the construction of any building or addition to the Aurora Community Hospital. Unless such contracts are executed and approved by resolution or ordinance duly enacted by the City Council, the same shall not be binding upon the board of trustees or the City and this Section shall be deemed notice to all parties dealing with the board of trustees of the Aurora Community Hospital. (Code 1972, §9-3; CC 1988 §12-18; Ord. No. 2001-2476 §1, 9-25-01)

*Cross Reference--Finance, Ch. 120.*

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## **ARTICLE II. BOARD OF TRUSTEES**

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### **SECTION 235.040: COMPOSITION -- APPOINTMENT -- COMPENSATION**

The Mayor, with the approval of the City Council, shall appoint a Community Hospital Board of seven (7) Trustees. Three-fifths (3/5), five (5) of such Trustees shall be citizens of the City. The other two-fifths (2/5), two (2) of such Trustees need not be citizens of the City but shall be citizens of the State of Missouri. Each Trustee shall be chosen for their fitness for such work and shall serve without compensation. No member of the City Council or member of his/her immediate family shall be appointed as a Trustee. (Code 1972, §9-4; CC 1988 §12-31; Ord. No. 2003-2570 §1, 12-9-03)

### **SECTION 235.050: EX OFFICIO MEMBER**

The duly elected Mayor of the City shall be an ex officio member of the Community Hospital Board of Trustees, but shall not have any power to vote or hold any office within the Board. (Code 1972, §9-5; CC 1988 §12-32)

**SECTION 235.060: TERMS -- VACANCIES**

Initially one (1) Trustee shall be appointed for a term of one (1) year; two (2) Trustees shall be appointed for a term of two (2) years; two (2) Trustees shall be appointed for a term of three (3) years; and two (2) Trustees shall be appointed for a term of four (4) years, thereafter each member of the Community Hospital Board of Trustees shall be appointed for a term of four (4) years unless the Trustee is filling a vacancy created by the resignation, death or removal of another Trustee, in which case the appointed Trustee shall simply serve out the unexpired term of the Trustee who is being replaced. (Ord. No. 2000-2446 §1, 9-26-00; Ord. No. 2001-2478 §1, 10-23-01; Ord. No. 2003-2570 §1, 12-9-03)

**SECTION 235.070: OFFICERS**

The members of the Community Hospital Board of Trustees shall organize annually at the first (1st) meeting after the first (1st) day of August by electing one (1) of their members as President, one (1) as Secretary, one (1) as Treasurer, and the election of such other officers as they may deem necessary. The office of Secretary and Treasurer may be combined and held by the same person. (Code 1972, §9-7; CC 1988 §12-34)

**SECTION 235.080: RULES OF PROCEDURE**

The Community Hospital Board of Trustees shall make and adopt such by laws, rules and regulations covering the interior management of the Board as they shall deem expedient; provided, that such by laws, rules and regulations must provide for the following procedures:

1. The Secretary of the Board shall keep accurate minutes of all Board meetings, which minutes shall be signed by the President and the Secretary.
2. All books, records and accounts of the Board shall be open to the inspection of the Mayor or any person or committee appointed by the City Council for this purpose.
3. The Board shall hold regular and special meetings, and if any member shall absent himself for three (3) consecutive meetings, regular or special, without good cause, his office may be declared vacant by resolution of the City Council, whereupon a successor Trustee shall be appointed as provided in this Chapter to fill such vacancy.
4. There shall be an annual, complete audit of all funds and accounts by a reputable accounting firm and one (1) copy of such audit shall be submitted to the City Council.
5. The Board shall make on or before the second (2nd) Monday in June of each year a detailed report to the City Council showing the receipts of all funds and the expenditures therefrom and showing each donation and amount thereof.
6. Any person employed by the Board who is authorized to issue checks or drafts payable from funds under the Board's supervision shall provide a fidelity bond in such penal sum as the Board may require, conditioned upon such person or persons accounting for all funds received or disbursed pursuant to such employment, which bond shall be kept on file by the Board of Trustees.
7. The Board of Trustees shall invite the lessee, in November of each year the lease is in effect, to present, at a regularly scheduled meeting of the City Council, an overview of the operation of the hospital during the past year and plans for the ensuing year(s). (RSMo. §96.200; Code 1972, §9-8; Ord. No. 85-1891, 7-8-85; CC 1988 §12-35; Ord. No. 2003-2570 §1, 12-9-03)

**SECTION 235.090: FINANCIAL POWERS RESTRICTED**

The Community Hospital Board of Trustees shall have only the powers and authority specifically vested in them by this Chapter, and shall have no power to obligate or bind the general revenues of the City, nor to bind the City for any indebtedness for any purpose, and this Section shall be notice to all persons dealing with the Board of Trustees. (Code 1972, §9-16; CC 1988 §12-36)

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**ARTICLE III. RULES AND REGULATIONS**

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**SECTION 235.100: AUTHORITY TO ADOPT AND ESTABLISH**

The Community Hospital Board of Trustees shall adopt and establish such rules and regulations for the operation and management of the hospital and the admission and discharge of patients as they shall deem expedient. (Code 1972, §9-9; CC 1988 §12-51)

**SECTION 235.110: EMPLOYMENT OF PERSONNEL**

The Community Hospital Board of Trustees shall employ such help, either professional or otherwise, as may be necessary to carry out the spirit and intent of this Chapter. All such assistants and employees shall serve at the pleasure of the Board and at such salary or compensation as the Board shall establish. (Code 1972, §9-10; CC 1988 §12-52)

**SECTION 235.120: EXPENDITURE OF FUNDS**

The Community Hospital Board of Trustees shall control the collection and expenditure of all funds and money received from the operation of the Aurora Community Hospital, and such funds shall be kept on deposit with a depository insured by the Federal Deposit Insurance Corporation. (Code 1972, §9-11; CC 1988 §12-53)

**SECTION 235.130: BEQUESTS OR DONATIONS**

Any person making bequests or donations to the Community Hospital shall have the right to vest title to the property so bequeathed or donated in the Board of Trustees to be held and controlled by the Board, and to all such property the Board shall be held to be special Trustees. (Code 1972, §9-12; CC 1988 §12-54)

**SECTION 235.140: MAINTENANCE, PURCHASE OF EQUIPMENT AND SUPPLIES**

The Community Hospital Board of Trustees shall have the authority and the corresponding duty to purchase the supplies and equipment necessary to operate the Aurora Community Hospital in an efficient hospital-like manner. This authority shall include the trade-in of old equipment on new equipment if such action is deemed expedient. The Board shall be further charged with the duty and obligation to maintain all hospital furnishings and equipment in a good, safe state of repair. (Code 1972, §9-13; CC 1988 §12-55)

**SECTION 235.150: SALE OF OBSOLETE FURNISHINGS, EQUIPMENT**

The Community Hospital Board of Trustees shall have the authority to sell and dispose of any obsolete hospital furnishings and equipment which have either been declared surplus or of no further value in the operation of the hospital. (Code 1972, §9-14; CC 1988 §12-56)

**SECTION 235.160: MAINTENANCE OF BUILDING AND GROUNDS**

The Community Hospital Board of Trustees shall have the authority and the corresponding duty to maintain the building and grounds in a good, safe state of repair. (Code 1972, §9-15; CC 1988 §12-57)

**CHAPTER 240: FAIR HOUSING POLICY**

**SECTION 240.010: DECLARATION OF POLICY**

The City Council of the City of Aurora hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain real property without regard to race, sex, color, national origin, ancestry, religion, physical handicap, and without regard to whether a family has children. This Chapter shall be deemed an exercise of the police powers of the City of Aurora, Missouri, for the protection of the public welfare, prosperity, health and peace of the people of Aurora, Missouri. (Ord. No. 90-2009 §1, 7-9-90)

**SECTION 240.020: DEFINITIONS**

For the purpose of this Chapter the following terms, phrases, words and their derivations shall have the meanings given unless the context otherwise indicates.

*AGGRIEVED PERSON:* Shall include any person who is attempting to provide housing for himself and/or his family in the City of Aurora, Missouri.

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

*PERSON:* Shall include any individual, firm, partnership or corporation. (Ord. No. 90-2009 §2, 7-9-90)

**SECTION 240.030: UNLAWFUL HOUSING PRACTICES -- DISCRIMINATION IN HOUSING**

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status;
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, handicap, or familial status;
3. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates

any preference, limitation, or discrimination based on race, color, religion, national origin, ancestry, sex, handicap, or familial status, or an intention to make any such preference, limitation, or discrimination;

4. To represent to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, handicap, or familial status;
6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
  - a. That buyer or renter;
  - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  - c. Any person associated with that buyer or renter;
7. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
  - a. That person;
  - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  - c. Any person associated with that person.

B. For purposes of Sections 213.040, 213.045 and 213.050, RSMo., discrimination includes:

1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
3. In connection with the design and construction of covered multi-family dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
  - a. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
  - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
  - c. All premises within such dwellings contain the following features of adaptive design:
    - 1) An accessible route into and through the dwelling;
    - 2) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    - 3) Reinforcements in bathroom walls to allow later installation of grab bars; and
    - 4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

- C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family dwelling*" means:
1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
  2. Ground floor units in other buildings consisting of four (4) or more units.
- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Paragraph (a) of Subdivision (3) of Subsection (B) of this Section.
- E. Where a unit of general local government has incorporated into its laws the requirements set forth in Subdivision (3) of Subsection (B) of this Section, compliance with such laws shall be deemed to satisfy the requirements of that Subdivision. Such compliance shall be subject to the following provisions:
1. A unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of Subdivision (3) of Subsection (B) of this Section are met;
  2. The commission shall encourage, but may not require, the units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with Subdivision (3) of Subsection 2 of this Section, and shall provide technical assistance to units of local government and other persons to implement the requirements of Subdivision (3) of Subsection (B) of this Section;
  3. Nothing in this Chapter shall be construed to require the commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of Subdivision (3) of Subsection 2 of this Section.
- F. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or political subdivision of the State, or other jurisdiction in which this Chapter shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this chapter.
- G. Nothing in Sections 213.040, 213.045 and 213.050, RSMo., requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- H. Nothing in Sections 213.040, 213.045 and 213.050, RSMo., limits the applicability of any reasonable local or state restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision in Sections 213.040, 213.045 and 213.050, RSMo., regarding familial status apply with respect to housing for older persons.
- I. As used in Sections 213.040, 213.045 and 213.050, RSMo., "*housing for older persons*" means housing:
1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
  2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
  3. Intended and operated for occupancy by at least one person fifty-five (55) years of age or

older per unit. In determining whether housing qualifies as housing for older persons under this Subsection, the Commission shall develop regulations which require at least the following factors:

- a. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
- b. That at least eighty percent of the units are occupied by at least one person fifty-five (55) years of age or older per unit; and
- c. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

- J. Housing shall not fail to meet the requirements for housing for older persons by reason of:
1. Persons residing in such housing as of August 28, 1992, who do not meet the age requirements of Subdivision (2) or (3) of Subsection (I) of this Section, provided that new occupants of such housing meet the age requirements of Subdivision (2) or (3) of Subsection (I) of this Section; or
  2. Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of Subdivision (2) or (3) of Subsection (I) of this Section.
- K. Nothing in Section 213.040, 213.045, or 213.050, RSMo., shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by Section 195.010, RSMo.
- L. Nothing in this Chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- M. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in subdivision (3) of Subsection (A) of this Section, shall apply to:
1. The sale or rental of any single family house by a private individual owner, provided the following conditions are met:
    - a. The private individual owner does not own or have any interest in more than three single family houses at any one time; and
    - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one such sale in any twenty-four (24) month period; or
  2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

(RSMo. §213.040)

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

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount or conditions of such loan, because of the race, sex, color, religion, ancestry, handicap, familial status or national origin of such person or of any person associated with him in connection with such financing. (Ord. No. 90-2009 §4, 7-9-90)

**SECTION 240.050: EXEMPTIONS**

The provisions of this Chapter, and particularly Section 240.030 hereof, shall not apply to the following:

1. A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or members of his family reside in such dwelling unit.
2. A rental or leasing to less than five (5) persons living in a dwelling unit by the owner if the owner or members of his family reside therein.
3. Any single-family house sold or rented by an owner provided that such house is sold or rented:
  - a. Without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or persons in the business of selling or renting dwelling, and
  - b. Without the publication, posting or mailing of any advertisement in violation of Section 240.030(3) of this Chapter, provided however, that:
    - 1) Nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, and
    - 2) That any such private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one (1) time.
4. For the purposes of this Subsection (4), a person shall be in the business of selling or renting dwelling if:
  - a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - b. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - c. He is the owner of any dwelling designed or intended for occupancy, by or occupied by five (5) or more families. (Ord. No. 90-2009 §5, 7-9-90)

**SECTION 240.060: ADMINISTRATION**

- A. There is hereby created a Fair Housing Committee whose membership shall consist of five (5) members, who shall be appointed by the Mayor of the City with the approval of the City Council.
- B. Every complaint of a violation of this Chapter shall be referred to the Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- C. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the City Attorney. (Ord. No. 90-2009 §6, 7-9-90)

**SECTION 240.070: ENFORCEMENT--PENALTIES**

- A. Any person convicted of a violation of this Chapter shall be punished by a fine of not more than two hundred dollars (\$200.00) or by confinement in the City Jail for not more than thirty (30) days, or by both fine and imprisonment.
- B. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri. (Ord. No. 90-2009 §7, 7-9-90)

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**CHAPTER 245: PARKS AND RECREATION**

*Cross References--Animals and dogs, Ch. 210; buildings and building regulations, Title V; junked, wrecked, abandoned property, Ch. 250; nuisances, Ch. 220; streets, sidewalks and other public places, Ch. 535; traffic code, Title III; subdivisions, Ch. 410; as to drinking and possessing alcohol in public places, see §600.050.*

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**ARTICLE I. PARK REGULATIONS**

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**SECTION 245.010: HOURS PARKS ARE CLOSED**

All City Parks shall be closed to the public from 12:01 A.M. to 6:00 A.M. each night, and it is hereby made unlawful for any person to be in such park while the park is closed to the public. (Code 1972, §23-2; Ord. No. 87-1941, §1, 4-13-87; CC 1988 §20-2)

**SECTION 245.020: CONDUCT IN PARKS**

It shall be unlawful for any person while on property or in buildings under the operation and control of the Aurora Park Board to:

1. Throw stones, rocks, sticks, bottles or other similar things by hand or otherwise.
2. Attach wires, ropes, placards, notices or other contrivances to any structure, tree, shrub, plant or utility lines without prior written permission of the Aurora Park Board.
3. Remove property of the parks without permission of the Park Board, Director of Parks, or the Supervisor of the park.
4. Erect, place or maintain any tent, building, booth, stand or other structures, temporary or otherwise, without the written permission of the Director of Parks.
5. Throw, discharge or otherwise place or cause or permit to be placed or discharged into any fountain, pool, pond, lake, stream or other body of water any substance, matter or thing which might cause said water to be harmful to persons or things or to give forth objectionable odors or to appear unsightly or otherwise pollute the waters.
6. Fish or remove fish or aquatic life from any stream, pond, lake or other body of water unless fishing shall be expressly permitted in the area.
7. Tell fortunes.
8. Engage in an athletic contest or event in any public area except in areas set aside therefor, nor shall any person in any event engage in any athletic contest or event or throw any ball or engage in any game singly or with others in such a fashion as to unreasonably endanger the safety of others thereabout.
9. Use a loud speaker or amplifier without prior permission of the Director of Parks.
10. Play a musical instrument between the hours of 9:00 P.M. of any day and 10:30 A.M. of the next day without a prior written permit of the Director of Parks, except this paragraph shall not apply to a person who is playing a string or wood instrument between the hours of 9:00 P.M. and 11:00 P.M., provided only one (1) person is playing such instrument in the area and that the playing of the instrument is done in a manner and at a location so as not to disturb the peace of adjoining property owners or park patrons.
11. Conduct any religious service without a permit issued by the Director of Parks.
12. Participate in or enter upon the grounds of any activity where charges are made without first being registered at the place provided therefor and paying the established fee, except for persons provided with exemptions by action of the Aurora Park Board.
13. Camp or picnic other than in an area expressly designated for camping or picnicking, nor shall any person attempt to move or relocate any benches, chairs or tables unless the same shall not be secured in any way whatsoever to the ground, in which case the same may be moved and relocated within the confines of the designated picnicking or camping area.
14. Start a fire for cooking purposes or otherwise within any park except in receptacles and facilities intended therefor.
15. Operate, park or race a motor vehicle or bicycle upon the grounds or within the buildings other than in areas designated for the operation of such vehicles, or leave any nonoperable vehicle within a park for a period to exceed six (6) hours.
16. Allow cattle or horses to be driven through, run loose, staked out, or in any other way to be in a park except in such an area as designated.
17. Drop, throw, place or discard any wastepaper, dirt, weeds, or trash of any kind, including household trash, refuse, or other rubbish of any sort which is not associated with park use in trash receptacles provided in the Aurora Parks. (Ord. No. 87-1941, §2, 4-13-87; CC

1988 §20-3; Ord. No. 93-2097, 2-8-93)

**SECTION 245.030: CLOSING OF PARK**

- A. Whenever the Director of Parks shall find that there has been and is continuing a disturbance of the peace of persons within or near the vicinity of any park, or he shall find that the safety of persons or property within a park or within the vicinity thereof has been or is being threatened by the conduct of persons in or about a park, the Director is hereby authorized to close to the public, such park for such period of time not exceeding twelve (12) hours as to him shall seem reasonably necessary to quell the disturbance or threat to life or property, and no person shall enter any park so closed, save employees of the Park Board and officers and employees of the City. If the notice of the closing thereof shall be posted in conspicuous places thereabout, nor shall any person remain in such park after it shall have been closed after knowledge of the closing shall come to him by signs posted in the vicinity of the park or otherwise.
- B. No outdoor athletic event shall begin after 11:30 P.M. or before 7:00 A.M. and use of the public address system at outdoor athletic events shall not occur between the hours of 11:00 P.M. and 7:00 A.M. Provisions of this Subsection shall not apply in the event the game involves out-of-town participants in a district, state, regional or national tournament. (Ord. No. 87-1941, §3, 4-13-87; CC 1988 §20-4)

**SECTION 245.040: STANDARDS FOR ISSUANCE OF PERMITS**

Whenever, under any of the rules and regulations contained in Section 245.020 above, a permit is required or provided for, the person charged with the issuance of the permit shall issue the permit only upon a proper application and when he finds that:

- 1. The proposed activity or use of the park will not unreasonably interfere with or detract from the general enjoyment of the park;
- 2. The proposed activity or use will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety, morals and recreation;
- 3. The proposed activity or use is not unreasonably liable to incite violence, crime, disturbances of the peace or other disorderly conduct or violation of any of the rules and regulations of the park;
- 4. The proposed activity or use will not entail unusual, extraordinary or burdensome expense by the public or unusual or burdensome police protection or activity;
- 5. The facility desired has not been previously reserved for other use at the day and hour required in the application therefor;
- 6. The use will not reasonably interfere with another use previously permitted at the day and hour required in the application;
- 7. The use is not intended for the advancement of a commercial enterprise;
- 8. The use or frequency of the use applied for will not unreasonably deprive the public of the general use of the park or its facilities or unreasonably deprive or interfere with use of the remainder of the park or its facilities by the public. (Ord. No. 87-1941, §4, 4-13-87; CC 1988 §20-5)

**SECTION 245.050: PARKING IN PUBLIC PARKS**

- A. *Generally.* No person shall park a vehicle in any street, roadway, driveway or parking area that

is marked for parking in any public park at any time or in any manner, except as designated by lines or markings upon the pavement or ground. No person shall park any vehicle in front of or across any driveway or entranceway or within five (5) feet of any driveway or entranceway to any picnic area or filter building located in any public park. Nor shall any person park a vehicle at any place within a public park where, by signs duly erected, parking is prohibited.

- B. *In Accordance With Posted Directions.* No person shall park a vehicle in other than an established or designated parking area and such use shall be in accordance with the posted directions and with the instructions of any attendant who may be present. (Ord. No. 87-1941, §5, 4-13-87; CC 1988 §20-6)

**SECTION 245.060: SPORTING EVENTS, GAMES, CONTESTS, ETC.**

- A. Unsportsmanlike conduct will not be tolerated. The following procedures apply:
1. It is within the jurisdiction of the Aurora Park Board to recommend penalties, as appropriate, to the Aurora City Council for violation of any behavior not specifically enumerated.
  2. Players in any sporting activity throwing equipment, especially in a dangerous manner will be warned and/or ejected. A warning is not required by the umpire first for ejections.
  3. Players may not possess or consume alcoholic beverages in the Aurora City Parks. This includes parking lots and park equipment. Teams or individuals may be penalized for failure to comply.
- B. *Suspensions.* A player, coach, or team follower ejected from a game will be suspended only for that game if it is the first (1st) ejection of the season. A second (2nd) ejection will result in a three-game suspension. A third (3rd) ejection results in suspension from league play for the rest of the season including post season play. A player who receives a third (3rd) ejection may bring his/her case to the Aurora Park Board for their recommendation as to a seasonal suspension. The penalty for first (1st) and second (2nd) ejections are automatic.
- C. Extreme behavior such as fighting, threatening the umpire, etc. will result in more severe penalties as recommended by the Park Board. (Ord. No. 87-1941, §6, 4-13-87; CC 1988 §20-7)

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**ARTICLE II. SWIMMING POOL--FEES AND CHARGES**

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**SECTION 245.070: DAILY ADMISSION FEES TO CITY SWIMMING POOL**

The daily admission fees to be charged at the City of Aurora Swimming Pool shall be assessed and collected on the following schedule in lieu of the possession of a season pass as provided for in Section 245.080.

<i>Age</i>	<i>Fee</i>
0--2 years	Free
Daily admission	\$2.00

(CC 1988 §20-29; Ord. No. 88-1966, §1, 6-13-88; Ord. No. 99-2390 §1, 5-25-99; Ord. No. 2003-2571 §I, 12-9-03)

**SECTION 245.080: SCHEDULE OF FEES FOR USE OF CITY SWIMMING POOL**

The fees to be charged at the City of Aurora Swimming Pool for a season pass shall be assessed and collected on the following schedule:

\$50.00	Single
75.00	Couple
10.00	For each additional child with a purchase of a couple season pass
75.00	Pool party

(CC 1988 §20-30; Ord. No. 88-1966, §2, 6-13-88; Ord. No. 99-2390 §2, 5-25-99; Ord. No. 2003-2571 §2, 12-9-03)

**CHAPTER 250: JUNKED, WRECKED, ABANDONED PROPERTY**

*Cross References--Buildings and building regulations, Title V; fire code and fire prevention, Ch. 520; garbage and refuse as a public nuisance, §220.030; housing, Ch. 250; mobile homes and trailers, Ch. 525; nuisances, Ch. 220; parks and recreation, Ch. 245; sign regulations, Ch. 530; streets, sidewalks and other public places, Ch. 534; traffic code, Title III; utilities, Title VII; zoning, Ch. 400.*

**ARTICLE I. DAMAGED OR DISABLED PROPERTY**

*Cross Reference--Nuisances, Ch. 220.*

**SECTION 250.010: CIRCUMSTANCES FOR DECLARING NUISANCE**

Any damaged or disabled vehicle, part thereof, or junk, located on any property, street or highway which presents a hazard to children; or harbors tall grass, weeds or other vegetation; or creates a fire hazard; or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats or other vermin; or any vehicle, part thereof, or junk, allowed to remain unmoved on any street or highway for seventy-two (72) hours, is a public nuisance. (Code 1972, §21-27; CC 1988 §14-16)

**SECTION 250.020: CREATING, MAINTAINING NUISANCE PROHIBITED**

It shall be unlawful for any person to create or maintain a nuisance as defined in Section 250.010. (Code 1972, §21-28; CC 1988 §14-17)

**SECTION 250.030: NOTICE TO ABATE--SERVICE--CONTENTS**

Whenever any officer of the City or his duly authorized representative determines that any vehicle or junk is a nuisance as defined in this Article, he shall cause written notice to be served upon the owner of the vehicle or junk, if he can be located, or the person in custody of such vehicle or junk, by registered mail or by personal service. The notice shall state that the vehicle

or junk is deemed to be a nuisance within the provisions of Section 250.020, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this Article, and state that the nuisance shall be abated within ten (10) days from receipt of such notice. (Code 1972, §21-29; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-18)

**SECTION 250.040: NOTICE TO ABATE--PROCEDURE WHEN PROPERTY OWNER NOT LOCATED**

When the owner or custodian of any nuisance as defined in Section 250.010 cannot be located by reasonable search, the notice shall be attached to the property, briefly stating the facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within ten (10) days of the date the notice was posted. (Code 1972, §21-30; CC 1988 §14-19)

**SECTION 250.050: NOTICE TO ABATE--FAILURE TO COMPLY**

Any person receiving the notice of a nuisance provided for in Section 250.030 shall comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful. (Code 1972, §21-31; CC 1988 §14-20)

**SECTION 250.060: IMPOUNDED PROPERTY -- STORAGE -- REDEMPTION -- AUTHORITY TO SELL**

If not removed within the times specified in the nuisance notice, the vehicle or junk shall be transported to a storage area by or at the direction of any Police Officer of the City or his duly authorized representative at the expense of the owner or person in custody thereof. Any vehicle removed as provided in this Article shall than be stored for a period of at least ninety (90) days, and the person entitled to possession thereof may redeem the property by payment to the City of the actual cost of its removal and a reasonable storage fee. If the vehicle or junk is unredeemed after the expiration of the ninety-day period, the Police Chief may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof. (Code 1972, §21-32; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-21)

*Cross Reference--See also Section 250.140 of this Code.*

**SECTION 250.070: IMPOUNDED PROPERTY--NOTICE OF SALE**

- A. Prior to the sale of any unredeemed impounded property, the Police Chief shall cause to be published in a newspaper of general circulation within the City a notice of sale stating:
1. That the City is selling abandoned property;
  2. The color, make, year, motor number and serial number, if available, and any other information necessary for an accurate identification of the property;
  3. The terms of the sale;
  4. The date, time and place of the sale;
  5. The time, date and place from which the vehicle or junk was removed.
- B. This notice shall be published not less than ten (10) days nor more than thirty (30) days prior to the date of the sale. (Code 1972, §21-33; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-22)

**SECTION 250.080: ENTRY ONTO PRIVATE PROPERTY**

The Police Chief or his duly authorized representative may enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this Article. If any person refuses to allow entry onto his private property, the Police Chief may obtain a warrant from the proper official and proceed in accordance therewith. (Code 1972, §21-34; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-23)

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**ARTICLE II. ABANDONED PROPERTY**

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*Cross Reference--As to abandoned property when owner not known see section 375.050(C) of this Code.*

**SECTION 250.090: DEFINITION**

For the purposes of this Article, the word "*abandoned*", when applied to a vehicle or other personal property, means a vehicle or other personal property that has remained on a street or other public place for a period longer than seventy-two (72) hours, and the owner of which the Police Department has been unable to find after reasonable effort or who, having been found and notified, in writing, refuses to remove such vehicle or other property. Furthermore, any owner who allows his vehicle to become abandoned shall be subject to the terms and conditions imposed by this Article. (Ord. No. 80-1776, §1, 2-11-80; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-41)

*Cross Reference--Definitions and rules of construction generally, §100.020.*

**SECTION 250.100: IMPOUNDMENT--EXPENSES--EFFORT TO ASCERTAIN OWNERSHIP**

- A. The Police Department is hereby authorized, and in addition to any penalty that may be provided for an offense under this Code, to remove any unidentified, stolen, wrecked or abandoned vehicle or other personal property found on any street or other public place in this City. The Police Department shall keep any such removed vehicle or other personal property in custody at such place as shall be designated by the Police Chief until redeemed by the owner thereof or otherwise disposed of as provided in this Article.
- B. Every such unidentified, stolen, wrecked or abandoned vehicle and other personal property so held in custody of the Police Department shall be held subject to payment of the actual cost of its removal or towing from the place where it was found to the place of storage, and the actual storage charge therefor while in the possession and custody of the Police Department.
- C. An "*unidentified*" vehicle or other personal property, as used in this Section, means a vehicle or other personal property the ownership of which the Police Department has been unable to learn after reasonable effort to do so. (Ord. No. 80-1776, §2, 2-11-80; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-42)

**SECTION 250.110: REPORT TO CITY MANAGER**

The Police Chief shall report in writing immediately to the City Manager the impounding of any vehicle or other property, giving a description thereof sufficient to identify it and stating the

place from which it was removed, the date of its impounding, and the reason therefor, and the officer responsible for impoundment. The Police Chief shall retain a copy of such report and keep a record of the impounding. (Ord. No. 80-1776, §4, 2-11-80; Ord. No. 85-1891, 7-8-85; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-44)

**SECTION 250.120: REDEMPTION OF IMPOUNDED PROPERTY--UPON PROOF OF OWNERSHIP**

Any person claiming to be the owner of any property impounded under the provisions of this Article shall make a written application therefor to the Police Department on a form furnished by the department to establish ownership. If he should make such application and furnish proof of ownership before the impounded property has been sold as provided in this Article, the impounded property shall be delivered to him under the conditions provided in this Article. (Ord. No. 80-1776, §5, 2-11-80; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-45)

**SECTION 250.130: REDEMPTION OF IMPOUNDED PROPERTY -- PAYMENT OF ALL CHARGES REQUIRED -- RECEIPT**

Upon receiving payment of removal and storage charges on any vehicle or other property before a sale thereof and after due proof of ownership has been made, the Police Chief shall give the owner or his authorized agent a written receipt for such payment. (Ord. No. 80-1776, §6, 2-11-80; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-46)

**SECTION 250.140: SALE OF UNREDEEMED IMPOUNDED PROPERTY**

All vehicles and other personal property impounded by the Police Department under the provisions of this Article and not redeemed by the owner thereof within the next ninety (90) days after the impounding thereof shall be subject to sale at any time thereafter by the Police Chief for cash at public auction, to the highest bidder, after such sale has been advertised as provided in this Article. All sales of impounded property shall be considered final. (Ord. No. 80-1776, §7, 2-11-80; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-47)

**SECTION 250.150: PUBLIC NOTICE OF SALE**

Before the Police Chief shall offer any impounded property for sale as provided in this Article, he shall post a public notice of sale at the City Hall and shall publish not less than once and at least ten (10) days before the sale, in a local newspaper, a notice of such sale. Such notices shall describe briefly the property to be sold and shall state the time and the place where it will be sold, and if it be a motor vehicle, its manufacturer's name and its model and/or motor number shall be stated therein. The cost of such advertisement shall be a charge against the proceeds of the property sold. (Ord. No. 80-1776, §8, 2-11-80; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §14-48)

**SECTION 250.160: PARKING AND STORING OF MOTOR VEHICLES WHICH ARE NOT IN OPERATING CONDITION**

A. *Findings.*

1. The parking or storing of motor vehicles which are not in an operating condition on driveways, tracts and lots within the City creates potential safety hazards and may limit access to emergency vehicles.
2. The storing or parking of motor vehicles which are not in an operating condition on driveways, tracts, or lots in districts zoned for residential use, damages the residential character of those districts and may adversely affect the property values of adjacent residences.

B. *Definitions.* For the purposes of this Section, the following terms, phrases, words and their derivation shall have the meanings given in this Section.

*MOTOR VEHICLE:* Every vehicle which is self-propelled.

*MOTOR VEHICLE WHICH IS NOT IN AN OPERATING CONDITION OR NON-OPERATING CONDITION VEHICLE:*

1. Any vehicle missing any part vital to its operation, such as its engine, transmission, tires, wheels and required safety equipment;
2. Any vehicle missing any substantial portion of its exterior body parts, including but not limited to, its hood, trunk, and front and side body work;
3. Any van, truck or trailer box either connected or disconnected from the chassis and which is not connected to an engine; or
4. Any vehicle not displaying a currently effective license or registered number plate or plates, including any registration decal required by the laws of Missouri and/or the County and/or the City and issued to the owner of any such vehicle to be displayed on the vehicle registered.

*OWNER OR PERSON IN POSSESSION:* Any individual, partnership, joint venture, corporation or other business or legal entity that owns or is in temporary possession of a motor vehicle.

C. *Applicability--Severability Clause.*

1. Nothing in this Chapter shall be construed to abrogate or impair the powers of the courts or any department of the City to enforce any provisions of its ordinances or regulations; nor to prevent or punish violations thereof; and the powers conferred in this Chapter shall be in addition and supplemental to the powers conferred by any other ordinance.
2. In the event that any part or portion of this Section is declared invalid the remainder of its provisions shall not be affected, but such remaining provisions shall continue in full force and effect.

D. *Parking And Storing Of Vehicles Which Are Not In An Operating Condition In Districts "R-1", "R-2", "R-3", "MHP" and "PRD".*

1. It is unlawful for the owner or person in possession of any motor vehicle to park or place said vehicle upon a driveway, lot, plot, or tract within any district zoned "R-1", "R-2", "R-3", "MHP" or "PRD" (except in an enclosed structure or a weather-resistant fabric) while said vehicle is not in an operating condition. The provisions of this Section shall not apply to owners who have temporarily (not exceeding forty-eight (48) hours) placed their motor vehicles in a non-operating condition while working on said vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his/her premises in a non-operating condition for a period in excess of forty-eight (48) hours unless such vehicle is placed in an enclosed structure or within a weather-resistant fabric. Weather-resistant fabric may only be used in lieu of an enclosed structure when the vehicle is located to the side or the back of the house. The weather-resistant fabric

must be opaque and cover the entire vehicle.

2. The Code Enforcement Officer or a Police Officer for the City shall serve notification, in accordance with the BOCA National Property Maintenance Code Section 107.3, if he finds a violation of this Section.

E. *Parking And Storing Of Vehicles Which Are Not In An Operating Condition In Districts Zoned "C-1", "C-2", "C-3"*.

1. Subject to the exception of auto sales lots and repair garages lawfully operating in any district zoned "C-1", "C-2", "C-3", it is unlawful for the owner or person in possession of any motor vehicle to park or place said vehicle upon a driveway, lot, plot or tract within any district zoned "C-1", "C-2", "C-3" (except in an enclosed structure or weather-resistant fabric) while said vehicle is not in an operating condition. The provisions of this Section shall not apply to owners who have temporarily (not exceeding forty-eight (48) hours) placed their motor vehicles in a non-operating condition while working on said vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his premises in a non-operating condition for a period in excess of forty-eight (48) hours unless such vehicle is placed in an enclosed structure or within a weather-resistant fabric. Weather-resistant fabric may only be used in lieu of an enclosed structure when the vehicle is located to the side or the back of the house or business location. The weather-resistant fabric must be opaque and cover the entire vehicle.
2. The Code Enforcement Officer or a Police Officer for the City shall serve notification, in accordance with the BOCA National Property Maintenance Code Section 107.3, if he finds a violation of this Section.

F. *Parking And Storing Of Vehicles Which Are Not In An Operating Condition In Districts Zoned "M-1", "M-2"*.

1. Subject to the exception of a licensed van, truck or trailer box connected to a chassis and auto sales lots and repair garages lawfully operating in any district zoned "M-1", "M-2", it is unlawful for the owner or person in possession of any motor vehicle to park or place said vehicle upon a driveway, lot, plot or tract within any district zoned "M-1", "M-2" (except in an enclosed structure or weather-resistant fabric) while said vehicle is not in an operating condition. The provisions of this Section shall not apply to owners who have temporarily (not exceeding forty-eight (48) hours) placed their motor vehicles in a non-operating condition while working on said vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his premises in a non-operating condition for a period in excess of forty-eight (48) hours unless such vehicle is placed in an enclosed structure or within a weather-resistant fabric. Weather-resistant fabric may only be used in lieu of an enclosed structure when the vehicle is located to the side or the back of the house or business location. The weather-resistant fabric must be opaque and cover the entire vehicle.
2. The Code Enforcement Officer or a Police Officer for the City shall serve notification, in accordance with the BOCA National Property Maintenance Code Section 107.3, if he finds a violation of this Section.

G. *Penalties.* Penalties for violation of this Section shall be in accordance with the BOCA Property Maintenance Code Section 106.2. (Ord. No. 98-2363 §1, 12-10-98)